



Wigs on the Green

This interesting follow-up to the on-going debate on Court Dress was to be found in a recent newsletter from the President of the Institute of Arbitrators of Australia.

"An indispensable requirement in trying to prepare the legal profession for the 21st Century is the need to give up their 18th Century habit of wearing wigs, a practice still continued by Barristers and by Judges in the State Superior Courts.

At one time all men with any pretensions to gentility wore wigs as a matter of course and would never have thought of appearing in public unwigged, but in 1795 the practice of wearing wigs was sharply declining everywhere except amongst the legal profession and liveried footman. The cause of this decline in wig wearing was a tax on wig powder introduced as a temporary measure to raise funds to fight the French, who then as now were causing trouble on a grand scale.

All but the most old fashioned gentlemen gave up the wearing of wigs as long ago as the early 1800's so it is surprising that the practice has continued amongst barristers. However, the Judges of the High Court of Australia and the Federal Court have given the lead to the whole profession by abandoning the wearing of wigs.

When recently appearing as counsel in an appeal to the Full Federal Court, I was struck by the ludicrous spectacle of two bewigged barristers addressing three wigless Judges. This situation I discussed with a Federal Court Judge who told me that Judges of the Federal Court felt that wig wearing was an obsolete practice and should be discontinued, but they believed it was for the Bar to decide

whether Barristers should continue wearing wigs or not.

At present many barristers are "more royalist than the King" to use a French expression, being more addicted to the antiquated trappings of the judicial system than the Judges themselves.

The Law Council of Australia and Law Societies around the nation are now looking very hard at the whole question of wig wearing and progressive members of the legal profession are pushing very hard to have the wig finally dispensed with after a mere 200 years.

This is not to say that personally I am in any way prejudiced against the 18th Century, which was an age of enlightenment and reason. However, one must face the fact that the costume adopted by the aristocracy of the 18th Century was in most respects quite inappropriate even for the 19th Century, let alone the 20th or 21st Century.

Almost the only item of an 18th Century gentleman's attire which might come in useful today is the short sword, which the gentleman of the 18th Century carried in order to protect himself from the possible onset of bands of ruffians who infested the cities of the time and who are beginning to reappear in the declining years of our own Century.

The sword was, of course, also used by the 18th Century gentlemen to pursue their own method of alternative dispute resolution, duelling.

For the purpose of duelling, gentlemen took off their wigs and threw them to the ground, hence the expression "wigs on the green" to mean that parties were to be engaged in serious disputation.

Since many members of the profession have grown attached to their wigs, not to mention the fact that they repre-

sent a sizeable capital investment, there is no doubt that there will be lively debate before wigs are eventually abandoned by lawyers. In itself, it may be said that the issue is relatively minor, but in my opinion getting rid of such an obsolete and detrimental tradition would be an important first step in an attempt to modernise the profession and improve its standing in the eyes of the Australian public".

Laurie James
President,

The Institute of Arbitrators, Australia.

Euthanasia Publication

The November edition of the *Journal of Law and Medicine* is dedicated to the hotly debated issue of euthanasia.

For his view that "killing babies isn't always wrong" Professor Peter Singer, (Professor of Philosophy at Monash University) was recently called the "the most notorious messenger of death".

Meanwhile, in opposition to the legislation on Euthanasia, Bishop George Pell urges 'defenders of life' to work against Professor Singer's candidature for an Australian Senate seat.

For this and other opinions on the subject of euthanasia, (including articles on NT legislation), this edition of *The Journal of Law And Medicine* can be purchased by contacting Helen McBain by phoning (02) 9936 6405 or fax. (02) 88 2287.

Alternatively, subscription enquiries can be made to the same contact.