

Women Lawyers on TV – the British Experience

Peter Robson

Abstract

This paper examines the portrayal on British television of women as protagonists in TV dramas and how this has altered in the past half century. It focuses particularly on two series which follow the fortunes of two Junior barristers and their career paths, each over two separate series. Harriet Peterson and Martha Costello are both women lawyers who appear on behalf of clients in the courts. The barrister branch of the legal profession in England and Wales has always been regarded as the more prestigious branch of the profession from which, traditionally, judges have been selected. The characters are experienced and successful. They have reached that crucial time when they are hoping to be selected as Queen's Counsel. This step into the top echelon of the elite branch of the split British legal profession is a major marker in a lawyer's career. It is from the ranks of Q.C.s that the senior judiciary are chosen and where possible fame lies. This paper looks at their contrasting experiences - the context of women lawyers, the style and nature of the work they are shown as undertaking, the characterisation of the legal profession and in particular the principal protagonists. It also provides the crucial context in which these series were produced. It takes note of the ways in which their male counterparts are portrayed in comparable series. The major thing which separates the struggles of Peterson and Costello is the passage of time of some 40 years. The paper explores what changes are found in the way the first and second women lawyer major protagonist appear and the context for these changes. In amongst an extensive roster of drama series centred on lawyers, it should be noted that the series Justice with Harriet Peterson ran between 1971 and 1974 and that of Silk with Martha Costello between 2011 and 2014.¹ This is a long gap which requires to be looked at in some depth.

Background

In 1969 a television version of a 1967 West End play, *Justice is a Woman*, was broadcast showing a woman barrister as the lead character. She is shown defying the male establishment and, with her subtle prompting and understanding of human nature coaxing a young man accused of rape and murder to engage with the system and fight to establish his innocence. The play's co-author, Jack Roffey, was a successful TV writer who

1 There were 3 series of 13 episodes in *Justice* – by 2013 the first 2 series were available on DVD and the 3rd series is scheduled for release. 2 series of *Silk* appeared in between 2011 and 2013. A third series was screened in the UK in March 2014.

had single-handedly written the first British TV lawyer series, *Boyd Q.C.* with former matinée idol of the 1940s, Michael Dennison, which ran from 1956 to 1964.² The actor who was pencilled in to play the woman barrister in the stage version of *Justice is a Woman*, and who took the role in its television adaptation, was Margaret Lockwood. She, like Dennison, had been a major star of British cinema from as early as the 1930s through the 1940s and early 1950s. She starred in Alfred Hitchcock's acclaimed thriller, *The Lady Vanishes* (1939) and the courtroom drama *The Girl in the News* (1940) along with Michael Redgrave. She is probably best remembered for her role as Lady Barbara Skelton, a part-time highwaywoman, in *The Wicked Lady* (1949). Her film career had stalled somewhat and she had been working in theatre and on television when the opportunity to play barrister, Julia Stanford presented itself. At the age of 53 she accepted. Initially, as noted, it was written for the theatre but it was the TV version in which Lockwood starred,³ Here she anticipated by some 35 years the trend in the 21st century for woman film stars like Glenn Close and Candice Bergen to shift to television in their later years.⁴

Justice is a Woman was transmitted on Thursday 4th September 1969. In view of the success of the single play a series was commissioned using essentially the same character.⁵ Julia Stanford was re-named Harriet Peterson and some 2 years after Margaret Lockwood's transmogrification from a highwaywoman into a lawyer, *Justice* was broadcast on the then sole British commercial channel, ITV (Independent Television). The show consisted of 1 hour episodes and, in the standard British style, ran weekly for three 13 week series at the prime time slot of 9 p.m. on Fridays between 8th October 1971 and 14th January 1972, between 9th February 1973 and 4th May 1973 and finally between 22nd February and 29th March 1974.

In 2011 the non-commercial BBC channel started transmission of a series about a woman barrister in her 30s. The main protagonist Martha Costello was played by highly

2 Roffey was also the author of the play and film *Hostile Witness* (1968), which featured in a prominent role for Sheila Sim as a promising young barrister who starts off defending a QC accused of murder. Despite her obvious competence in exposing the limitations of the case against her client, he decides to take on that role himself half way through the trial.

3 Although she was offered the stage role, Margaret Lockwood turned this down on the advice of friends. The role was finally played in a brief West End run by Constance Cummings - *Tims* at 268. Cummings was praised by the reviewer in the *Spectator* in an otherwise scathing review - 25 November 1966, Page 17 [available at <http://archive.spectator.co.uk/article/25th-november-1966/17/theatre>]

4 *Damages* (2007-2012) and *Boston Legal* (2004-2008) are the TV shows that these older women starred in.

5 The DVD version of the 1971 *Justice* series contains the original *Justice is a Woman* from 1969

successful TV actor, Maxine Peake. She had risen to prominence following a wide range of roles from Twinkle in the Victoria Wood comedy *Dinner Ladies* (1998 – 2000), through Veronica in Paul Abbott's comedy drama *Shameless* (2004 – 2007) and Myra Hindley in *See No Evil; The Moors Murders* (2006), to an acclaimed Alice Aisgill in *Room at the Top* (2011) and subsequently Grace Middleton in Peter Moffatt's *The Village* (2013). By the time of her appearances as Martha Costello, she had become one of the most sought-after rising stars of British television. Again, the show consisted of 1 hour episodes and in tune with recent developments in British TV scheduling, ran weekly for an initial 6 week series at the prime time slot of 9 p.m. on Mondays between 15th May and 19th June 2012. The third series was shown in 2014.⁶

In between these two series with a central female lawyer role we have a large number of male-centred legal series with hardly a woman lawyer appearing. If women lawyers existed and could be shown in a successful series as far back as 1971 then it seems worth asking ourselves why it took some 40 years for a series to appear with the same notion of a female lawyer in a major role. There had been, after all, in the 1980s a breakthrough on the more risk averse field of film of female lawyer protagonists. The roster from 1985 encompassed Glenn Close,⁷ Cher,⁸ Jessica Lange,⁹ Theresa Russell,¹⁰ Barbara Hershey,¹¹ Cindy Crawford¹² and Reese Witherspoon.¹³

We have, then, a somewhat paradoxical situation. Firstly we find British television recognising the existence of women lawyers but then, apparently forgetting about them for forty years during which time cinema produced a significant body of work on this very theme. In order to get a better sense of the significance of the first appearance of a woman lawyer protagonist in 1971 we need some background.

6 The stills available on the internet from the filming reveal that Martha's rival in *Chambers*, Clive Reader had now been promoted to the rank of QC. The screening confirmed this in March 2014.

7 *Jagged Edge* (1985)

8 *Suspect* (1986)

9 *Music Box* (1987)

10 *Physical Evidence* (1989)

11 *Defenseless* (1990)

12 *Fair Game* (1995)

13 *Legally Blonde* (2000)

The Changing Context of Women Lawyers in Britain

In 1971 in Britain the proportion of the legal profession who were women was 3%.¹⁴ The profession was split into solicitors who were principally office-based and barristers who appeared in courts only representing clients as Juniors or Queen's Counsel. The latter are able to command higher fees and their rank recognises their skill and eminence as barristers. One became a Q.C. by one's name being put forward discreetly and the process of selection was arcane. Of the barristers called to the Bar, 5.8% were women, the first having been appointed in 1949. In legal education, at the start of the 1970s women were less than 10% of the intake into Law Schools. In the ensuing decades that percentage grew until the figures in the 21st century in Britain reveal around two-thirds of law students were female.

As a result of these career pattern changes, by 2011 the number of female lawyers in Britain had risen to 40%. Of the barristers called to the Bar, over 50% were women. The process of choosing a Q.C. had been professionalised and made more transparent. People responded to advertisements and the decisions were made on the recommendations of the independent Queen's Counsel Selection panel.¹⁵ Women, by 2006, amounted to 15.3% of applicants and to 18.8% of appointed QCs¹⁶ and by 2011, 11.8% of Q.C.s were women with success rates for women applicants at some 58% in 2012.¹⁷ The face of the profession, then, had altered remarkably in the 40 years following the screening of Justice in 1971.

Women on the small screen in Britain

In order to appreciate fully the significance of the rarity of the female lawyer protagonist it is necessary to indicate the extent of television programming devoted to lawyers in Britain during this period. Lawyers have always been a staple part of the British TV schedules. Between the first appearance of lawyers on the small screen in Britain in 1956 with Boyd Q.C. and 2011 there had been over 30 British dramas focusing on legal practice (Robson (2007a) (2007b)) These had invariably focused on men. They

14 Abel (1988) Fig 2.16

15 QC Selection panel was introduced in 2005 and its advice is passed on to the Lord Chancellor for approval by the Queen. Neither has the right to veto the appointments - <http://www.qcappointments.org/>.

16 Report of the Q.C. Selection Panel for England and Wales, 2005 – 2006 - <http://www.qcappointments.org/>

17 Bar Barometer: Trends in the Profile of the Bar November 2012 (available at www.barcouncil.org.uk)

ranged from series focusing on individuals like eponymous barristers Richard Boyd,¹⁸ Horace Rumpole¹⁹, James Kavanagh²⁰ and Fish²¹ to solicitors like David Main²², the Honourable Greville Carnforth²³ John Close and Graham True²⁴ and Peter Kingdom.²⁵ Women were not featured either in generic procedural products like *The Verdict is Yours*²⁶ and *Crown Court*²⁷ where the focus was on an individual case and the lawyers were unknown ciphers. There were also ensemble dramas where the focus was not on a single lawyer like *Blind Justice*,²⁸ *Wing and a Prayer*²⁹, *Trust*³⁰, *New Street Law*³¹ and *North Square*³². In these we find women lawyers achieving a profile in the background of the narrative. In these ensemble dramas women feature then but their role is never in the forefront with characters such as Anna Crozier (Maureen Beattie) and Amanda Dankwith (Kate Buffery) in *Wing and a Prayer* and Rose Fitzgerald, Wendy De Souza and Morag Black in *North Square*. In the major Scottish contributions to the genre, we shift from the all male lawyer world of John Sutherland's *Sutherland's Law* in 1973³³ to the female lawyer support roles of Katherine Dunbar (Isla Blair) and Alex Abercorn (Stella Gonnet) 20 years later in *The Advocates*.³⁴ Although Isla Blair actually plays the senior partner in the firm, Katherine Dunbar, she is office bound and not part of the principal action in the streets and around the courts which are the focus of the series. This is the only

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- 18 Boyd Q.C. (1956 – 1964) ITV
 - 19 Rumpole of the Bailey (1978 – 1994) ITV (although the original play on which the series was based, was first broadcast on the BBC)
 - 20 Kavanagh Q.C. (1996 – 2000) ITV
 - 21 Fish (2000) with Paul McGann as Jonathan Vishnevski - BBC
 - 22 The Main Chance (1968 – 1973) – although a female partner, the astute Margaret Castleton plays only a minor role alongside David Main - ITV
 - 23 The Carnforth Practice (1974) - BBC
 - 24 Close and True (2000) with Robson Green and James Bolam as Newcastle based solicitors with a female dogsbody - BBC
 - 25 Kingdom (2000 - 2009) – two male solicitors and a dependable female dogsbody - ITV
 - 26 The Verdict is Yours (1958- 1963) - ITV
 - 27 Crown Court (1972 – 1984) - ITV
 - 28 Blind Justice (1988) - BBC
 - 29 Wing and a Prayer (1997 – 1999) Channel 5 (commercial)
 - 30 Trust (2003) with Annie Naylor (Sarah Parish) as a woman determined to become a partner in a male-dominated City legal firm but with family responsibilities – also includes an ethnic minority nod with Chiwetel Ejirofor (Ashley Carter) - BBC
 - 31 New Street Law (2006 - 2007) BBC
 - 32 North Square (2000) – Channel 5
 - 33 Sutherland's Law (1973 – 76) – BBC – there is by contrast a secretarial role for the woman character
 - 34 The Advocates (1991 - 1992) - ITV

series with a woman writer – Alma Cullen. The ingénue role of Alex Abercorn played by Stella Gonnet is part of a theme for women lawyer characters which stretches from Rumpole and Kavanagh QC through North Square and Silk itself with its opportunities, one might suggest, for the male gaze.³⁵ What, then, we have is the appearance of women and a recognition that they are a part of the profession.³⁶ It is not, however, their skills and their lives which are the focus of the many programmes in between Justice and Silk.

As has been noted, Justice had its origins in a stage play. There is a link between the emergence of Justice and the first British legal series reaching British screens before Perry Mason, Boyd Q.C. All the episodes of Boyd were written by Jack Roffey who co-wrote the play³⁷ from which Justice is a Woman was adapted for Margaret Lockwood.

Martha Costello in Silk was novel in that it had been 40 years since a woman had occupied such a role in a British legal drama series. Her character, however, could be seen as part of an earlier development of male and female ensemble casting developed in the 1990s and in the early part of the 21st century. The creator and the writer of most of the episodes of Silk is Peter Moffatt. Moffatt had been the creator and writer of the award winning North Square,³⁸ as well as the acerbic look at the English legal system, Criminal Justice from the viewpoint of its victims.³⁹ North Square was centred on the fortunes of a group of barristers in Leeds working on the Northern Circuit. The main screen time was shared between Billy Guthrie, Alex Hay and their Senior Clerk, Peter McLeish. There are, however, significant roles for two women barristers – the partner of Billy, Rose Fitzgerald and a young Scottish ingénue, Morag Black. Like Grace van Owen, Anne Kelsey and Abbie Perkins in LA Law they operate as substantial but secondary roles

35 This seems to be the function of Phyllida Trant (Rumpole of the Bailey), Morag Black (North Square) and Niamh Cranitch (Silk). Possibly conscious of this theme the producers have included a feminist, Rosie Probert in Rumpole and we find in North Square Ali Hussein and in Silk Nick Slade and Daniel Lomas as male pupil barristers.

36 In this coverage of British lawyer programmes I have not included the various comedy lawyers since the male and female portrayals are characterised by being without exception caricatures – see Robson (2007a)

37 His co-writer Ronald Kinnoch (1910 – 1995) was a writer and producer whose work included other legal material such as the John Osborne play Inadmissible Evidence.

38 Broadcasting Press Guild Awards 2001 - Best Drama Series/Serial; Best Actor – Phil Davis (Peter McLeish); Best Actress – Helen McCrory (Rose Fitzgerald) ; Writer's Award – Peter Moffatt. It is reported on the internet, however that “(d)espite gaining considerable critical acclaim the show failed to garner a substantial audience resulting in only the one series of ten episodes being produced.” For further analysis Bainbridge (2009).

39 1st series with Ben Whishaw (June 2008) – 5 consecutive nights of 1 hour episodes; 2nd series with Maxine Peake (October 2009) – 5 consecutive nights of 1 hour episodes.

characters.⁴⁰ *Blind Justice* and *North Square* are links in the chain from the default mode of male lawyer central focus/role which we find in the 60s, 70s and 80s in *Boyd Q.C.*, *The Main Chance* and *Rumpole of the Bailey*, in the 1990s in *Trust, Close and True*, *Fish and A Wing and a Prayer* and in the 21st century in *The Brief*, *New Street Law*, *Judge John Deed* and *Kingdom*. It is not until 2011 that we have a return to a major series where a woman is the lead despite the existence of the women in secondary.⁴¹ Part of this delay can be attributed to the process of commissioning in British television.

The construction of the traditional series has centred on the production team getting a bankable star to head up the cast.⁴² These have included those coming with a proven track record of successful long-running series – Kavanagh QC’s John Thaw as police characters Jack Regan in *The Sweeney* and Endeavour Morse in *Morse*; Robson Green and his series *Soldier, Soldier* (1991-95), *Grafters* (1998-99) and *Touching Evil* (1997-99); Judge John Deed’s Martin Shaw – *The Professionals* (1977-81); successful television comedy actor/performers like Alan Davies (*The Brief*) and Stephen Fry (*Kingdom*); screen actors – Rumpole of the Bailey’s Leo McKern (*King and Country*) and *New Street Law*’s John Hannah (*Four Weddings and a Funeral* and *Sliding Doors*).

In terms of the career trajectories of the actors playing the two central roles in *Justice* and *Silk* there is a fascinating contrast. The male series appear, indeed, to have operated on the “bankable star” notion with no unknowns heading up the casts of these series. We get a similar operation in a somewhat different way with *Justice* and *Silk*. In the case of Margaret Lockwood, as noted above, we have a screen star whose heyday was some 20 years previously with her roles as Lady Barbara Skelton in *The Wicked Lady* (1949) and *Cast a Dark Shadow* (1955). From the late 1950s her film career had ceased and she had returned to the stage. The producers were relying on her past fame to attract audiences.

A slightly different calculation is encountered with the casting of Maxine Peak. She had enjoyed success and significant television exposure in *Dinner Ladies*, *Shameless* and

40 *pace* Grace van Owen whose role could be seen, arguably, as major

41 To be strictly accurate there was a legal series produced by BBC Wales featuring a young coroner returning to take up her mentor’s old job on his demise – *Mortimer’s Law* (1986) This involved her with her male assistant solving suspicious deaths and I would classify this as essentially a detective production. It lacked the language, location and trappings which Greenfield, Osborn and Robson (2010) talk of as constituting a Law film and which I am happy to adopt for TV law series.

42 Chris Kelly, in his role as producer of *Kavanagh QC* describes the process well in *Kavanagh QC* (1998)

Myra Hindley. Her star was in the ascendant with critical recognition. She had also worked with Peter Moffatt in one of the stories in *Criminal Justice* in 2009.

The work and issues of Peterson and Costello

The set-up in the first series of *Justice* is the work of a woman barrister in an unspecified Yorkshire town on the Northern circuit. Harriet Peterson appears to have arrived relatively recently. She is divorced with a grown-up son. In her first case we meet her ex-husband. He is an ex-solicitor now working as a salesman having recently come out of jail and has been expelled from the ranks of his profession. In contrast to her male predecessors, Richard Boyd and most memorably in the public imagination, America's Perry Mason, Harriet's cases do not all turn out particularly well. From the way the "truth-telling" camera shows the narratives, in the earliest episodes, the audience knows her clients are often in the right and yet such is the realist approach taken that they do not always get their just desserts.⁴³

The kind of cases we see undertaken in the 1970s are a wide range from criminal to civil cases including family matters. The criminal cases include burglary, murder⁴⁴ and medical negligence⁴⁵. The non-criminal range from a custody battle⁴⁶ to a planning appeal. In the last case in the first series, back in January 1972, Harriet puts forward, as a plea in mitigation to a murder charge, what was to become the successful defence of battered woman's syndrome.⁴⁷ This episode aired before the public in Britain had been alerted to the prevalence of male domestic violence with the publication of Erin Pizzey's

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- 43 By Order of the Magistrates (15 October 1971) – custody awarded to mother who neglects her children; Witnesses Cost Extra (22 October 1971) – bent solicitor “beats the rap” on a conspiracy to pervert the course of justice charge of which we know he is guilty; The Rain It Raineth (29 October 1971) – Harriet's innocent client insists on pleading guilty to a burglary charge
- 44 A Duty to the Court (14th January 1972)
- 45 When did you first feel the pain (26th November 1971)
- 46 By Order of the Magistrates (15th October 1971) – Harriet fails to secure custody of children for her client whose slatternly mother neglects them but who are effectively represented by a scheming local solicitor. The local magistrates are more concerned with their extra-judicial business and social engagements than discussing the matter in depth and the High Court judge resents any suggestion that the magistracy, this cornerstone of British justice, have been derelict in carrying out their duties
- 47 Duty to the Court (14th January 1972) – successful businesswoman who is accused of murder of her roistering hard-drinking husband turns out to have been a victim of his violence behind closed doors for many years.

domestic violence exposé *Scream Quietly or the Neighbours Will Hear* which appeared as a Penguin Special in 1974 (Pizzey (1974)).⁴⁸

One man figures prominently in Harriet's professional life, brilliant London-based advocate, Sir John Gallagher. He has an arrogant and self-satisfied exterior but with a degree of self-awareness of his own pompousness and smugness. He is, nonetheless, shown to be a brilliant lawyer.

Gradually through the second series the veneer begins to wear thin and we find him becoming rather more fallible. He recognises that Harriet is good at her job and does not share the misogynistic attitudes of many of his contemporaries. He goes further than mere respect and persuades Harriet to move to London to join the Chambers which he heads. By the end of the second series, he even propose marriage – albeit to assist his profile in his political ambitions.⁴⁹

In the 21st century by contrast, work is determined by the success of the whole set of the barristers – the Chambers - and the Senior Clerk's ability to draw in clients by satisfying solicitors. There are parallels between the themes and characters in *North Square* and those in *Silk*. In the opening episode of *Silk* we find a reprise of a scenario from *North Square* with the "touting party". The two series also share an ongoing theme involving the possibility of a breakaway by disgruntled members of the Chambers.

Through the two series, in contrast to the variety of work undertaken by Harriet Peterson, Martha Costello operates only at the criminal bar. We also see her engaging as a defence lawyer in a court martial of an officer who disobeys an order resulting in the death of one of the men under his command.⁵⁰ The range of issues, though is far more limited ranging from burglary and drug smuggling⁵¹, rape⁵², cottaging⁵³, attempted murder

48 Charley Rich had had a hit with the entirely un-ironic *Behind Closed Doors* in 1973 – the song was later used as the soundtrack to the publicity campaign between 2000 and 2004 in the media against domestic violence sponsored by the Scottish Government - <http://www.scotland.gov.uk/About/People/Directorates/Communications/domestic-abuse-campaigns>

49 *Trespass to the Person* (4th May 1973) – Sir John has been approached to stand for Parliament and his chances were he to be married would be enhanced, it is thought.

50 Series 2 Episode 2

51 Series 1 Episode 1

52 Series 1 Episode 2

53 Series 1 Episode 3

⁵⁴, wounding ⁵⁵, property damage⁵⁶, a death penalty appeal from the Commonwealth ⁵⁷ and murder ⁵⁸. Along with the swathe of crime there is a little variation with slightly different legal issues arising from criminal actions - an employment problem for a police officer accused of racism to a fellow officer ⁵⁹ and representing a security van driver failing to take proper care of the prisoners in his charge resulting in the death of one of the prisoners.⁶⁰

The portrayal of Harriet Peterson and Martha Costello

In the intervening period between 1971 and 2011 the style of TV drama has altered in terms of production values and style. The courtrooms and interior shots in the first series of *Justice* are cramped and look like the studio sets they are, although the courts become a little more ornate as the years unfold. The investment of money in the 21st century series is obvious. Although this can be seen as simply the changes which technology has brought, the budgets of all TV legal series have not always been so lavish.⁶¹

One aspect of the older series which we do not find in the modern *Silk* is the parade of such a range of clients or work. Martha is a criminal defence specialist. She is ambitious but in a different way from Harriet. Her ambition is stark and reflects the changes from law as a gentleman's pursuit to a cut-throat business. This is the kind of change reflected in the literature about lawyers. The world of Henry Cecil with its absence of any sense of the need to cultivate solicitors has been replaced by "touting parties" and serious entertainment where they are plied with drink in the hope that they will brief the chambers.⁶²

54 Series 1 Episode 5

55 Series 2 Episode 1

56 Series 2 Episode 2

57 Series 2 Episode 5

58 Series 2 Episode 6

59 Series 1 Episode 4

60 Series 2 Episode 4

61 *Crown Prosecutor* (1995) stands out as looking as though it was shot with one camera – this may have been to convey the fact that this series dealt with the low rent world of everyday justice in the lower courts

62 *Brief to Counsel* contains nothing on this relationship nor does it feature in any of Cecil's considerable literary and scholarly output.

The personal is political in the world of the female barrister. We do get rather more of a sense of access to real inner lives of these women barristers than we get even in the internal soliloquising Horace Rumpole or the thoughtful James Kavanagh. This is partly down to the time spent with our female protagonists looking thoughtful as well as them discussing their goals and reflecting on the sacrifices they are making to succeed in the male dominated world they inhabit. Harriet Peterson talks about the problems she faces in the male world of law in the early 1970s. She wants to be treated on the basis of her forensic skill not her gender in a world of blatant male chauvinism. By the second decade of the 21st century direct themes of female exclusion and male privilege are less evident. These are not to the forefront in Martha Costello's world. We have, however, little idea of what drives Martha other than ambition. To adopt Prine's formulation about the nature of modern life, she seems to be "running just to be on the run".⁶³ Her inner emptiness is hinted at. She works to a bleak soundtrack of musicians from the Manchester area, The Smiths and Joy Division.

Both women differ from the original case centred model of Boyd Q.C. and Perry Mason where all the drama focuses on the case at hand. In both dramas a crucial element is the particular struggles of women in a male world. When confronted by a woman client who has worked and succeeded in what she knows is a "man's world" and hence wants a man as her counsel Harriet responds by telling her that she is getting precisely that – a woman who has succeeded in a bar of 200 where only 18 of the barristers are women.⁶⁴ She knows her worth too. She wants to maintain the lifestyle her income on the Northern Circuit has given her - £9,000 a year - a considerable sum at the time.

In addition, the dramas allow the women to have lives beyond the law but in rather different ways. The continuing early theme with Harriet Peterson as being a lone woman in a profession dominated by men is a focus. The world of the law is conspicuously male. The judges, the other barristers and the solicitors are all men. We encounter no other women in the law in the first series except as court stenographers. The intersection between gender and class is also illustrated in one episode where there appears an incipient gender solidarity between Harriet and the court cleaner. Harriet's distance, though, from the class of her client is shown in her snobbish acknowledgement that she does not care for the son of the cleaner and is only defending him out of duty and the sisterly solidarity dissolves in the face of class.⁶⁵

63 Speed of the Sound of Loneliness John Prine (1986)

64 A Duty to the Court (14 January 1972)

65 The Rain It Raineth (29 October 1971)

In the second series we see Harriet Peterson dealing with the demands of living in the north, being a minority demographic at the Bar and moving down to London further her career. The series' sub-theme beyond the week's case centres around the rivalry between Dr Ian Moody and Sir John Gallagher for the affections of Harriet. The former engineers visits to London on medical business to spend time with Harriet, and despite the attentions of his rival by the end of the second series when Harriet does marry him.

Martha Costello also has a private life. This, however, is reflective of the era she lives in. Priorities and issues have changed in the intervening 40 years. The options available to a woman have altered as has the age of the character. In place of a divorced woman in her mid 50s with a grown up son we have Martha, single in her mid 30s. Margaret Lockwood was 55 when she started her career as barrister Harriet Peterson while Maxine Peake was 36 when she started playing Martha Costello. The most stark contrast is with the development in the first series of *Silk* is Martha's unwanted pregnancy following a "one night stand" with her Chambers rival, Clive Reader. Like Rose Fitzgerald in *North Square* some years before⁶⁶ she determines that motherhood and the Bar are compatible but we do not see the implications of this as she has a miscarriage at the end of series 1.⁶⁷ Moffatt downplays what else Martha does and where she comes from. We hear in glancing references of her working class origins in Bolton but unlike, for instance, the family of barrister James Kavanagh or John Deed we never see them. The problem of portraying a rounded individual dramatically stems from the contrast between the tension and potential consequences of the work of a defence lawyer whose client's liberty is at stake and the minor inconveniences and scuffles of everyday family life. Giving these a significant secondary role did work in the other innovative series, *Judge John Deed* where the family life and professional life of the judge were permanently intertwined and interdependent. Otherwise, unless the light family relief has a special resonance, as with the exchanges between Hilda and Horace Rumpole, there is the risk of the family episodes merely interrupting the flow of the drama. The full backstory, then this is something which Moffatt sacrifices. This is in sharp contrast to *North Square* where the reality of combining a career and childcare is one of the compelling elements in the relationship between Billy Guthrie and Rose Fitzgerald. It means that the fact that we feel we know where Martha Costello is located socially and politically depends on hints rather than any direct narrative. Part of this comes from locating Martha and her accent in the Lancastrian working class. Here less is more. We know she is chippy and on the side of the underdog

66 *North Square* series passim

67 in episode 6 29th March 2011, following an altercation with her obsessed scummy client, Garry Rush, and a punch to the stomach.

but we infer this. There is actually precious little formal evidence. We do not see Martha doing the pro bono work which the middle class Harriet does.⁶⁸

Peripheral characters in Justice and Silk

One difference which we can see in the approach to TV lawyers dramas over the years has been the expansion of the roles and interest in peripheral characters. In Justice we have in the second series three principal players along with Margaret Lockwood's Harriet. We see the rivals for Harriet's hand in marriage – Dr Ian Moody and Sir John Gallagher in their professional roles, as well as, as suitors.

Both women's lives are significantly affected by another man in their lives – the Senior Clerk of Chambers. In Justice there is a broad brush explanation as to why it is so important for her success. The shift in Justice from the first series on the Northern circuit where clients seem to fall into Harriet's lap fortuitously to the cut and thrust of the London bar is marked. The Senior Clerk in Justice plays an Everyman role. Hence he changes from a straightforward chauvinist unwilling to brief this unknown woman to Harriet's biggest supporter. Like the audience he is able to see her get results. We see his influence in persuading solicitors that Harriet is a formidable advocate, although he is portrayed as a straightforward individual rather than the manipulative and mendacious characterisations of Senior Clerks which we find in North Square and Silk.

It is, however, something which becomes less of an issue as Harriet is soon established at the Bar in London. The ups and downs of Chambers' fortunes as opposed to individual reputations are, by contrast, constant looming major preoccupations in Silk. A much bigger set of Chambers is implied in Silk with Kate Brockman representing "the bottom end" of young Juniors. This is an important change of emphasis. Interestingly this issue of the context of Chambers rather than individual merit is an issue which Henry Cecil writing from the 1950s to the 1970s does not address in either his fiction or non-fiction. Whilst Cecil's writings are not a social scientific account of the world of barristers in this era he does capture the flavour of the times quite neatly (Robson 2014).

The economically driven structural context is the one we find in Silk. Just like Peter McLeish in North Square, Billy Lamb is Shoe Chambers' entrepreneurial conduit for business from solicitors. Exactly what he does is covered in greater depth in the second series with his relationship with gangland solicitor, Micky Joy which remains a third series

68 Series 2, Episode 12 Peacable and Quiet Enjoyment

theme. This is a far cry from the elegant world of Harriet Peterson and the characters of Henry Cecil's fiction.

Concluding Remarks

The male world of legal practice which was encountered before and after *Justice* has been surprisingly resistant on British television. It has taken a long time for women lawyers to achieve the high profile found in *Silk*. This might arise, paradoxically, from the coverage of women's issues which we find in *Justice*. We have a far more direct engagement with women's problems and the male dominated world with Harriet Peterson. Her world offers an insight into the challenges which made Henry Cecil advise women that if they really wanted to become lawyers they should stick to the backwaters of being an office-based solicitor (Cecil (1958) 162). Martha Costello is still working in an environment that continues to offer less to women but the gender inequality is overlaid by the work she does and its focus on crime and male criminals. The same kind of contrast can be made between the equivalent TV shows from the United States and Australia comparing early woman protagonists and their more recent return to prominence, with the earlier shows having a much more progressive edge.⁶⁹ For a sense of women's continued oppression under the law in Britain, both past and present, *Justice* from 1971 perhaps surprisingly is a more useful guide than *Silk* in the 21st century.

References:

Abel, Rick (1980) *The Legal Profession in England and Wales* (Oxford, Blackwell).

Bainbridge, Jason (2009). "‘Sexy Men in Wigs’: North Square and the Representation of Law on British Television", *Journal of British Cinema and Television* (Edinburgh University Press) 6 (1): 83–102.

Cecil, Henry (1958) *Brief to Counsel* (Allen Lane, London).

Greenfield, S Osborn, G and Robson P (2010) *Film and the Law: the cinema of justice* (Oxford, Hart).

69 The first American series Kate McShane from 1975 can be contrasted with *Damages* (2007–2012) and *The Good Wife* (2009–) and for Australia Carson's *Law* (1983–1984) with Janet King (2014)

Masson A and O'Connor K (eds) (2007) *Representations of Justice* (New York and London: PIE Peter Leng).

Pizzey, Erin (1974) *Scream Quietly or the Neighbours Will Hear* (Penguin, Harmondsworth).

Robson, Peter (2007 a) Lawyers and the Legal System on TV: the British Experience 2(4) *International Journal of Law in Context* 333.

Robson, Peter (2007 b) Developments in law and popular culture: the case of the TV lawyer (in Masson, A and O'Connor K (eds.) *Representations of Justice* (New York and London: PIE Peter Leng).

Robson, Peter (2014) *The Law Through The Eye of Courtroom Comedy: The Light Legal Procedural in Context in Law and Popular Culture: International Perspectives* (Eds Michael Asimow, Kathryn Brown, David Ray Papke).

Tims, Hilton (1998) *Once a Wicked Lady: a biography of Margaret Lockwood* (London, Virgin Books).

