

RESEARCH ARTICLE

# Portraits of women of the law: re-envisioning gender, law and the legal professions in law schools

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## Abstract

This paper explores law school portraits of women in law as a way to challenge the over-representation of men in law. Portraiture is a long-standing means by which professions celebrate worthy individuals and reproduce institutional values. In relation to law and the legal professions, portraits are predominantly of men and link law with masculine attributes, contributing to the visual and actual marginalisation of women in law's past and present. The paper begins by setting out why portraits of women exhibited in UK law schools are an important way to challenge gender inequalities in law. It then provides a snapshot of the gender dimensions of university and law school portraiture in the UK, before analysing the Inspirational Women of the Law exhibition at Newcastle Law School as a method of disrupting the dominant gendered visual order in law, and bringing into focus women in legal history.

**Keywords:** portraiture; women in law; law schools; legal history; visual culture

## Introduction

All too often, women who have fought for access to the legal professions and worked with law for gender justice are written out of legal history.<sup>1</sup> Changes in law and the legal system are not always attributed to women's movements, but are told as tales of inevitable human (read: men's) progress.<sup>2</sup> As a result of women's collective and individual efforts there has been a significant increase in the number of women entering the legal profession.<sup>3</sup> There are more women law students than men, more women securing training contracts than men, and there has been an increase in the number of women practising as solicitors, barristers, and judges.<sup>4</sup> Nevertheless, men far outnumber women in senior positions. Of practising QCs, 15% are women, just over one third of practising barristers are women, and less than one quarter of Court of Appeal judges are women.<sup>5</sup> In the UK Supreme

<sup>1</sup>R Auchmuty 'Whatever happened to Miss Bebb? Bebb v The Law Society and women's legal history' (2011) 31 LS 199; R Auchmuty and E Rackley 'The Women's Legal Landmarks project: celebrating 100 years of women in the law in the UK and Ireland' (2016) 16 LIM 30; R Auchmuty and E Rackley *Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland* (Oxford: Hart, 2018).

<sup>2</sup>Ibid.

<sup>3</sup>Auchmuty, above n 1, p 200.

<sup>4</sup>Universities UK and Higher Education Statistics Agency 'Higher education: a diverse and changing sector' (2013) p 13; Law Society 'Trends in the legal profession' (2009) at 6, respectively.

<sup>5</sup>The General Council of the Bar of England and Wales 'Bar barometer: trends in the profile of the Bar' (2014), available at [https://www.barcouncil.org.uk/media/287767/bar\\_barometer\\_report\\_updated\\_-\\_june\\_2014\\_pdf](https://www.barcouncil.org.uk/media/287767/bar_barometer_report_updated_-_june_2014_pdf) (accessed 18 January 2019) and Queen's Council statistics, available at <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/queen-s-counsel-statistics/> (accessed 18 January 2019); Courts and Tribunals Judiciary 'Judicial Diversity Statistics 2017', available at <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/diversity/judicial-diversity-statistics-2017/> (accessed 18 January 2019).

Court three of the 12 Justices are women. Lady Justice Arden joined the court in October 2018 and Lady Black a year before. Prior to 2017, the Supreme Court President Lady Hale was the only woman – and the first – to sit on the highest UK appellate Court since 2004. While there has, therefore, been an increase in the number of women Supreme Court Justices in recent years, there is hardly gender parity. Women’s continued marginalisation in the legal professions, judiciary and law is connected to the distortion and denial of the harms women suffer in law, contributes to notions of law as masculine, and plays a part in maintaining a gendered social order to the disadvantage of women.<sup>6</sup> Recognising and situating women in law’s past and present is thus an important part of feminist interventions in the relationship between women, gender, and law.

Indeed, there is increasing academic, feminist activist, and political interest in writing women into legal history to disrupt the dominance of men-centred documentation. This has gained publicity because of two centenaries: one, of women being granted access to the legal professions to practise law; two, of the point at which the suffrage movement was partially successful, as certain women were made eligible to vote.<sup>7</sup> Examples of women’s legal history projects include the First 100 Years on women in law,<sup>8</sup> Vote 100 on women in Parliament,<sup>9</sup> and Women’s Legal Landmarks on significant cases, statutes, campaigns, and first women in law in the UK and Ireland.<sup>10</sup> These projects, generally speaking, aim to increase public knowledge about women who have been influential in law and in feminist campaigns. They also highlight the need for feminist activism and to increase the representation of women within the legal professions. The projects highlight how women’s legal history can show what can be of women’s futures in and outside of law.

One of the ways that women’s roles in shaping law and society have been overlooked and obscured is by the visual over-representation of men in public spaces. Men from all time periods who are to be honoured and revered are constructed in statues, named in roads, boats and buildings, and depicted in portraits in stately homes, universities and other social institutions.<sup>11</sup> For this reason, there have been specific initiatives which focus on increasing the visual representation of women. For instance, a recent campaign has led to the introduction of a statue of Millicent Fawcett into Parliament Square,<sup>12</sup> and a central feature of Vote 100 is adding women’s parliamentary portraits to Portcullis House.<sup>13</sup> However, while there is a growing body of research on women’s legal history, there has been little academic attention paid to the visual representation of women in law and legal history, and the role this plays in shaping the relationship between gender, law, and the legal professions.<sup>14</sup>

<sup>6</sup>R Hunter, C McGlynn and E Rackley *Feminist Judgments: From Theory to Practice* (Oxford: Hart, 2010) esp pp 6–7; R Hunter ‘Women barristers and gender difference’ in U Schultze and G Shaw (eds) *Women in the World’s Legal Professions* (Oxford: Hart, 2003); C McGlynn ‘An analysis of the business case for sex equality’ in Schultze and Shaw, *ibid*, pp 169–171; U Schultze ‘Women lawyers in Germany – perception and construction of femininity’ in Schultze and Shaw, *ibid*, pp 295–321.

<sup>7</sup>Sex Disqualification (Removal) Act 1919 and Representation of the People Act 1918.

<sup>8</sup>See <https://first100years.org.uk/> (accessed 18 January 2019).

<sup>9</sup>See <http://www.parliament.uk/vote100> (accessed 18 January 2019).

<sup>10</sup>Auchmuty and Rackley (2018), above n 1; see <https://womenslegallandmarks.com/> (accessed 18 January 2019).

<sup>11</sup>Caroline Criado-Perez categorised the statues in the Public Monuments and Structures’ database and found that 158 out of 925 are of a single woman compared with 508 of a single man, and only 2.7% of all the statues are of women who are not a monarch or fictional figure: C Criado-Perez ‘I sorted the UK’s statues by gender – a mere 2.7 per cent are of historical, non-royal women’ *New Statesman* (26 March 2016), available at <http://www.newstatesman.com/politics/feminism/2016/03/i-sorted-uk-s-statues-gender-mere-27-cent-are-historical-non-royal-women> (accessed 18 January 2019).

<sup>12</sup>BBC News ‘Millicent Fawcett to be first woman statue in Parliament Square’ (27 April 2017), available at <http://www.bbc.co.uk/news/uk-39471407> (accessed 18 January 2019).

<sup>13</sup>Houses of Parliament ‘Women in Parliament: a guide to the history of women’s participation in Parliament and their representation in historical collections’ (Speaker’s Advisory Committee on Works of Art, The Speaker’s Art Fund, Houses of Parliament, 2015); see also <http://www.parliament.uk/worksofart/collection-highlights/portraits/women-in-parliament> (accessed 18 January 2019).

<sup>14</sup>For some of the few examples see L Mulcahy ‘I’m not watching I’m waiting: the construction of visual codes about women’s role as spectators in the trial in nineteenth century England’ (2014) 14 LIM 22; L Mulcahy ‘Docile suffragettes? Resistance to police photography and the possibility of object–subject transformation’ (2015) 23 FLS 79; LJ Moran ‘Judging pictures: a case study of portraits of the Chief Justices, Supreme Court of New South Wales’ (2009) 5 Int JLC 295.

Scholarship on law and visual culture, and on law and art specifically, recognises that the image is a powerful way to manage perceptions, to organise politics, and to (re)produce stereotypes and power hierarchies.<sup>15</sup> For example, Linda Mulcahy argues that in nineteenth century fine art women are represented as outsiders to law, reinforcing their limited participation in the public sphere and the masculinity of legal arenas.<sup>16</sup> Portraiture in particular is a key mode by which the values, attributes and power hierarchies of law – including gender, race, and class – are represented and reinforced.<sup>17</sup> And yet, while there is a wealth of work on state and institutional portraiture, there are few art histories of portraiture of the legal professions.<sup>18</sup> Critiques of the representations of lawyers and law in portraiture which contribute to maintaining gendered inequalities are missing, as well as explorations of ways to disrupt the dominant gendered visual order.

Part 1 of the paper argues why portraits of women in law are an important means by which to challenge men's dominance in law and the legal professions, and why, in particular, UK law schools are a significant exhibition site. In light of this, part 2 provides a snapshot of the portraits that are hung on university and law school walls, finding that men and masculine authority dominate. In the final part of the paper, the Inspirational Women of the Law exhibition, a permanent display at Newcastle Law School directed by me and Kathryn Hollingsworth,<sup>19</sup> is analysed as a way to address the visual under-representation of women in law, and more generally the homogeneity of portraiture in law which reflects the historical and contemporary prominence of privileged white men.<sup>20</sup> While the focus is on women, it is only possible to talk about representing women if the diversity of women's backgrounds, lives and experiences of oppression is paid attention to, and so we ensured the exhibition portrays women from Black and minority ethnic backgrounds, women from different generations, and women who work with law in different ways. It is argued that portraits of women in law can contribute to shaping understandings of law, challenging and disrupting dominant gendered conceptions which portray women at the margins of law, and which contribute to maintaining gender injustices within the legal professions. In addition, portraits of women in law can make visible women who have been written out of legal history, re-conceptualising law's past and potential future.

## 1. Why Portraits of Women in Law Matter

### (a) Challenging men's dominance in law

Portraiture has been used throughout history to honour renowned individuals. Particularly popular in antiquity, the practice was revived in the Renaissance and has continued to this day in the Western world. Portraiture is both the description of the physical and personal likeness of the individual

<sup>15</sup>For instance see C Douzinas and L Nead *Law and the Image: The Authority of Art and the Aesthetics of Law* (Chicago: University of Chicago Press, 1999); A Wagner and R Sherwin *Law, Culture and Visual Studies* (Netherlands: Springer, 2014); C Douzinas 'The legality of the image' (2000) 63 MLR 813; O Ben-Dor *Law and Art: Justice, Ethics and Aesthetics* (Abingdon: Routledge, 2011); AL Nettel 'The power of image and the image of power: the case of law' (2005) 21 *Word & Image* 136. On politics, social inequalities, visual culture and art in general, see bell hooks *Art on My Mind: Visual Politics* (New Press, 1995) p 58; N Broude and M Garrard 'Introduction: the expanding discourse' in N Broude and M Garrard (eds) *The Expanding Discourse: Feminism and Art History* (New York: Harper Collins, 1992); J Berger *Ways of Seeing* (London: Penguin Books Ltd, 1972).

<sup>16</sup>Mulcahy (2014), above n 14.

<sup>17</sup>In relation to judicial portraits see LJ Moran 'Judicial bodies as sexual bodies: a tale of two portraits' (2008) 29 *Austral Feminist LJ* 91 at 94–95. In relation to portraiture more generally see CA Nelson *Representing the Black Female Subject in Western Art* (New York: Routledge, 2010) p 64.

<sup>18</sup>A point made by Elizabeth Goldring in a book which is an exception to the general rule, E Goldring 'The art, architecture and gardens of the early modern Inns of Court' in JE Archer, E Goldring and S Knight (eds) *The Intellectual and Cultural World of the Early Modern Inns of Court* (Manchester: Manchester University Press, 2011) p 127; see also T Cooper 'Professional pride and personal agendas: portraits of judges, lawyers and members of the Inns of Court, 1560–1630' in Archer, Goldring and Knight, *ibid*, pp 157–158; Moran, above n 14; Moran, above n 17.

<sup>19</sup>Information about and images from the exhibition can be viewed at <http://www.iwlaw.uk/> (accessed 18 January 2019).

<sup>20</sup>Moran, above n 17, at 94–96.

subject, and the ‘inscription of social identity’.<sup>21</sup> As such, portraiture has long been connected with professions<sup>22</sup> and state institutions.<sup>23</sup> From the sixteenth century, ‘state portraiture’ – the ‘purest’ examples of which are portraits of rulers or their deputies – blossomed, validating and valorising the authority and values bestowed upon those with political power.<sup>24</sup> The practice extended to include other powerful groups and professions, such as the legal professions<sup>25</sup> and medicine.<sup>26</sup> Since then it has been a popular way to grant legitimacy and authority to the subject and the institution.

To this day, portraits of lawyers, judges or law- and policy-makers in public law buildings are most commonly of men. In the UK Supreme Court, the Middlesex Art Collection which commemorates former Lords, Lieutenants, judges, magistrates and politicians has 40 portraits, none of which are of a woman. There are few other pictures of women in the Supreme Court. There is, for instance, a board displaying information about and pictures of the opening of the Supreme Court in 2009 which shows two pictures of the Queen, one by herself and another with Lord Phillips.<sup>27</sup> And there is a plastic covered photographic portrait paper print of Eleanor Roosevelt next to a glass screen etched with her words, ‘Justice cannot be for one side alone but must be for both’.<sup>28</sup> Of course, there are pictures of the Supreme Court Justices. But as only three of the twelve are women this does not alter the predominance of portraits of men. In addition, the portraits, like the historical and current make-up of the Supreme Court and former House of Lords, also lack ethnic diversity. Similarly, in the Government Art Collection of law, policy and monarchy related portraits and in the Parliamentary portrait collection images of men dominate, and the overall visual impression is one of whiteness.<sup>29</sup> In the Government Art Collection the men who are portrayed outnumber women by more than two-to-one.<sup>30</sup> In the Parliamentary portrait collection, there are 190 portraits in which there is a single subject, of which 40 are women.<sup>31</sup> This includes the 21 portraits in the ‘Women in Parliament’ collection, which is specifically about the history of women in Parliament.<sup>32</sup> As well as portraits of lawyers and law-makers adorning the walls of public buildings such as courts and other governmental offices, similar images also line walls of other law buildings,

<sup>21</sup>J Tagg *The Burden of Representation: Essays on Photographies and Histories* (Palgrave MacMillan, 1988) p 37.

<sup>22</sup>L Jordanova *Defining Features: Scientific and Medical Portraits 1660–2000* (London: Reaktion, 2000).

<sup>23</sup>S West *Portraiture* (Oxford: Oxford University Press, 2004) p 48; R Brilliant *Portraiture* (London: Reaktion, 1991 (reprinted 1997 & 2002)); M Jenkins *The State Portrait: Its Origins and Evolution* (New York: College Art Association, 1947).

<sup>24</sup>Jenkins, *ibid*, p 1.

<sup>25</sup>Moran, above n 14, at 298–299.

<sup>26</sup>L Jordanova ‘Medical men 1780–1820’ in J Woodall (ed) *Portraiture: Facing the Subject* (Manchester: Manchester University Press, 1997).

<sup>27</sup>This was the display when I visited on 30 August 2016.

<sup>28</sup>As it was on 30 August 2016. The quote (in Court 2) is included on a webpage about the Supreme Court artwork, but there is no mention of Roosevelt: <https://www.supremecourt.uk/visiting/new-artwork.html#entrance> (accessed 18 January 2019).

<sup>29</sup>The portraits can be viewed at [https://www.gac.culture.gov.uk/portraits\\_list/](https://www.gac.culture.gov.uk/portraits_list/). See also the portraits discussed in ‘Reins of Power’, S Schama *The Face of Britain; The Nation through its Portraits* (Viking, 2015) pp 43–57; and the Uncomfortable Art Tour running at the National Portrait Gallery in July and August 2018, showing the ways colonialism shaped and funded the national collection, and the history of empire and genocide underpinning British art: <https://www.theexhibitionist.org/> (accessed 18 January 2019). A thorough investigation of the ethnic backgrounds of the primary subjects in law portraiture is beyond the scope of this paper, although addressing the homogeneity of portraiture in law to represent the diversity of people who work with law is further discussed below. See in particular text associated with nn 95–96.

<sup>30</sup>There are 16 men and five women portrayed. However, there is sometimes more than one portrait of the same person. If these are counted, the numbers look more equal – there are 22 portraits of men and 23 of women. However, 18 of the portraits of women are of the same woman – Alexandra of Denmark (1844–1925), Queen Consort of King Edward VII, as Princess of Wales. Only individual portraits were counted. The portrait collection can be viewed at [http://www.gac.culture.gov.uk/portraits\\_list.aspx](http://www.gac.culture.gov.uk/portraits_list.aspx) (accessed 6 February 2018).

<sup>31</sup>See <http://www.parliament.uk/worksofart/collection-highlights/portraits> (accessed 18 January 2019).

<sup>32</sup>See <http://www.parliament.uk/worksofart/collection-highlights/portraits/women-in-parliament> (accessed 18 January 2019). For more detail about the exhibition and project history of women in Parliament see <http://www.parliament.uk/documents/WORKS-OF-ART/Women-in-Parliament-History-web.pdf> (accessed 18 January 2019).

like Inns of Court.<sup>33</sup> It may be said that the limited portraiture of women lawyers reflects women's historical exclusion from and current under-representation in the legal professions. Nevertheless, women who have played significant roles in law are often ignored or obscured within legal history, as in history more generally.<sup>34</sup> Increasing the visual representation of women in law is a way to make visible the women in legal history who have contributed to law and society. To do so is to show the diverse backgrounds and lives of women, and the different ways they have worked with law, challenging the homogeneity of portraits of lawyers, judges and law-makers.

It is not just the over-representation of men in law portraiture that is problematic. Gender norms and behaviours are reproduced in portraits, in particular the masculinity of law and the legal professions. For example, Moran summarises that trends in judicial portraiture have remained remarkably similar since the sixteenth century, including the gendered dimensions.<sup>35</sup> The key themes of each portrait are judicial garments, such as the robes and wig, with most images capturing full or three-quarter body poses, limiting the viewer's attention to the sitter's face and emphasising the virtues and characteristics of the office.<sup>36</sup> The negation of individuality and the minimising of visible differences such as gender accords with attributes of independence, impartiality, neutrality, consistency and continuity associated with judging and the judiciary.<sup>37</sup> These are attributes which feminists have exposed as gendered; they are masculine traits and norms which have contributed to women's exclusion from and marginalisation in the judiciary.<sup>38</sup> Even where women are portrayed in portraiture the 'masculine iconography' of the legal professions is sometimes adopted, such as in the portraits of Dame Elizabeth Butler-Sloss and Dame Elizabeth Lane in Inner Temple.<sup>39</sup> In addition, trends in portraiture more widely reinforce the masculinity of public institutions and professions like law, as men's portraits are commonly categorised by profession,<sup>40</sup> and women's portraits are typically grouped by social status and beauty.<sup>41</sup> Indeed, in portraits – as in all art – where women are the subject the dominant themes are beauty, sex, and motherhood, as artwork created by and for men has been privileged.<sup>42</sup> Portraits have thus been used for centuries as a means of reinforcing and shaping gender relations and norms, and gendered roles in the public and private realms.

Yet, if portraiture can be a site of oppression it can also be a site of resistance,<sup>43</sup> a means by which gendered cultural codes and professional norms can be troubled and subverted. For instance, in July 2018 a new portrait of Lade Hale was unveiled at Gray's Inn, causing controversy for the break from the traditional style of the Inn's other portraits. She is depicted smiling, sitting behind a desk on which there is a cup of red pens, which according to the artist, David Cobley, is to reflect her 'common touch' and personality.<sup>44</sup>

<sup>33</sup>Cooper, above n 18; LJ Moran 'Visual justice' (2012) 8 Int JLC 431 at 443; Pat Hardy, assistant curator at the National Portrait Gallery, reviewing the portraiture at Inner Temple for *Counsel* magazine: <https://www.counselmagazine.co.uk/articles/inner-temple-portraiture> (accessed 18 January 2019); see also <http://www.innertemple.org.uk/history/paintings> (accessed 18 January 2019); <http://www.middletemple.org.uk/library-and-archive> (accessed 18 January 2019); <https://www.graysinn.org.uk/history> (accessed 18 January 2019).

<sup>34</sup>Auchmuty, above n 1; R Miles *The Women's History of the World* (Paladin Books, 1989).

<sup>35</sup>Moran, above n 17, at 96.

<sup>36</sup>Ibid.

<sup>37</sup>Ibid, at 97.

<sup>38</sup>For example see E Rackley *Women, Judging and the Judiciary* (London: Routledge, 2013); U Schultz and G Shaw *Gender and Judging* (Oxford: Hart, 2011); D Feenan 'Women judges: gendering judging, justifying diversity' (2009) 35 JLS 490 at 495–500; B Hale 'Making a difference? Why we need a more diverse judiciary' (2005) 56 NILQ 281.

<sup>39</sup>Hardy, above n 33.

<sup>40</sup>S Shifrin *Re-framing Representations of Women* (Abingdon: Routledge, 2008) p 177.

<sup>41</sup>Ibid.

<sup>42</sup>A Howson 'The female body in women's artistic practice: developing a feminist sociological approach' in D Inglis and J Hughson (eds) *The Sociology of Art: Ways of Seeing* (New York: Palgrave Macmillan, 2005); P Simmons 'Women in frames: the gaze, the eye, the profile in renaissance portraiture' in Broude and Garrard, above n 15.

<sup>43</sup>N Broude and M Garrard 'Introduction' in *Feminism and Art History* (Harper and Row, 1982) p 14.

<sup>44</sup>O Rudgard 'Lady Hale breaks from tradition with smiling Gray's Inn Portrait' *The Telegraph* (26 July 2018), available at <https://www.telegraph.co.uk/news/2018/07/26/lady-hale-breaks-tradition-smiling-grays-inn-portrait/> (accessed 18 January 2019).

According to some, it does not capture the respectfulness and intelligence required of a judge.<sup>45</sup> Perhaps the President of the Supreme Court expresses these qualities in different ways to what is traditionally imagined for a judge. In 2016, a portrait by Isabella Watling of five women Court of Appeal judges from Inner Temple was hung at the Inn. It is different to many of the other portraits, as the judges group together around a table and wear more casual clothes rather than judicial robes, emphasising their gender. Joshua Rozenberg QC is reported in *Legal Cheek* explaining that the women opted for this style to ‘appear more human’.<sup>46</sup> Increasing the visual representation of women in law in public spaces can counter the gendered dimensions of law portraiture, contributing to shifting ideas about who does law and the nature of law.

### **(b) The particular importance of portraits of women in law in law schools**

The place where students begin to formally learn about law provides a space in which to intervene in the gendered visual codes and dimensions of law. Students come to law schools primed with portrayals of (male) lawyering, and stereotypes of the good man lawyer who will work long hours and network at unsociable times, and the uncommitted woman lawyer who has caring and domestic responsibilities which limit her professional working capacity.<sup>47</sup> The masculinity of law and lawyering is often reproduced within the law school. First, students are learning a subject which typically privileges men’s interests over women’s, denies and marginalises the harms women suffer, and reproduces women’s oppression.<sup>48</sup> Secondly, law books, cases, and history are full of men, whereas the ways women have engaged with law and brought about legal and social changes have been at best overlooked and at worst intentionally disregarded.<sup>49</sup> Thirdly, the masculine culture of law schools<sup>50</sup> and the under-representation of women in academia, particularly in senior academic positions, contributes to reinforcing law students’ notions that authority, masculinity and law are intertwined.<sup>51</sup> More generally, the prevalence of men’s violence against women on university campuses and ‘lad culture’<sup>52</sup> reproduce the gendered hierarchy which can be seen in law. Consequently, it would be astonishing if law students were not affected by gender bias.<sup>53</sup> Indeed, as US judge Patricia McGowan Wald has said, discrimination in the legal professions ‘all begins in law school’.<sup>54</sup>

<sup>45</sup>J Ames and F Gibb ‘Jury is out on smiley portrait of Supreme Court President’ *The Times* (28 July 2018), available at <https://www.thetimes.co.uk/article/jury-is-out-on-smiley-portrait-of-supreme-court-president-baroness-hale-of-richmond-q3s2r2bvg> (accessed 18 January 2019).

<sup>46</sup>T Connelly ‘Girl power: 5 female Court of Appeal judges captured in historic group portrait’, *Legal Cheek* (18 November 2016), available at <http://www.legalcheek.com/2016/11/girl-power-5-female-court-of-appeal-judges-captured-in-historic-group-portrait/> (accessed 18 January 2019).

<sup>47</sup>For an overview see H Sommerlad et al ‘Diversity in the legal profession in England and Wales: a qualitative study of barriers and individual choices’, available at [http://www.legalservicesboard.org.uk/what\\_we\\_do/Research/Publications/pdf/lbs\\_diversity\\_in\\_the\\_legal\\_profession\\_final\\_rev.pdf](http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/lbs_diversity_in_the_legal_profession_final_rev.pdf) (accessed 18 January 2019) at 39–41; E Wald ‘Glass ceilings and dead ends: professional ideologies, gender stereotypes, and the future of women lawyers at large firms’ (2010) 78 *Fordham L Rev* 2245, part 4; H Sommerlad ‘The gendering of the professional subject: commitment, choice and social closure in the legal profession’ in C McGlynn (ed) *Legal Feminisms: Theory and Practice* (UK: Ashgate, 1998).

<sup>48</sup>For example see R Graycar and J Morgan *The Hidden Gender of Law* (Sydney: Federation Press, 2002).

<sup>49</sup>Auchmuty, above n 1.

<sup>50</sup>R Collier ‘The changing university and the (legal) academic career – rethinking the relationship between women, men and the “private life” of the law school’ (2002) 22 *LSJ* 1 at 9–10.

<sup>51</sup>C McGlynn ‘Women, representation and the legal academy’ (1999) 19 *LSJ* 68 at 87; R Collier ‘“Nutty professors”, “men in suits” and “new entrepreneurs”: corporeality, subjectivity and change in the law school and legal practice’ (1998) 4 *S & LSJ* 5.

<sup>52</sup>For example see National Union of Students ‘Hidden marks: a study of women students’ experiences of harassment, stalking, violence and sexual assault’ (2011), available at <https://www.nusconnect.org.uk/resources/hidden-marks-a-study-of-women-students-experiences-of-harassment-stalking-violence-and-sexual-assault> (accessed 18 January 2019); A Phipps and I Young ‘Neoliberalisation and “lad cultures” in higher education’ (2015) 49 *Sociology* 305.

<sup>53</sup>R Auchmuty ‘Recovering lost lives: researching women in legal history’ (2015) 42 *JLS* 34 at 49.

<sup>54</sup>P McGowan Wald ‘Women in the law’ (1988) 24 *Trial* 75 at 75, quoted and cited in C Tobias ‘Engendering law faculties’ (1990) 44 *U Miami L Rev* 1143 at 1143.

As the next generation of people working with law, students should explore the biases and hierarchies of law and society, and oppressed groups' challenges to and changes in law should be recognised and celebrated.<sup>55</sup> Exhibiting portraits of women in law may be one means by which to do so. Peter Goodrich argues that the identity of the law school and 'the model of subject that it inculcates gains one of its most forceful and liminal of representations in the little examined and generally unremarked genre of portraits that line the walls, overhang the library, and stare down upon the students in the lecture theatres'.<sup>56</sup> The portraiture in law schools is therefore an important issue.

It may be suggested that ensuring women in law are visually portrayed in law schools is becoming less significant. In the digital age, the circulation of images online and via other media is easy, instantaneous, and the volume is overwhelming. For example, as the number of women in the legal professions has increased so have photographic portraits which are commonly displayed on company and institutional websites, and other online pages. Indeed, corporate photographic portrait companies abound to support organisations in managing their corporate image. Students, therefore, will be seeing more images of women in law, and these images will play a role in representing, reinforcing, and shaping gendered ideas, values, roles and behaviours of lawyers.

However, the location and context of portraits influences their meanings and interpretations.<sup>57</sup> There may be some general differences between digital and physical portraits which may make a difference to their meanings. For example, physical portraits give the impression of being less transient. While an online image is unlikely to disappear completely, it can easily be deleted from a particular site, and even if it shows on a different page it may not have the same significance or interpretation due to the different context of the webpage. As such, physical portraits may have more weight in terms of material and metaphorical presence. In addition, portraiture presented as artwork has 'cultural status'<sup>58</sup> which more corporate images may lack. This is also reinforced by historical associations of honour, value and significance with physical portraits displayed in public and institutional spaces. The educational environment of the law school can also give meaning to portraits of women, communicating women's significance in and value to law. More broadly, celebrating women in the visual culture of the law school may contribute to an educational environment in which women are valued equally to men, and in which gender-based violence may be taken seriously and addressed.

Furthermore, the context of the law school may increase the possibility that the women in the portraits will provide role models for students. Role models can be aspirational, can shape students' (and others') perceptions of their abilities and skills, and could have a positive impact on their performance in their studies.<sup>59</sup> This is particularly important in occupations associated with masculine values and with men, such as law, which present a 'stereotype threat'. 'Stereotype threats' can negatively affect a woman's aspirations, self-performance evaluation, performance, and evaluation by another of her leadership ability.<sup>60</sup> Women role models can operate to counter 'stereotype threats'.

However, there is a risk that women will be more negative about themselves and lower their career aspirations when presented with successful and powerful women because the achievements seem

<sup>55</sup> Auchmuty, above n 53, at 49; McGlynn, above n 51, at 87; EM Schneider 'Task force reports on women in the courts: the challenge for legal education' (1988) 38 J Leg Ed 87 at 95.

<sup>56</sup> P Goodrich 'Looking at the overlooked: portraits of law school deans' (2006) 54 Buff L Rev 833 at 835.

<sup>57</sup> M Pointon *Hanging the Head* (Hong Kong: Kwong Fat Offset Printing Co, 1993).

<sup>58</sup> Brode and Garrard, above n 43, p 14.

<sup>59</sup> N Dasgupta and S Asgari 'Seeing is believing: exposure to counterstereotypic women leaders and its effect on the malleability of automatic gender stereotyping' (2004) 40 Journal of Experimental Social Psychology 642; P Lockwood 'Someone like me can be successful: do college students need same-gender role models?' (2006) 30 Psychology of Women Quarterly 36; IM Latu et al 'Successful female leaders empower women's behavior in leadership tasks' (2013) 49 Journal of Experimental Social Psychology 444.

<sup>60</sup> CM Steele 'A threat in the air: how stereotypes shape intellectual identity and performance' (1997) 52 American Psychologist 613; On 'unconscious bias' generally see H Turnbull *The Illusion of Inclusion: Global Inclusion, Unconscious Bias and the Bottom Line* (Business Expert Press, 2016); and C Fine *Delusions of Gender: The Real Science Behind Sex Differences* (Icon Books Ltd, 2010), especially part 1.

unattainable.<sup>61</sup> Instead of gender stereotypes being challenged, high performing women may be seen as exceptional women who have traversed the gender category.<sup>62</sup> There are two ways to try to avoid this effect. One is to ensure that role models reflect diversity among women, because while women are more likely to identify with a woman role model rather than a man,<sup>63</sup> they are more likely to do so when they share another characteristic besides gender.<sup>64</sup> The second way to limit women's negative self-assessments is to avoid encouraging direct comparisons to a leading woman, for example by displaying images of leading women in the background environment. This was done in Latu et al's study in which they found that the women participants more positively evaluated their own performance and performed better in leadership tasks when exposed to the image of a woman (rather than the image of a man, or no image).<sup>65</sup> Men's performance and self-evaluation was not affected by either the men or women role models, probably because men have plenty of men role model exposure in general.<sup>66</sup> As such, women role models are important for women students, as is ensuring that the role models are diverse, such as by representing Black and minority ethnic women, and women with different cultural and religious backgrounds. Incorporating images of inspirational women into the visual culture of the law school may be an effective way of providing women students with role models.

### *(c) Idolising the individual subject: an inescapable issue?*

There is a potential problem with using portraiture to represent women and their contributions to changes in law, the legal professions, and the judiciary for the benefit of women and other oppressed groups. That is, the honouring and celebrating of particular individuals could distort and undermine the collective and social nature of women's movements, achievements, and progress. David Seymour explains that the rise of portraiture occurred when 'one of the most pervasive images of modernity was born: that of an autonomous subject confronting an empty, passive and disenchanted world'.<sup>67</sup> In addition, Richard Brilliant points out that portraits are more prominent in societies where an individual's characteristics and successes are highly valued over collective working and achievements.<sup>68</sup> So understood, it is unsurprising that portraits are prevalent in Western cultures which prioritise the individual.<sup>69</sup> Within the increasingly neo-liberal higher education sector which promotes individualised success and free market competition,<sup>70</sup> law school portraits of women in law may encourage students and others to see the power and importance of each individual woman, and to be blind to the networks, social context, histories, and other women which enabled each woman to influence the law or to take a prominent role in the legal professions.

While there is a connection between the individual subject and portraiture, it does not follow that the individual is necessarily conceptualised and portrayed as bounded, autonomous, and separable from society and others. It is possible to represent and interpret different conceptions of the individual subject in portraiture.<sup>71</sup> The image content and contexts to the image are crucial. The location of an

<sup>61</sup>LA Rudman and JE Phelan 'The effect of priming gender roles on women's implicit gender beliefs and career aspirations' (2010) 41 *Social Psychology* 192; CL Hoyt and S Simon 'Female leaders: injurious or inspiring role models for women?' (2011) 35 *Psychology of Women Quarterly* 143.

<sup>62</sup>Hoyt and Simon, *ibid*.

<sup>63</sup>Lockwood, above n 59.

<sup>64</sup>Hoyt and Simon, above n 61.

<sup>65</sup>Latu et al, above n 59.

<sup>66</sup>*Ibid*, at 448.

<sup>67</sup>DM Seymour 'Representation and the framing of modernity' (2002) 10 *GLR* 259 at 259.

<sup>68</sup>Brilliant, above n 23, p 14.

<sup>69</sup>E Van Alphen 'The portrait's dispersal: concepts of representation and subjectivity in contemporary portraiture' in J Woodall (ed) *Portraiture: Facing the Subject* (Manchester: Manchester University Press, 1997) p 239.

<sup>70</sup>J Blackmore 'Forever troubling: feminist theoretical work in education' in MB Weaver-Hightower and C Skelton (eds) *Leaders in Gender and Education: Intellectual Self-Portraits* (Netherlands: Springer, 2013); M Thornton "'Post-feminism" in the legal academy?' (2010) 95 *Feminist Review* 92; M Thornton *Privatising the Public University: The Case of Law* (Routledge, 2011).

<sup>71</sup>Brilliant, above n 23, p 8.



image, surrounding text and visual artefacts, and the use of the image and by whom can shape the interpretation.<sup>72</sup> Set against a neo-liberal educational environment, the purpose of exhibiting portraits of women in law in a law school, the curation, display and accompanying text are important features which could encourage interpretations of the portraits which counter dominant cultures and knowledge about law which privileges men, masculinity, and individualism. The portraits of women in law may encourage viewers to see and to know something different from the mainstream conceptions of law.

Portraits of women in law, then, can be a means by which to challenge men's dominance within the legal professions and undermine the masculinity of law. It is particularly important to have such artwork as part of the visual culture of the law school to play a part in students' legal education, aspirations and achievements, and to contribute to creating an environment in which women are treated with respect. So, what is the picture of portraiture in universities and law schools?

## 2. Portraiture in Universities and Law Schools: Where are the Women on the Walls?

Finding out what portraits are in a given university's collection, what is exhibited on campus, and what is displayed in a particular law school is not an easy task. Universities typically have large art collections which are usually an amalgamation of donations, procurements, and historical relics with no coherent organising principle.<sup>73</sup> While many universities have catalogues of their artworks and other special collections, it is often difficult to determine what is displayed where and for how long, who has the authority to decide what remains and what is introduced, and so on.<sup>74</sup> Consequently, I sent Freedom of Information requests under the Freedom of Information Act 2000 to three universities about their portraiture collections and portraits displayed on campus in relation gender, to determine from their responses if this would be a good method by which to ascertain this data from a large number of universities and law schools in the UK. However, as it is possible for me to visit universities and count portraits on campus in most buildings, and could do so in law schools, some of the information I requested is exempt under the Freedom of Information Act 2000, s 21. In addition, most if not all information I requested, I was informed, tends not to be held on central databases, and so my questions could not be answered without exceeding the financial limits set by the Act (see s 12). I did receive some information which provides an idea of the gender balance of the portraiture at these three universities and in their law schools. However, I did not receive completely comparable data from the three universities, and the information does not offer an opportunity to gain a sense of the content of the images. For these reasons, I did not conduct further freedom of information requests. Due to the difficulties in gaining and presenting quantitative data on all portraits held by universities and those displayed in law schools, I have taken a snapshot and have drawn out key themes from six universities and seven law schools. I gathered the data from the three freedom of information requests, from information available online on the Art UK catalogue, the web-home to art from every UK public collection, which shows oil paintings held by public universities (but not necessarily what is on campus display),<sup>75</sup> from universities' publically accessible online artwork catalogues or leaflets about the artwork, and lastly a couple of kind colleagues sent me information about what they see in their law schools. While this is only a few institutions and the information paints only a partial picture, it certainly seems that an overwhelming proportion of portraits are of men, and represent – in a traditional style – the (men's) history and (masculine) values of the university, law school, and law.

In terms of universities in general, rather than law schools in particular, Manchester Metropolitan University stated awareness of four portraits displayed on campus, three of which are of men, in

<sup>72</sup>Berger, above n 15.

<sup>73</sup>M Reisz 'What purpose do campus art collections serve?' *Times Higher Education* (30 July 2015), available at <https://www.timeshighereducation.com/features/what-purpose-do-campus-art-collections-serve>; see also <https://www.timeshighereducation.com/blog/what-is-the-point-of-university-art-collections> (accessed 18 January 2019).

<sup>74</sup>Ibid.

<sup>75</sup>See <http://artuk.org/> (accessed 18 January 2019).

response to a freedom of information request.<sup>76</sup> I found a fifth portrait of a man at Manchester Metropolitan University on Art UK.<sup>77</sup> Similarly, Lancaster University has six portraits displayed in University buildings of which four are of men and two are of women.<sup>78</sup> This is despite the University holding 48 portraits of men and 84 of women. At Warwick University, there are nine portraits of women and 11 of men, and none are listed on the online database as being displayed in the law school.<sup>79</sup> On Art UK, the University of Leicester has 11 portraits listed, all of which are of men.<sup>80</sup> Similarly, King's College London holds 40 portrait oil paintings, of which 38 are of men or male youths, and two of which are of women. Out of the 138 oil paintings at Newcastle University which are recorded in the Art UK catalogue, there are 81 portraits of men and eight portraits of women. An audit conducted by Newcastle University's network NU Women which sampled 24 publically accessible spaces in Newcastle University buildings containing 755 pieces of artwork found that 100 featured men, 63 featured women, and 64 featured both men and women. In relation to law schools in particular, Leicester University Law School has three portraits, all of which are of men.<sup>81</sup> In addition, there are 25 cartoons and caricatures of judges, lawyers, and politicians, only one of which is a woman (Elizabeth Lane). Mostly, then, universities seem to have more portraits of men than of women, which is reflected in what is exhibited on campus.

However, where there have been specific initiatives to address the visual over-representation of men on campus the gender balance in portraiture is better. For example, Newcastle Law School has 20 photographic portraits of women in law displayed since the Inspirational Women of the Law project began in 2015. Prior to this though there were 12 caricatures of judges, all men. It was not, therefore, until a concerted effort was made by feminists that the gender dimensions of the law school's visual culture began to be challenged through art work.<sup>82</sup> Furthermore, the Inspirational Women of the Law project also aims to address the lack of ethnic diversity in university portraiture. While the ethnic background of the subjects of portraits in universities has not been fully investigated, the visual impression is that white men dominate the space. Indeed, for this reason the photographic exhibition 'Portraits of a Global Law School' at the Dickson Poon School of Law of King's College London celebrates diversity in broad terms.<sup>83</sup> It is described on the website in the following way:

In celebrating the achievements of our alumni, students and staff from a diverse array of backgrounds, the School is working in support of the university's Race Equality Charter Mark. Creating a space for an open dialogue between the School and its wider community is central to tackling prejudice and perceived barriers. The project functions, not just as an opportunity

<sup>76</sup>Response received 17 August 2016. Apart from John Brooks, former Vice-Chancellor, the others can be viewed on artuk: [https://artuk.org/discover/artworks/view\\_as/grid/search/keyword:manchester-metropolitan-university/page/4#artwork-female-nude-203873](https://artuk.org/discover/artworks/view_as/grid/search/keyword:manchester-metropolitan-university/page/4#artwork-female-nude-203873) (accessed 18 January 2019).

<sup>77</sup>Manchester Metropolitan University's oil painting collection as shown on Art UK: [https://artuk.org/discover/artworks/view\\_as/grid/search/keyword:manchester-metropolitan-university/page/5#artwork-all-saints-park-manchester-203930](https://artuk.org/discover/artworks/view_as/grid/search/keyword:manchester-metropolitan-university/page/5#artwork-all-saints-park-manchester-203930) (accessed 18 January 2019).

<sup>78</sup>At the time of the freedom of information request response, received 26 August 2016.

<sup>79</sup>Warwick University has an online catalogue of the Art Collection, which can be searched, amongst other things, by medium and location: see <http://www2.warwick.ac.uk/services/art/>. Filtering to include painting, photograph, drawing, prints, sculpture, glass (and excluding ceramic, textile, collage) across the entire university, there are 816 artworks catalogued, of which I identified 20 as portraits of a single subject (August 2016).

<sup>80</sup>See <http://artuk.org/discover/artworks/search/collection:university-of-leicester-762/page/2#artwork-the-reader-86858> (accessed 18 January 2019).

<sup>81</sup>Freedom of information response received 7 September 2016.

<sup>82</sup>In addition, these 20 portraits are included in NU Women's artwork audit discussed above, making up nearly one third of the pieces of art which feature women displayed in the buildings sampled.

<sup>83</sup>See <http://www.kcl.ac.uk/law/about/vis-arts/global-portraits.aspx>; [https://www.flickr.com/photos/kcl\\_law/2090105521/](https://www.flickr.com/photos/kcl_law/2090105521/) (accessed 18 January 2019). There is a large number of artworks on the walls and a great variety in content, style, and so on, as in 2012 the Law School moved to Somerset House East Wing, being rehoused and renamed in part by a £20 million donation from Mr Dickson Poon, and established a series of art and educational exhibitions. For more information, see the School's webpages at <http://www.kcl.ac.uk/law/about/vis-arts/index.aspx> (accessed 6 February 2018).

for individuals to tell their personal stories, but also for an understanding of the School's collective identity that goes beyond superficial categories of gender, race and ability.<sup>84</sup>

It portrays 23 men and 37 women.<sup>85</sup> The trend, it seems, is for universities and law schools to hold and display more portraits of men, unless there has been a specific effort to increase the visual representation of women.

One of the reasons for the over-representation of men in university portraiture is that the subject is often a person who has occupied a senior leadership role, is a celebrated professor, or has a prominent public role and link to the university. Most often, people in these positions are men. For instance, three of the portraits at Manchester Metropolitan University are of former Vice-Chancellors, Kenneth Green, John Brooks, and Dame Sandra Burslem. A fourth is of AH Body, Founder and Principal, the fifth is of artist William Jabez Muckley.<sup>86</sup> At Warwick University there are nine portraits of men who are current or former staff members, and two of men leaders in a field, one of which is an artist's self-portrait. In comparison, there are no women current or former staff members represented in portraiture, and there are three women leaders in a field, two of which are artists' self-portraits.

The portraits of current and former members of senior university staff tend to be traditional in style, with the subject wearing formal attire and paraphernalia associated with their role. For example, the portraits of Manchester Metropolitan University's former Vice-Chancellors are wearing robes and are depicted in full, three-quarter, or half-body poses. The portraits of the two men VCs have plain backgrounds and they have serious expressions, whereas the woman VC is in a more casual position leaning on a railing in a well populated university building. Likewise, the 11 portraits – all of men – listed for the University of Leicester on Art UK are three quarter or head and shoulder poses, with the subject wearing formal dress such as robes or a suit. This is similar to the portraits of current and former staff members held by Warwick University.

Where there are portraits of lawyers and judges in law schools, there are a significant number of caricatures in the sample. A caricature typically exaggerates key features of a well-known person or of society to comic effect.<sup>87</sup> As a prominent public institution, the legal professions and legal system have not escaped satirical critique by caricature.<sup>88</sup> 'Portrait caricature' which focuses on an identifiable individual with little background context – in this case, members of the judiciary – is often less satirical in nature and while some may interpret such caricatures as insulting they nevertheless reinforce the subject's celebrity status.<sup>89</sup> More importantly, men's role in law and the masculinity of the legal professions has not generally been questioned through this art form. Furthermore, during the early twentieth century it was common for women's campaigns for participation in public life and entry into professions such as law to be mocked in cartoons and caricatures.<sup>90</sup> As such, regardless of any critical comment on the values of the legal professions, its traditional gendered dimensions remain intact in caricatures.

In terms of portraits of other subjects, at Warwick University there are no portraits of unknown men, two where gender is ambiguous, and six of unknown women. At Manchester Metropolitan University there are two portraits of unknown men and five of unknown women. Here, there are also six portraits of nude women, although one is wearing underwear, compared with five portraits of nude men, in which four wear underwear. Manchester Law School has ten art works on display,

<sup>84</sup>See <http://www.kcl.ac.uk/law/about/vis-arts/global-portraits.aspx> (accessed 6 February 2018).

<sup>85</sup>See above n 83.

<sup>86</sup>See above n 77.

<sup>87</sup>CR Ashbee *Caricature* (London: Chapman and Hall, 1928) p 3.

<sup>88</sup>HF Jr Porter 'Behind the satire: a lawyer looks at Daumier' (1958) 44(6) ABA J 530.

<sup>89</sup>J Sherry 'Four modes of caricature: reflections upon a genre' (1987) 18 *Bulletin of Research in the Humanities* 29 at Fig 3.

<sup>90</sup>See the brief overview for the First 100 Years project, 'Postcards: a visual history of women in law', available at <https://first100years.org.uk/postcards-a-visual-history-of-women-in-law/> (accessed 18 January 2019). For a more detailed analysis of caricatures of women's suffrage and entry into professions but in the context of France see H Chenut 'Anti-feminist caricature in France: politics, satire and public opinion, 1890–1914' (2012) 20(4) *Modern & Contemporary France* 437.

only one of which could potentially be classified as a portrait.<sup>91</sup> This is of a woman of colour who wears a head scarf, standing next to a wall with a paint-sprayed image of a similar woman alongside the words ‘I am not a terrorist’.

From this snapshot of portraiture held by universities and displayed in law schools, it seems that it exhibits a gendered content, as well as a statistical gender imbalance. Men are typically represented in positions of power and authority, with formal poses and attire, and through their institutional connections are contributing to communicating and upholding the values of the university. The portraits of women are more likely to be less traditional and less formal in style. Fewer women depicted are in positions of power and authority. Fewer women in professions are portrayed. And women’s portraits are more likely to vary in style and theme. Although some of the statistics above are limited, for example, they only cover oil paintings, given the dominance of men’s images in public spaces it is to be expected that universities are no different. In addition, much university portraiture reflects its institutional history and men have occupied prominent roles whereas women have been excluded and sidelined. As such, when portraits of women are exhibited in universities they are often paid particular attention by the university and sometimes the press.<sup>92</sup> Where there are portraits of legal professionals these are likely to be primarily of men, unless there has been a specific initiative to represent women in law. As these are few and far between, and because of the difficulty in ascertaining what portraiture is exhibited at universities and in law schools, this snapshot suggests that, typically, little attention is given to the visual culture of the educational environment. As was argued in the previous section, the visual culture of law schools is important, and portraits of legal professionals can communicate who does law, how law is done, and the nature of law.<sup>93</sup> The next section explores the extent to which portraits of women in law can counter the dominance of men’s portraiture and the masculinity of the law and legal professions through the Inspirational Women of the Law exhibition at Newcastle University.

### 3. The Inspirational Women of the Law Exhibition

The potential of portraits of women to portray the law and legal professions in ways which challenge dominant conceptions and representations is explored through the Inspirational Women of the Law project. This is the only portrait exhibition of women in law displayed in a UK law school.<sup>94</sup> Inspirational Women of the Law is a collaboration between Newcastle Law School staff and students, and students from the Fine Art department. It was initiated and directed by Kathryn Hollingsworth and me, in response to the visual over-representation of men in law in general, and lack of representation of women on campus in particular. We also wanted the exhibition to promote a law school culture in which women are treated with respect, and any harassment, abuse or violence against women on campus is taken seriously and addressed, in light of widespread evidence to the contrary.<sup>95</sup> The portraits have been on permanent display in Newcastle University Law School since they were first exhibited at the publically accessible campus Long Gallery between 5–14 March 2015. The launch event saw nine high-achieving diverse women, some of whom are included in the exhibition, speaking

<sup>91</sup>Many thanks to Neil Cobb at Manchester Law School for this information.

<sup>92</sup>In relation to Oxford University, see R Pells ‘Oxford University unveils new portraits of women and ethnic minorities to “redress diversity”’ *The Independent* (30 March 2017), available at <http://www.independent.co.uk/news/education/education-news/oxford-university-portraits-women-ethnic-minorities-dame-esther-rantzen-hilary-lister-ken-loach-a7657606.html> (accessed 18 January 2019); in relation to Sheffield University: <https://www.sheffield.ac.uk/staff/portraits> (accessed 18 January 2019); in relation to Edinburgh University: <http://www.ed.ac.uk/equality-diversity/celebrating-diversity/inspiring-women/introduction> (accessed 18 January 2019).

<sup>93</sup>Goodrich, above n 56, at 835.

<sup>94</sup>There are 13 large photographic portraits of 14 women which are the focus of the discussion here. The women portrayed are: Vera Baird, Elsie Edith Bowerman, Myrella Cohen, Lady Hale, Rose Heilbron, Shauneen Lamb, Doreen Lawrence, Cris McCurley, Helena Normanton, Pragna Patel, Gareth Peirce, Navi Pillay, Patricia Scotland and Penelope Warne. The portraits and biographies of the featured women can be found at [www.iwlaw.uk](http://www.iwlaw.uk) (accessed 18 January 2019).

<sup>95</sup>National Union of Students, above n 52.

about their experiences of working in and with the law.<sup>96</sup> The exhibition celebrates and promotes the achievements of the featured women *as well as* the work and lives of the many other women not portrayed but who are, in spirit, represented by the inspirational women. It also aims to inspire the next generation of women to study law, to practise law, to become law-makers and judges, and to recognise the power of the law to achieve social justice.

**(a) Choosing the subjects: representing diversity among women**

Deciding how to best achieve the exhibition aims, and crucially, who would be the portrait subjects, was not an easy task. It was a collaborative effort by the project team, each member having a different perspective due to their different area of expertise. The co-directors, Kathryn Hollingsworth and myself, were keen for the portraits to meet the project goals; the researcher, undergraduate law student Aleksandra Wawrzyszczuk, was aiming to find unique, inspirational, but not always well known women; the curator Gemma Herries, a local arts practitioner and Fine Art graduate of Newcastle University, was challenged to source images of the women found by the researcher which would create a cohesive, visually impactful exhibition; and the photographer, Fine Art student Phoebe McElhatton, would contribute new photographic portraits for the exhibition. We agreed the space and budget for 13 photographic portraits, displayed with short biographies of the women.<sup>97</sup> There would be a combination of existing and newly commissioned images, partly as we wanted to include women from history to highlight the women who have paved the way for women today, and partly to include living women who we would not be able to photograph, whether for practical and/or budgetary reasons. We agreed that the 13 photographs should reflect the importance of representing Black and minority ethnic women, and should highlight different ways women have worked or engaged with law, and should represent women of different ages. Some of the women's achievements are local to the North of England (for example, Myrella Cohen, first woman barrister in Newcastle, the second Jewish woman QC (after Rose Heilbron) and the first woman QC in the North East). Some of the women are well known across the UK (for example, Lady Hale, the first woman judge in the House of Lords and then Supreme Court), and others work on an international level (such as Navi Pillay, United Nations High Commissioner for Human Rights (2008–2014), and the first non-white woman to be appointed a judge of the High Court in South Africa (1995)). Some subjects are well known to law students and the general public (like Vera Baird, second woman Solicitor-General, barrister, and Police and Crime Commissioner for Northumbria (2012–ongoing)), and others would likely be less familiar (such as Cris McCurley, Partner at Ben Hoare Bell who has been awarded Law Society Lawyer of the Year (2014) for her work and campaigning for victims of gendered abuse and legal aid). It was important that we had diverse women represented to provide different role models, with whom we hoped more students would identify. We mostly chose women who were the first to perform a particular role or who achieved something particularly notable, and women who worked in the field of social justice, to inspire students to consider non-corporate careers and ways of working with law beyond the legal professions. These different features helped to limit the long list of inspirational women who have worked with the law drawn up by the IWLAW team.

One of the factors limiting who could be included in the exhibition was the possibility of sourcing a suitable image. Our researcher and curator needed to source an existing image of a chosen woman and ascertain the right to reproduce it, or have the chosen woman agree to be photographed. The image also had to be of a certain quality so it could be printed at a large enough size for easy viewing in the law school corridors. It did not matter if there were other people in the background, but the subject of the photograph had to be only the woman (or women, in the case of Helena Normanton and Rose

<sup>96</sup>You can see the speakers' profiles at <http://www.iwlaw.uk/about-the-event> (accessed 18 January 2019).

<sup>97</sup>The portraits and launch were funded by the Catherine Cookson Foundation, Newcastle Institute for Social Renewal, digitalab, Squire Patton Boggs, Ward Hadaway, Newcastle University Gender Research Group, Newcastle University Vice-Chancellor, and Pro-Vice Chancellor for Teaching and Learning.

Heilbron, the first two women King's (now Queen's) Counsels, who are in a photograph together). As the focus of the portraits is on the diversity of women in law, and because often we were limited by existing images, we decided that the styles of the photographs did not need to be similar: they could be in black and white or colour, they could be a head shot, a posed photograph, a documentary or candid photograph, and the woman did not need to be doing law work. Indeed, apart from our newly commissioned photographs, the portraits were all taken by different photographers, some of whom we contacted directly about their work, whereas other images were sourced from archives such as Getty Images. While we were not restricted by a desire for the portraits to be uniform, the limitations of sourcing a suitable image did affect who would be portrayed. Nevertheless, we did not feel this was problematic as the exhibition is not intended to highlight the only or the most inspirational women of law.

*(b) Creating the content: connecting different styles, different work, different lives*

While we did not want all the women represented in their legal role, we did want to convey the different ways women have worked with law, the women's personalities, and indications of their personal lives. As such, we chose diversity in terms of styles, background, and content of the images. For the newly commissioned portraits, the subject had input into the content of the image, choosing what she wore, and discussing with the photographer the location and what she would do in the portrait. This resulted in Dame Vera Baird QC, barrister and former politician, being depicted mid-conversation, focused facial expression, arms gesticulating and framing the image, against a plain background. Shauneen Lamb, barrister and co-founder of the charity Just For Kids Law is sitting in a plain and unadorned office. The team chose a photograph of Pragna Patel of Southall Black Sisters speaking at a protest, and Gareth Peirce, senior partner at Birnberg Peirce and Partners – who typically avoids publicity and interviews – is portrayed speaking to the press outside the Supreme Court. A number of microphones are pointed toward Peirce, her head above them all, and eyes looking over the crowd. Penelope Warne, first woman to hold the post of Senior Partner and Chair of the Board at CMS Cameron McKenna, the tenth largest global law firm, is on a rooftop overlooking city buildings.<sup>98</sup> We hope that the portraits highlight the diversity of women's backgrounds, lives, and different ways of working with law, not just within the legal professions, but within politics, the charitable sector and activist groups or organisations (for example, Vera Baird, Doreen Lawrence, Pragna Patel, and Elsie Edith Bowerman).

The exhibition does include more conventional lawyer portraits. A number of the women are judges and are wearing judicial attire (for example, Patricia Scotland and Lady Hale). Unlike traditional historical judicial portraits which minimise individual characteristics and personalities, conveying 'an enduring austerity, a sturdy tranquillity and deep introspection', the inspirational women portraits are more in line with recent judicial images which tend to tell more of the individual.<sup>99</sup> This is in spite of the images being from different decades within the twentieth and twenty-first centuries. But women have always been conspicuous in the judiciary, charged with bias and emotional judging,<sup>100</sup> at odds with the paradigmatic male authoritative neutrality of judging.<sup>101</sup> The portraits aim to convey that who the judge is matters and makes a difference to law,<sup>102</sup> a challenge to the law from within, sitting alongside women who are portrayed challenging the law from the outside (such as Pragna Patel and Shauneen Lamb).

On the whole, the styles of the portraits are quite different to the traditional painted three-quarter or head and shoulder portraits which are commonly displayed around university campuses. It may be

<sup>98</sup>This photograph is part of the Athena Project by photographer Leonora Saunders, whose work focuses on gender equality in professional and public life: see <http://www.leonorasaunders.co.uk/> (accessed 18 January 2019).

<sup>99</sup>Moran, above n 14.

<sup>100</sup>For examples of cases where Australian, Canadian, and American women judges have been accused of bias see R Graycar 'The gender of judgments: some reflections on bias' (1998) 32 *UBCL Rev* 1, esp at 5.

<sup>101</sup>E Rackley 'Representations of the (woman) judge: Hercules, the little mermaid, and the vain and naked emperor' (2006) 22 *LS 602* at 619–622.

<sup>102</sup>For example, see Hunter, McGlynn and Rackley, above n 6.

suggested that the Inspirational Women of the Law portraits have less authority and influence compared to the painted portrait because photographs may be less time-consuming to create and reproduce, whereas painted portraits are expensive and time consuming to create, purchase and hang. On the contrary, the ordinariness of photography may be a benefit of the exhibition. Rather than portraying the elite who have time and money with which viewers may not identify, the photograph may make common and seem possible the roles, achievements, and challenges to law made by the inspirational women.<sup>103</sup> In addition, an aim of the exhibition is to interrupt the dominant visual aesthetic, which is partly given effect to by diverse photographic styles. And in any event, photographic portraiture is becoming a common medium for institutional portraiture, and, Leslie Moran points out, the same visual codes and hierarchies of law in painted portraits are reproduced in photographic judicial portraits.<sup>104</sup> As such, that Inspirational Women of the Law is a photographic exhibition does not limit its potential to challenge the authority and values of traditional law portraiture.

Also different to traditional portraits, the exhibition aims to reflect the social situation and connectedness of individuals, and to limit the potential individualisation of the subject which is common in portraiture, and which is embraced in the neo-liberal higher education sector. The portraits and accompanying texts thus draw attention to the private lives of the women as well as their notable role and influence in law. Who the woman is (and thus her background and private life) can make a difference to what she has achieved in law, or how she came to law, or how she engages with law. That she is a *woman* also makes a difference. To showcase any inspirational woman of law and focus only on her public achievements, Rosemary Auchmuty points out, 'will miss significant aspects of a woman's life – even, perhaps, its very essence'.<sup>105</sup> In addition, the portraits are a collection – they are not random isolated individual photographs – and the project curator brought together the women's portraits through her framing and hanging choices. With the accompanying texts, the connections among women are made clear: the way women can pave the way for other women, and can work together to make changes in law, the legal system and society. For example, Helena Normanton's campaign for equality is considered to be a contributing factor in the passing of the Sex Disqualification (Removal) Act 1919. This legislation removed the bar to women's entry into the legal professions, enabling the women portrayed who work in the legal professions to do so. In Vera Baird's biography accompanying her portrait it says she was inspired to study law as a child when she read about Rose Heilbron's work in murder trials in the local papers. Both women are included in the exhibition. Showing who women are, their lives, and the connections among them is important for an exhibition challenging the centrality of men doing law.

The Inspirational Women of the Law exhibition showcases women who have worked with law and the impact they have had on law, society and social groups. Of course, the exhibition is open to different interpretations, but these are not unlimited. The social, institutional, and cultural contexts (amongst other things) shape the remit of potential readings. The stark contrast to the traditional and dominant masculine images of lawyers and people who work with the law is enough to give weight to the argument that the portraits must have some impact – that portraits of women of the law can make a difference to understandings of the nature, values, and possibilities of law and lawyering.

### *(c) The limitations and lessons of portraits of women in law exhibitions*

Displaying portraits of women on the walls may be a way for universities to envisage a 'quick win': a way to communicate that the institution values diversity and to improve the corporate image, without making structural and more significant policy changes, which may be seen by senior management

<sup>103</sup>Indeed, on a more general point, the accessibility of photography has been argued to make it an important tool for marginalised groups to use to participate in image production of their selves and lives; see for example Hooks, above n 15, pp 57–60.

<sup>104</sup>Moran, above n 14, at 302.

<sup>105</sup>Auchmuty, above n 1, at 19.

teams as costly and a limitation to the university's market competitiveness.<sup>106</sup> In this way, projects such as Inspirational Women of the Law could be co-opted by universities at the expense of other equality and diversity initiatives. There is also a question of whether the effectiveness of such a portrait exhibition is hampered if it is introduced because of equality and diversity targets and market-drivers, rather than for social justice goals. Not only can it be argued problematic as means may shape ends, but, Margaret Jane Radin argues, 'market rhetoric' enforces an 'inferior conception of human flourishing' which 'disables us from conceptualizing the world rightly'.<sup>107</sup> However, sometimes the 'business case' has to be put forward strategically in order to make any kind of change. And despite the limitations of this strategy, if the feminist and principled reasons are put forward at the same time and accepted, then they also become part of official documentation and language within the institution.<sup>108</sup> This may make it easier for policy and structural changes which benefit women in the university to be argued for and implemented.

Moreover, the Inspirational Women of the Law exhibition is an ongoing project which aims to improve and develop, and to inspire similar exhibitions. In terms of improvements, on reflection the exhibition could have drawn out more connections between the women and their work. For example, Cris McCurley has worked with women lawyers and activists at the Legal Action Group the Angelou Centre, the sister group of Southall Black Sisters of which Pragna Patel is a founding member and has directed. The exhibition could and should have done more to draw out the related histories, achievements and progress, working relationships, tensions, and friendships to challenge more strongly the potentially individualised reading of portraiture.

A smaller exhibition which sprang from the initial idea for Inspirational Women of the Law, and which was completed shortly after, clearly highlights the significance of connections and relationships between women in law. The portraits in this collection portray inspirational women with a connection to Newcastle University, including recent graduates, women awarded honorary degrees, former members of staff, and current members of staff, including women from the library and cleaning staff. Some of these portraits thus portray the 'unseen' and 'care' work that supports students and enables law work to be done, and some emphasise collegiality as some staff are photographed in groups. Another development from the first exhibition was a sister event in March 2017, organised by Kathryn Hollingsworth and me, which celebrates iconic and influential Black, Asian and minority ethnic women of the law. Seven high-achieving women spoke about their experiences of working in and with the law, whether that was through non-governmental organisations, charities, academia, or the legal professions.<sup>109</sup> A photographic portrait of the speakers was shot as part of the event and added to the Inspirational Women of the Law collection. In addition to these developments, the Inspirational Women of the Law project has inspired a similar portrait exhibition of Women in Law, led by Kathryn McNeilly, which will be launched on International Women's Day 2019 at Queen's University Belfast.

## Conclusion

Portraits of people who work with law contribute to shaping understandings of law, lawyers and lawyering. The Inspirational Women of the Law exhibition uses portraiture to challenge the dominant gendered conceptions of the law and legal professions, by altering the visual culture of Newcastle Law School. However, very few law schools – or universities more generally, for that matter – are

<sup>106</sup>J Webb 'The politics of equal opportunity' (1997) 4 *Gender, Work & Organization* 159.

<sup>107</sup>MJ Radin 'Market-inalienability' (1987) 100 *Harv L Rev* 1849 at 1884.

<sup>108</sup>N Cobb and N Godden-Rasul 'Campus feminisms: a conversation with Jess Lishak, Women's Officer, University of Manchester Students' Union, 2014–2016' (2017) 25 *FLS* 229.

<sup>109</sup>The event was also part of Freedom City 2017, which celebrated the 50th Anniversary of the award to Dr Martin Luther King of an honorary law degree from Newcastle University. The women celebrated are Funke Abimbola, Diamond Ashiagbor, Chrissann Jarrett, Judy Khan, Usha Sood, Marcia Willis Stewart, and Keina Yoshida. For their biographies see <http://www.iwlaw.uk/copy-of-the-exhibition> (accessed 18 January 2019).



paying attention to the visual culture of the disciplines or campuses. Furthermore, other law buildings and public spaces are saturated with portraits which honour men, in which masculine values of the law and legal professions are perpetuated. Little is being done to address the gendered visual order of law in law schools, which contributes to (re)producing gender inequalities in law. As such, more critical attention needs to be paid to images of law and the legal professions, and in particular the visual culture of the spaces in which the next generation of lawyers are educated. Portraits of women in the law is a way in which to contribute to addressing the low proportion of women in the upper echelons of the legal professions and to disrupt the gender hierarchies perpetuated in law.

In addition, portraits of women in law can highlight the different paths to law and different ways of engaging with law. While this is an explicit aim of the Inspirational Women of the Law project, it is likely to be the case – perhaps even necessarily so – where women in law are portrayed. Women have had to challenge formal and informal rules to participate within and to change the law; women have had to engage with law in less conventional ways to use it to their advantage.<sup>110</sup> Even Lady Hale, the first woman judge in the House of Lords and Supreme Court, has a different background to the other Supreme Court Justices. She was an academic, wrote law books, and worked for the Law Commission before becoming a judge. Thus, women in law portraits can tell important stories of women's efforts to gain access to and to change the legal system and law. They can contribute to placing women in legal history, and making visible the women who have been influential in the legal professions and law.

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<sup>110</sup>Auchmuty and Rackley, above n 1.