‘Sexy Men in Wigs’: *North Square* and the Representation of Law on British Television

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Public gestures are not the English way. We are silent and we are passive. (Tom Mitford, *North Square*)

Introduction

*North Square* (2000) was a television legal drama set in Leeds which aired on Channel 4 for ten weeks from 18 October 2000. During its brief run *North Square* enjoyed critical acclaim (the *Mail on Sunday* declaring it ‘the best law series ever made in Britain’) and emergent cult status, and received a number of industry awards including the Broadcasting Press Guild Award 2000 for the Best TV Drama Series and the Best Writer (Peter Moffat). It was seen as both a British answer to American law shows like *L.A. Law* (1986–94) and *the practice* (1997–2004) and, more specifically, as Channel 4’s answer to BBC2’s successful series about young lawyers, *This Life* (1996–7).

This article uses *North Square* as a case study to understand both how British television legal dramas represent the English legal system and what intellectual work they may be performing with regard to this system. Crucial to this analysis is a consideration of some of the difficulties inherent in representing the English common law dramatically and the ways in which a British legal drama like *North Square* has coped – most notably by displacing dramatic tension away from the courtroom onto domestic, political and ethical tensions.

The article provides an outline of the generic characteristics of American legal dramas and then goes on to analyse the ways in which *North Square* represents the English legal system. *North Square* was taken as the focus of this study because it is both emblematic of trends
in traditional British legal drama and innovative in its focus on the figure of the senior clerk. It is suggested that by relocating drama away from the courtroom and onto the figure of the senior clerk, North Square is involved in some serious intellectual work about legal procedure, contextualising courtroom appearances within a wider approach to legal procedure which challenges traditional notions of objective truth, access and impartiality by revealing law’s dependence upon embodiment, deal-making, greed and symbiosis with crime. This represents a fundamental dislocation of drama away from the courtroom and reveals the ways in which the courtroom has become only a small (if public) part of a legal procedure which is continually being articulated and negotiated in domestic (private) spaces and places. In this way, North Square both fulfils and goes beyond the characteristic model of British legal drama on television in a number of new and interesting ways.

The generic characteristics of American legal dramas

One of the ways of categorising the American legal system can be as a performance, that is ‘an aesthetically marked and heightened mode of communication, framed in a special way and put on display for an audience’ (Bauman 1992: 41). While the American trial is ‘framed’ by the courtroom, it lacks the ‘ways of acting . . . designed and orchestrated to distinguish and privilege’ (Bell 1992: 74); American trial lawyers do not wear wigs and gowns (even the judges wear only gowns) and American courtrooms lack the formality of British ones, enabling American lawyers to approach witnesses and jurors and to move relatively freely in the court space. Film and television representations of American law make this performance of American law visible, in movement and gesture, from Law & Order’s (1990–) ADA Jack McCoy (Sam Waterson) emptying bullets onto the floor of the courtroom (to demonstrate how much ammunition a single weapon carries) to Boston Legal’s (2004–) Alan Shaw (James Spader) reminding his associates that litigation is more about ‘cheap theatrics’ than ‘knowledge of the law’.

So if we compare a text like the American legal drama Ally McBeal (1997–2002) to a traditional British legal drama like Kavanagh QC (Carlton 1995–9) airing at the same time, we can quite clearly see the different ways in which the court scenes are inflected. In line with Ally being based in performance, court scenes are more about actions as opposed to spoken text. In contrast Kavanagh QC concentrates on the speech acts of its barristers, the rhetorical skills
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which 'distinguish and privilege' what they are doing, as in ritual (ibid.: 74). American representations are therefore more intensely performances, relying on both rhetoric and movement, whereas British representations are ritualistic, with performance based in rhetoric, costume and appearance.

The norms and conventions of British legal dramas

Aside from some consideration of *Rumpole of the Bailey* (Thames Television 1978–92), the vast majority of work on legal dramas is concerned with American representations of law, partly because American legal dramas constitute the majority of all legal dramas made. It is the argument of this article that one of the reasons for the smaller number of British legal dramas is because the English legal system is harder to depict dramatically on television; its strict rules regarding dress and courtroom conduct mean that court scenes lack both the dynamism of the American courtroom and the opportunity for performance afforded the lawyers. Instead, British legal dramas have traditionally represented the ritual of law as a degradation ceremony, set up to demand respect for the institution (and what it represents) by simultaneously reifying the lawyer and stigmatising the defendant. This is made both visible and audible in the combination of the language employed, the costumes used and the greater general sense of formality employed in British courts as compared to their American counterparts. As Greenfield et al. note, in British legal dramas 'the use of dress has been a device utilised by filmmakers, both to set the lawyers apart and to help in their reification' (2001: 111). However, it is worth noting that while Greenfield et al. are referring to British film (as opposed to television), traditional British television legal dramas continue to be informed in many ways by elements of 1940s/1950s British cinema, like *The Winslow Boy* (1948), which established a number of the tropes around costume and procedure which continued through series like *Boyd QC* (Associated-Rediffusion 1956–64), *Rumpole of the Bailey* and *Kavanagh QC*.

We can understand 'ritual' here in Catherine Bell’s terms as ‘a way of acting that is designed and orchestrated to distinguish and privilege what is being done in comparison to other, usually more quotidian, activities’ (1992: 74). The English legal system can be considered ritualistic in its use of dress (the gown, jabot and wigs of the judges, barristers and solicitors), language ('Your Honour', the Latin phrases used to denote laws) and formality (most importantly, the requirement that barristers do not approach witnesses or jurors but are restricted in
their movements behind their benches), elements which make it quite
different from the performance-style of the American legal system. Of
course, this is not to say that the British legal system is completely
without elements of performance. Rumpole of the Bailey, for example,
certainly involves performance but it is the performance of being staid
and dull rather than one based in movement, with the theatrical nature
of British trials coming more from the ‘costumes’ the lawyers wear
rather than the way they make use of the space around them. As
Rumpole’s creator, John Mortimer, puts it:
The barristers and judges wear wigs and gowns, some of the judges are in
scarlet and ermine and, on state occasions, carry bunches of flowers . . . I
often left court to go to a rehearsal of a play I had written and felt I had
left the world of fantasy and make-believe at the Old Bailey for the harsh
reality of the world of art. (1996: vii)
Therefore just as film and television representations of American law
make the performance of American law visible through movement and
gesture, film and television representations of the English common law
make visible its very precise ritual. This carries over to the visual style
of these series as well, as will be shown below in the context of North
Square.
These restrictions on movement and conduct make it difficult
to represent the place where the English common law is most
clearly articulated, the courtroom, dramatically on television. Instead,
dramatic tension is often displaced onto the spaces where law is
articulated. As de Certeau has observed, space does not have the static
nature of place. Rather, it is mobile because it is existential, linked to
both memory and time. Therefore while place is fixed, space is fluid.
Stories are about spaces, particularly the stories which the prosecution
and defence present to the judge and/or jury. In this way British
legal dramas (like Granada mini-series The Jury (2002) for example)
have used this rhetorical space as a way to open up the place of the
courtroom, presenting re-enactments of events and testimonies, and
bringing the exterior world into the interior of the court.
More commonly, however, the drama of British legal dramas has
often been located in spaces outside the courtroom—in domestic,
ethical or political tensions—and this is something which North Square
does too. But rather than simply drawing on the relatively small
tradition of British legal dramas’ arguments about law, North Square
advances this tradition by actively participating in a deconstruction
of the ritual of law. Highlighting the tensions outside the courtroom
means that North Square uses these dramatic spaces to disrespect and
critique the way in which formality is constructed within the place of the courtroom. It does this in a number of different ways, including by focusing on the lawyers' bodies, by drawing attention to the deals done outside the courtroom, by showing how greed motivates law and by demonstrating law's symbiosis with crime. Most importantly, North Square reveals that these dramatic spaces are also places where power is exerted over the ways in which the law is shaped, negotiated and contested.

This quite clearly intersects with Foucault's ideas on power, which have had considerable impact upon postmodern jurisprudence. Foucault argues that 'we must cease once and for all to describe the effects of power in negative terms: it “excludes”, it “represses”, it “censors”, it “abstracts”, it “masks”, it “conceals”' (1977: 194), and while the effects of power are certainly doing all that here, it is by showing what occurs outside the courtroom that North Square also reveals that 'power produces'—most notably, the illusion that the courtroom is the only place where the law is articulated.

In this way, North Square maps a geography of the places in which law is exercised. Importantly this is a geography that keeps the courtroom on the periphery of a series of interlocking places, from the chambers to the robing room, from the pub to the toilets, where the real decisions and deals are made. These ultimately produce what occurs in the courtroom itself.

North Square’s relationship to the British and American models of legal drama

In one sense North Square’s intellectual work may seem similar to the intellectual work being done by American series like Ally McBeal and the practice in that they share a common aim— to expose the artifice of law (Epstein 1999; Nochimson 2000; Thomas 2001). Indeed, on its original transmission North Square was partnered with the American legal ‘dramedy’ Ally McBeal to form a two-hour block. But in North Square the sites of dramatic tension vary, ranging from the robing room to chambers to the process of pupillage. It is also structured differently; by contextualising lawyers’ actions and judicial decision-making in everyday activities, North Square denies the moment of courtroom climax/catharsis found in American legal dramas, thereby denying the courtroom the centrality it occupies in American legal dramas and, by extension, in American culture. This is true even in American legal series that feature drama outside the courtroom like
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*Ally McBeal, Judging Amy* (1999–) and *The Trials of Rosie O’Neil* (1990–2) in which most episodes are built around the courtroom scene, either leading up to that moment or using it as therapeutic or cathartic, so that Ally, Amy and Rosie are able to work through their private issues in the courtroom or to draw strength from the courtroom in their private lives.

*North Square* is quite clearly negotiating a different relationship to law and, indeed, comments on this in the second episode. When senior clerk Peter McLeish (Phil Davis) encourages new junior Morag Black (Ruth Millar) to ‘Go home, eat, drink, watch *Ally McBeal*’, barrister Rose Fitzgerald (Helen McCrory) pulls her aside and says: ‘Don’t eat, don’t drink, don’t watch that woman’. *North Square*, for all its superficial similarities (in terms of its eccentric cases) and thematic similarities (in its exposure of the artifice of law), is still fundamentally differently inflected as part of the British tradition of legal dramas and as a commentary on the ritual of English common law.

Another way to account for the importance of these domestic spaces in *North Square* is to consider the impact of soap operas on television drama, with their emphasis on ongoing relationships and the interaction of personal and public stories. *North Square* shares a number of traits with the soap opera, in that work and social relationships become both points of connection and sources of rivalry and tension over the course of the series, as will be illustrated below. Furthermore, *North Square* features multiple storylines structured around a large group of characters based in the same location, the barristers’ chambers. This allows for a rapid movement between the different characters’ storylines, and frequently involves storylines and characters which are based outside the courtroom—for example, the relationship between Morag and Johnny Boy (James Murray) or the domestic scenes between Rose and Billy (Kevin McKidd).

But *North Square* is not simply a ‘soapification’ of the legal drama. For one thing it offers more narrative closure than do soap operas; legal cases involving transitional characters are resolved in the space of one episode as in traditional legal dramas. The ongoing story arcs that do carry across the ten episodes also involve legal matters rather than domestic ones: the progress of the pupils and the resolution of the assault charges brought against Billy Guthrie. But, most importantly, tension does not arise from purely domestic incidents but, rather, from the ethical and political manipulations of senior clerk Peter McLeish. In this way the domestic is made a part of the legal process, so rather than being a ‘soapification’ of the legal drama, *North Square* presents the politicisation of private, domestic space, where matters of power,
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ethics and politics are discussed and which shape what occurs in the public space of the courtroom.

The Elements of Ritual in North Square

There are three important elements to the ritual of English common law—rhetoric, dress and presence—and each one is represented in the courtroom scenes of North Square.

Rhetoric

This is a very precise form of rhetoric, language that must follow the linguistic requirements of legal discourse. ‘This isn’t the Oxford debating chamber’, barrister Alex Hay (Rupert Penry-Jones) reminds a client in the fifth episode of North Square; ‘It’s not for or against, it’s not even right or wrong, it’s guilty or not guilty.’ Barristers rarely shout, preferring to use measured tones, maintaining detachment from the cases which they handle and keeping their emotions in check.

Language is also used to stigmatise those appearing before the court. North Square particularly delights in the explicit use of character evidence, as where Judge Bould (Murray Head) and the lawyers share a joke at an accused’s expense. The barristers remain behind their benches, hammering defendants with one question after another, passionless, detached, engaged in a verbal war of attrition. Legal rhetoric thus serves both to reify the lawyers and to degrade the accused, reinforcing the ritualistic aspect of the English legal process.

Dress

Court dress, particularly the wig and gown, serves a similar function. The legal gown originates in Rome where it symbolised education and became a way of distinguishing the educated from the uneducated members of society. It is typically worn with bar jackets and jabots or collars. The wig originated as a male fashion in France and was imported into the English courts in the 1660s, with judges and lawyers retaining the wig as ‘a badge of office’ even as styles changed elsewhere (Fleming 1994: 118–19).

In North Square wigs are used primarily to signify experience; in episode six barrister Tom Mitford (Dominic Rowan) is shown yellowing his wig to provide gravitas: ‘The older the wig, the more you have. My wig’s too white. Lessens me. Therefore I’m making it very yellow. Very old.’ Following the trial he acknowledges: ‘It’s all about gravitas.
I didn’t speak but I was an enormous presence.’ Here North Square is actually foregrounding the way that lawyers use their wigs as a way of reifying themselves, of making themselves officiants in this ritual of law. It then undercuts this process by having Alex Hay remind Tom that his underpants are just as ‘experienced’ (that is, yellowed).

North Square is also interesting in that it actually engages with the literature on the relative merits of wearing wigs and gowns and more particularly with the issue of whether wigs and gowns erase gender. In this respect it resists the idea of feminine erasure, preferring instead once again to foreground the physicality of lawyers and to remind us of the (very human) people who are involved in the practice of law.

Early episodes of North Square focus on Wendy de Souza (Kim Vithana), an accomplished barrister who is being put up for silk (Queen’s Counsel). Wendy is young, black and female, three traits which are all viewed by characters in the series as being detrimental to the appointment. In the opening episode her rival for silk, Leo Wilson (Jack Fortune), racially abuses her (leading to a spirited defence by her colleague Billy Guthrie—see below). Senior clerk Peter McLeish puts her on a high-profile race attack case by having her defend a known racist Gary Booth (Conor Mullen) for an alleged attack on black female anti-racist Kate Josephs (Sheila Whitfield). McLeish sees this as ‘positive discrimination’, matching briefs to barristers (although the solicitor worries that ‘The whole enterprise could just get a bit too theatrical’). More importantly it will distract Wendy from the matter of her elevation to Queen’s Counsel. ‘Yes or no’, says Peter; ‘She has to know she’s not a black barrister. She’s a barrister. That’s what the Nazi in the suit’s going to teach her . . . It’s top-class clerking.’

Discussing the chances of Wendy becoming a QC her colleague Rose Fitzgerald says: ‘You never can tell how the legal establishment really works . . . Old, white, male judges might not think you’re a good idea. Or they might think that the Bar right now could do with a few more black female silks. Oh, sorry, that came out wrong.’ Matters come to a head when Wilson gets silk over Wendy and the latter learns of this in trial just before her cross-examination of Josephs. Exasperated, Wendy turns on Josephs while on the stand, which causes her to ask: ‘How can you stand there as a woman of colour and tell me what’s apparently racist?’ To which Wendy replies: ‘I don’t stand here as a woman of colour. Or even a woman Mrs Josephs. I stand here as a barrister-at-law.’

Wendy is reprimanded by the judge but the point is well made. The common law has an ambivalent relationship with female lawyers, simultaneously erasing their gender in the courtroom and then
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gendering them again when it suits. 'Did I put you up because of the colour of your skin? No', says Peter afterwards. But North Square does make physicality a factor, continually reminding us of the way law is constructed and embodied. Again, this is virtually unique. Black Silk (BBC 1985) remains the only British series to have explored the experiences of black barristers but featured only brief court scenes. Similarly, barrister Harriet Peterson (Margaret Lockwood) was the central character in Justice (Yorkshire Television 1971–4) but while she remained glamorous throughout her trial appearances, little was made of her physical appearance.

Appearance

Indeed, while the common law tradition remains largely rhetorical it obviously still depends on the presence of barristers and witnesses, experts and the accused. Therefore presence remains vitally important. North Square’s Alex Hay uses his authority in episode seven to bluster his way through a trial and, though under-prepared, manages to secure his client’s acquittal. Similarly, in the same episode, pupil Hussein Ali (Robert Mountford) tells barrister Rose that he can give her the benefit of his presence in court, as his ‘non-whiteness’ will aid her in her representation of an allegedly racist police officer. Taken together, these examples remind us that these are still bodies in space—even if they are not moving bodies—and that the body is still an important resource in constructing a possible ‘truth’.

Truth therefore becomes something liminal, something constructed in, but always limited to, the courtroom. This idea of truth as a product is continually reinforced in North Square, not just in the dialogue but also in the visual style of the title sequence, the words ‘North Square’ appearing over a roulette wheel. There is no sense of the courtroom providing objective truth or justice. Rather it is a game of chance that depends on the barrister’s skill in constructing a notion of truth that will triumph on the day.

Formality as repression

Like their American counterparts, traditional British legal dramas tend to revolve around barristers who are often individuated as outsiders—the commonality between them being a liberal attitude which is at odds with the repressive nature of the institutions of which they are a part. For example, traditional British legal dramas have featured Ian McShane’s Madson (BBC 1996), an ex-con who
learned law on the inside; Kavanagh QC's James Kavanagh (John Thaw), who comes from the North and, as a radical (or, as he puts it, 'starving') barrister in the 1960s met his wife Elizabeth as part of the pro-abortion lobby which he successfully defended, and who is still seen as liberal and progressive among his more staid and stuffy counterparts at Rivercourt; Rumpole's Horace Rumpole (Leo McKern), who is distinguished from his colleagues by his desire to live a good life practising law in a manifestly unjust society (Denvir 1998: 145–54); and perhaps most famously, the lawyers of Blind Justice (BBC 1988), who fought a number of human rights cases in the face of the legal and governmental iniquities of the Thatcherite era. Most recently, the eponymous central character (Martin Shaw) of Judge John Deed (BBC 2001–) is very clearly delineated in contrast to his colleagues on the bench, both in terms of his rampant womanising and his controversial, anti-establishment rulings.

In each case, the formality of conduct, dress and language required in the courtroom is reinscribed as repression. There is no place for personal feelings here. As North Square senior clerk Peter McLeish says in the eighth episode: 'It ain’t about what the heart feels. It’s about what the head thinks. They pay you for your skill not your fucked up empathy.'

This idea of formality being reinscribed as repression is mirrored in North Square’s visual style. Scenes set outside the court are captured in a series of fluid camera movements. Colours are bright, underscored by extra-diegetic music and rapid editing as the lawyers engage in banter and bad jokes; the dynamic composition of these shots reflects the dynamism of these physical spaces away from court. In contrast, the court scenes use the traditional shot/reverse shot to capture the interplay between the barristers, witnesses and accused. The colours are muted, we are constantly reminded of the confines of the courtroom (be it the judge behind his bench, the blank walls or the heavy, closed doors), and there is a lack of extra-diegetic sound. The relatively static composition of these shots reflects the static nature of the largely rhetorical space of the English courtroom. In both dialogue and style North Square is therefore drawing on that tradition in British legal dramas of reinterpreting the authority and dignity of the legal system as repression.

But where North Square breaks with tradition, and hence performs its most important intellectual work, is in the way in which it challenges legal convention by focusing on the senior clerk, Peter McLeish, as a source of drama and, consequently, of power over the entire legal process.
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As noted above, the nature of the English courtroom, with the formalities which it imposes upon the barristers appearing there, means that British legal dramas lack the dynamism of American court scenes—simply because their lawyers cannot use this place as dramatically as do their American counterparts. Thus British legal dramas often have to relocate drama to other sites to find dramatic potential outside the courtroom. *North Square* excels at this, and in doing so reveals the constructed nature of the law by showing how barristers', clerks' and judges' actions outside the courtroom impact on what occurs inside. Moving beyond the courtroom enables *North Square* to deconstruct the ritual of law by showing those most intimately involved in the ritual—their bodies, their families, their deals, their greed and the symbiosis of law with criminality. While this has been attended to in past British dramas, rarely have these spaces been presented in such detail and with such an emphasis on the figure of the senior clerk as the real power behind what occurs in the courtroom.

**Showing bodies**

*North Square*’s acknowledgement of the role of wigs and gowns in erasing gender is part of a much larger strategy of refocusing attention on the lawyers’ bodies, drawing attention to how these bodies are implicated in the legal process and how they come to embody different conceptions of truth and law. In terms of access and power we are constantly reminded that the courtroom is a rhetorical space; only those who know the right words to use and the right things to say can access it and we are consistently presented with images of loved ones, friends and other lawyers waiting nervously on the other side of the doors to the courtroom, unable to access that space because they do not know the right words for this case.

By contrast, the private or domestic places of *North Square* permit access only through physicality, through the display of the body in action. These are the places which require ‘sexy men in wigs’ because they require someone who can use their body to broker deals and make decisions. In this respect, the toilets become a focal point in *North Square*. In addition to being places where we see barristers urinating they are also described, in the sixth episode, as ‘the place where deals are made’, taking their place alongside other deal-making sites away from the courtroom, such as the chambers, the court roof and the robing room, all places where barristers similarly appear in differing states of undress. In the same episode, Billy and Michael Marlowe
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(Tony Monroe) make a deal while standing together at the urinals, and Billy seals this by washing his hands. Later, Alex Hay (encouraged by his senior clerk) uses sex as a commodity, sleeping with solicitor Stevie Goode (Sasha Behar) in order to get cases and having sex in the handicapped toilets with the prosecuting attorney in an ongoing case in order to get her on side. The toilet thus serves to refocus attention on the bodies of the lawyers in much the same way that Cage and Fish’s unisex toilet does in Ally McBeal. But unlike in Ally the bodies here are used to make deals (rather than to engage in questions over their private lives) which impact upon the processes of law enacted in the courtroom. Power is therefore located in physical and sexual action.

The robing room is the social space in English legal dramas, often replacing the liminal spaces of the DA’s office, the hallways or court steps seen in American legal dramas. Like a locker or changing room, the robing room is where barristers prepare for their public appearances; it is where the body is displayed prior to court and where it is excluded in preparation for court. Indeed, New Statesman reviewer Andrew Billen noted how in the robing room the barristers ‘undress to The Clash’s ‘Bank Robber’, revealing hair gel and Clavin Klein underpants’ (2000). The robing room is the transitional space in North Square’s geography of legal procedure, where the plush red carpeting and muted wood panelling meet, where both the body and the dynamic composition of shots are constrained in preparation for the rhetorical, static compositions of the courtroom.

This idea of the robing room as the last physical space before the courtroom finds expression in the first episode of North Square when, as noted above, Billy Guthrie punches Leo Wilson after he has racially abused Billy’s colleague Wendy de Souza. Here the robing room is clearly represented as a physical space in contrast to the rhetorical space of the courtroom, and all forms of physicality, be they the trappings of femininity or fisticuffs between barristers, must be left in the robing room in favour of the rhetorical challenges of the courtroom. But, once again, they impact on what occurs there; in this instance Billy is put on trial for his conduct and court relations between Wendy, Leo and Billy are forever altered by the incident.

Meal breaks are also a time for legal discussion. The barristers and clerks of North Square mingle at the local pub to discuss the events of the day and plan their strategies. Notably the pub is also the place where senior clerk Peter McLeish reaffirms his control over the chambers in the light of a challenge by Rose (see below).
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In each of these places—and each time the physicality of the lawyers is foregrounded—the implicit suggestion is that it is this social atmosphere, this domestic space, this private space, rather than the public rhetorical space of the courtroom, which is the most productive and useful for thinking about law. These are the spaces in which the really important decisions are made: the court is just for show.

Showing family

In British legal dramas, the tension between family life and career is often as important, if not more so, than the trials themselves. In *North Square* this also carries over into the tensions between friends and career, as all of the lawyers try to maintain their friendships even as Tom dates Alex’s ex and Billy debates betraying Wendy’s relationship with a judge in order to clear his own name. Once again, there are clearly elements of soap opera here in that *North Square* is focusing on two communities, one bound together by emotional relationships (as in a soap opera), the other by an institutional hierarchy (the law firm). But once again it is the figure of senior clerk Peter McLeish who cuts across both in his dual role of godfather and senior clerk. He can be seen once again as politicising these domestic situations, turning them into political and ethical deals which impact on what occurs in court.

Take, for example, Rose and Billy struggling to balance their careers with caring for their baby son Daniel. Their work and private lives cross over when in the fourth episode McLeish becomes Daniel’s godfather and Rose confesses that since Daniel she has found it harder to defend some of their clients:

*Rose:* I like to look them [the clients] in the eye.
*Billy:* Why? They’re always guilty.
*Rose:* Maybe. But I like to look.
*Billy:* Since when?
*Rose:* Since Daniel.

Here we get both a sense of the repression which lawyers have to develop as part of the system, thus making them ill-equipped to deal with their private lives, and the way in which domestic concerns have a legal dimension in that they impact on the way that lawyers (and judges) act in court.

Once again, this concern with private as much as with public life is thematically similar to American series like *Ally McBeal* and *The Trials of Rosie O’Neil* in that it reveals the law as not an abstract
thing which exists in a vacuum but, rather, something informed by what occurs both inside and outside the courtroom. But British legal dramas remain distinctive in that drama comes from questions of ethics raised in the domestic context rather than in the courtroom. Again this represents a fundamental dislocation of drama away from the courtroom and reveals the ways in which the courtroom itself has become a peripheral (if public) part of a legal procedure which is continually being articulated and negotiated across a range of other spaces and places. Arguably *Judge John Deed* has confused these binaries even more, given the relationships of the characters with each other. But, again, a great deal of the drama comes from the domestic (the John Deed/Jo Mills (Jenny Seagrove) relationship) and the political (Deed’s ongoing tribulations with Sir Ian Rochester (Simon Chandler)). Most importantly, unlike in American series, the social issues raised in the courtroom—for example terrorism, shaken baby syndrome and racism in the 2005 series—continue to be the subject of greater debate in these domestic and political spaces than in the courtroom itself. Of course, *Judge John Deed*, through its highly sexualised central character, could also be seen as the natural successor to the ‘sexy men in wigs’ of *North Square*.

*Showing deals*

The third major source of drama located outside the courtroom is political—the deals involved in clerking, pupillage and the running of chambers. It is important to note that these are all particularly English concerns, as barristers do not work in legal offices like American lawyers but begin as pupils of and share chambers with a number of other barristers. It is the role of the clerks to provide them with briefs (cases) from solicitors. Again the presence of political drama weakens lawyers’ and judges’ mystique by revealing their susceptibility to outside influences. In making visible these parts of the legal process, *North Square* reveals the power imbalance between the senior clerk and the barristers, where the masters (the barristers) in fact become subservient to the servant (the clerk), as Polly Toynbee (2000) states:

> The linchpin in any barristers chamber is the chief clerk … this curious and Dickensian species. He takes ten per cent of every barrister’s fee and does all the wheeling and dealing to bring in the business. He not only sweet-talks all the local solicitors into sending him their cases for court, but he heavy-drinks all the local big criminals: the bigger the gangster, the more money he spends on lawyers.
'Sexy Men in Wigs'

As noted earlier, *North Square*'s senior clerk, Peter McLeish, becomes the source of much of the drama in the series because of the awesome control he has over the barristers. Thus when Alex asks 'What happened to free will?', Rose replies: 'All right as a concept, kind of breaks down when God is a senior clerk.' Although he is only ever deferential (calling barristers 'Sir' and 'Miss'), Peter’s sense of control permeates the series and the fact that he (and he alone) is often shot in close-up or in a tracking shot as he speaks, all teeth and cold eyes, confirms his centrality. In the eighth episode he describes the barristers as 'All infants… They pull their shit, I make a scary face and they do what they’re told', while by contrast, in the sixth he describes himself as a 'mover' and a ‘fixer’. By way of example, he has Alex Hay sleep with Stevie Goode to 'fuck her around a little bit’ so that, as the 'busiest solicitor in Leeds', she will bring briefs to their chambers. He even calls Alex’s then girlfriend Helen (Victoria Smurfit) to the pub in order to force their break-up. He promises Billy that 'I’ll get you the ideal judge’ to hear his assault case and has breakfast with list officers (the court officials responsible for scheduling trials) so that he can schedule Billy’s case against a drug trafficking case, thus forcing the QC Leo Wilson off the latter case as he has to be a witness in Billy’s. In the seventh episode he tells Judge Bould that he must end his relationship with 'his' barrister Wendy de Souza and in the eighth he calls a truce between his and opposing chambers (Marlowe’s) when he realises that neither can afford to lose the business of the crime families which they represent if they each go away for three years. In each of these instances *North Square* reveals that court processes and appearances are being shaped, directed and controlled by the physical actions of a figure who never actually plays any role in court at all.

Peter’s control issues come to a head when in the seventh episode he gets Billy to come home on the pretence that his son Daniel is sick. Billy enters to find Peter holding Daniel, who is in perfect health, and tells him: 'This is what you are without me. Nothing. Naked. A blank thing. With me, it’s all possible. This is Pele. This is a brain surgeon. This is a brain surgeon what plays for Brazil and flies jets. Everything. With me.'

Tension soon develops between Peter and Billy’s wife, fellow barrister Rose Fitzgerald. 'You’d be great in the witness box', Rose tells Peter in the sixth episode; 'You lie without symptoms. You’re unique.' In the following episode she confronts Billy after he explains the deal he has made (revealing Wendy’s relationship with Judge Bould to rival
senior clerk Marlowe in exchange for Wilson dropping his assault action) and asks Billy why he wants to please Peter more than her or his fiend Wendy. And in the eighth episode she confronts Peter directly and correctly identifies how he thrives on the deal:

You get information. You hold onto it and you use it to control people. I know what you’ve done to Billy. He’s more concerned about getting your blessing for absolutely anything than he is about his relationship with me, Wendy, Alex, all of us. And now you’ve done Billy you want to do me. Well you can’t have me Peter. I won’t let you.

Rose’s recognition of Peter’s power in the series also works extra-diegetically to remind the viewer that it is Peter who is the source of all the drama in *North Square*. The clerk is controlling the barristers, both how they operate in court and in their private lives. It is as Billy describes it in episode nine: ‘[Peter’s] massive. He’s in our blood. All of it’, while in the same episode Rose tells the other barristers: ‘I think the balance has shifted too far. I think he’s grown too big’, encouraging them to remove Peter from his position as senior clerk. But ultimately her gambit fails. Peter is retained and the series ends with another close-up of Peter, here singing ‘Jerusalem’ to his estranged son. As Rose re-enters the chambers, she appears submissive. She has accepted Peter’s control. This is, after all, Peter’s show.

Pupils are essentially barristers-in-training, each assigned to a pupil-master (or mistress) in chambers. Since the English Court of Appeal turned down a mandatory requirement to pay pupils a minimum wage, pupils are usually depicted as surviving on very little. Tension is derived from the fact that spaces in chambers are usually limited, and the question of which pupils will be kept on after training often depends on the deals made both by the head of chambers and the pupils themselves.

One of *North Square’s* ongoing story arcs focuses on whether Morag Black (Rose’s pupil) or Hussein Ali (Tom’s pupil) will be kept on. Both are seen struggling with difficult cases and Morag began a controversial sexual liaison with clerk Johnny Boy even though Hussein fancies her himself. In episode four Peter even offers to have the pupils cover solicitor Stevie Goode’s ‘mags’ [magistrates’ court work] without pay as ‘They’re in competition. Neither of them can afford to kick up. They know that.’ Ultimately Hussein is kept on, although again the motivation is greed—’He’ll be a good earner for us’, says Peter in episode ten—while Morag is allowed to ‘squat’ in chambers for as long as necessary.
'Sexy Men in Wigs'

North Square therefore depicts the practice of law (including how pupils become barristers, which cases are heard when and which clients are accepted) as all being dependant upon the deals which occur behind the scenes. It is deal-making that decides who appears and what comes before the court rather than the individual merits of particular cases.

Showing greed

As noted above, clerks act in effect as agents for barristers. Most of the episodes open in the same way, with roaming cameras following the clerks as they pass around briefs to barristers more interested in the cases’ prestige than their individual merits. ‘Murder’, says senior clerk McLeish in episode five. ‘What kind of murder?’, asks barrister Rose. ‘Seminal’, replies Peter with a smile.

Technically, clerks are the intermediaries between solicitors and barristers. North Square’s Peter McLeish, as senior clerk, gets 10 per cent of all fees, though ‘a lot goes on corporate entertainment’—taking prospective clients and solicitors down to the bar, his ‘other office’. He earns ‘a lot . . . more than a lot’ and sees everything in terms of money. When Wendy is passed over for silk he is upset by the loss—both the extra 15 per cent which she could have added to her fee and the extra clients which she could have attracted as a QC. Money therefore is his primary motivation both for the cases which he personally passes on to his barristers and for the way in which the whole chambers conducts itself. As he explains it to his clerks Bob (James Midgley) and Johnny Boy in episode six:

Why am I saying yes to the Rose request? Because I love and respect her greatly? Maybe. Because I care about Billy? Maybe. Because I give a fuck about the condom Doris from Bogadah [drug trafficker]? No. Because, bottom line, Stevie Goode must not get the ‘ump. Because solicitors with the ‘umps sit down on the cash flow and the cash-flow is the raison-fucking-d’être of clerking. End of lesson. Cup of tea please. Morning bog.

Greed is shown to be a primary motivator for legal process. But in North Square greed is not purely monetary on the part of the clerks but it is also greed for prestige on the part of the barristers. Therefore just as deals determine who and what appears in court, greed, in addition to revealing the foibles of legal practitioners, also determines who has access to the legal process and which cases will be taken up.
Showing the symbiosis with crime

Finally, it is the open symbiosis of law with crime which provides North Square's greatest challenge to the formal processes of law. As Peter McLeish sees it, the bigger the crime the better. Thus in episode seven, referring to a murder case, he says: 'I love this murder. This is the new Leeds. This is the kind of murder you get when the city throbs at 3 a.m. And 3 a.m. throb murders must all be ours.'

This symbiosis is personified in McLeish himself. Twenty-one years ago he was the getaway driver for a robbery and betrayed his colleagues. He started as a teaboy in rival clerk Michael Marlowe's chambers before becoming a senior clerk in his own right and stealing many of Marlowe's barristers, including Alex and Billy. Marlowe believes that Peter can never outgrow his origins, telling him in episode four: 'You'll always do that . . . reach for violence when you're wobbling . . . when you're under pressure' and there is considerable rivalry between them. Each of their chambers represents one of the major crime families in London, the Greens (represented by Peter's chambers) and the Flecks (represented by Marlowe's). 'It's taken a lot to get here Alex', McLeish confesses in episode ten; 'And it's a long way to fall.' Peter's mother worked in a factory making 'glow-in-the-dark stuff' and had to have her tongue cut out because of cancer, leading Peter to have an appreciation of evil. As he puts it in episode seven: 'I believe in evil. Fucking up happiness. Fucking up families.'

Indeed, in a return to that notion of the dual community of North Square (of the community formed from emotional relationships and the community formed by the hierarchy of chambers), Peter views the chambers as his own extended family. 'I love you', he tells Alex in episode seven, 'I love him [Billy]. You're my boys. Now what are you going to do? Break your father's heart?' And in episode nine he exclaims: 'I've got dirt under my fingernails, I've got a liver shot to hell and no family apart from you lot. Now tell me why do you think that is Rose?' His use of the word 'family' helps him to conflate the barristers' public and private lives, helps to bring the two communities together, so that he can in effect run both for the benefit of chambers. Ironically, by the series' end, Peter is forced to choose between his real family (his estranged son Rory up on drug charges) and his chambers 'family'; he takes the stand, risks his own reputation and saves his son—although all of this seems somewhat orchestrated in order to win support from his barristers. Once again, then, the soap elements of North Square are subordinated to and folded back into the demands of legal process.
Conclusion

North Square’s fascination with the power outside the courtroom which impacts on what occurs inside represents a clear development of the British legal drama and a very postmodern perspective on the law. Like Foucault, North Square does not present the effects of power in purely negative terms but rather, by revealing what occurs outside the courtroom, also reveals that power produces reality (the courtroom as the locus of an impartial and fair determination of truth) and ‘domains of objects and rituals of truth’ (the legal system), so that the accused and the knowledge that may be gained of him (the verdict, the ‘truth’ in each case) ‘belong to this production’ (Foucault 1977: 194).

Almost invariably, the decisions made outside the courtroom are based in physical action and remain concealed from the court. Legal power produces its own reality of what is occurring (the rhetorical space of the court as finder of truth) rather than what is actually occurring (namely that the court proceedings are shaped and influenced by decisions made outside the courtroom and which are motivated by all manner of factors other than the truth). North Square strips this process bare. While the courtroom appears to be the site where decisions are made and justice arrived at, North Square reveals the diffusion of power outside the courtroom, through deals, greed and the symbiosis of legal practitioners with crime, across a complex geography of private spaces and places. It challenges traditional notions of objective truth, universal access to justice and the impartiality of the legal system by focusing on the law’s dependence on deal-making and the figure of the senior clerk. Ultimately, in its fundamental dislocation of drama away from the courtroom, North Square exposes the limited and circumscribed nature of the courtroom in the English legal system in favour of a series of interlocking places where access is determined not by rhetoric, nor even by knowledge of the law, but by the ability to use one’s body and make the deal.

Those who criticise North Square for being an unrealistic portrayal of law may be misunderstanding the intellectual work in which it is engaged, for while North Square does draw on the traditional tropes of the British legal drama it also advances new ideas about the ways in which law is articulated across a range of spaces and places—and the power and influence wielded by the senior clerk. North Square’s real achievement may therefore lie in reminding its audience of the true geography of legal procedure, that series of interlocking domestic spaces and places which keep the courtroom on the periphery of decision-making. For North Square barristers need to be ‘sexy men
in wigs' because they must rely on their physicality as much as on their rhetorical skills; access to legal process is therefore as much a matter of being able to seal the deal as it is to make the argument, and while North Square may have ended its all-too-brief run, these are ideas which continue to be explored in the next wave of British legal dramas, such as Judge John Deed, The Brief (2005–6) and New Street Law (2006–).

References

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