

“

ARGUMENTS

HERE LIES THE BODY OF WILLIAM JAY WHO DIED MANTAINING HIS RIGHT OF WAY- HE WAS RIGHT, IN FACT DEAD RIGHT AS HE SPED ALONG. BUT HE IS JUST AS DEAD AS IF HE WERE WRONG!

”

BETTER GIVE YOUR PATH TO A DOG THAN TO BE BITTEN BY IT WHILST CONTESTING FOR THE RIGHT. EVEN KILLING IT WOULD NOT CURE THE BITE!

JUDICIARY ROBES: EMBRACING CHANGE

PRESENTATION BY MUTEVEDZI J



INTRODUCTION

- **ROBES DO NOT MAKE A JUDGE BUT WHEN HE IS MADE THEY EITHER IMPROVE OR IMPAIR HIM SIGNIFICANTLY**
- **THERE IS NOTHING EITHER GOOD OR BAD BUT THINKING MAKES IT SO!**

THE ABRAHAMIC RELIGIONS & ROBES

A & E



MONEY & ROBES



WIGS- HISTORICAL BACKGROUND

- **SHOT HAIR AND BEARD**
- **KING CHARLES 11 (1660-1685)**
- **EMBLEM OF BRITISH LEGAL SYSTEM SINCE 17TH CENTURY**
- **WIGS WERE FASHION**
- **WIGS & AUTHORITY**
- **JUDGE WITHOUT A WIG IS LIKE A DOCTOR WITHOUT A STETHOSCOPE**
- **DIGITAL HEALTH REVOLUTION- DIGITIZATION OF COURTS- IECMS &WIGS**
- **A HANGOVER FROM PAST & AN ANACHRONISM**

PROHIBITIVE COSTS & LOGISTICS

- **Zimbabwe's £118,000 Outlay On Judges' Wigs Met With Fury- THE GURADIAN**
- **Economically Stricken Country's Purchase Of Horsehair Wigs In London Evokes Spirit Of Colonialism- THE GUARDIAN NEWSPAPER**
- **“These Are Misplaced Priorities. We Need To Focus On Bread And Butter Issues And Avoid Expenditure On Unnecessary Luxuries.”- Dumisani Nkomo – CEO -Habakkuk Trust**
- **In Uganda, The *New Vision* Newspaper Conducted An Investigation Into The Cost Of The Wigs, Reporting That Each One Cost US\$6,500.**
- **Stanley Lay Acquisitions**

DEMYSTIFYING THE COURTROOM

- **UNREPRESENTED LITIGANTS FEAR THE COURTS**
- **“I THINK WE SHOULD MOVE AWAY FROM THAT CULTURE TO WHERE JUDGES LOOK LIKE AN ORDINARY MAN SO THAT THE COURTS LOOK HUMANE. WE SHOULD SIMPLY BELIEVE THAT IF A JUDGE APPEARS WEARING A SUIT, IT WILL NOT MAKE THEM LESS OF A JUDGE.” ZIM -LP**
- **REMOVING WIGS WOULD REDUCE THE “INTIMIDATION AND FEAR THAT OFTEN CHARACTERISE OUR COURTROOMS”- AUGUSTINE NIBER -PROMINENT GHANAIAN LAWYER**

UNAFRICAN

- ❑ **THE WIG DOES NOT REPRESENT ANYTHING AFRICAN**
 - ❑ **WHITE HAIR SYMBOLIZES WISDOM??**
- ❑ **MALAWI CJ AT ONE TIME SUSPENDED COLONIAL-ERA WIGS, ROBES DUE TO HIGH TEMPERATURES**
- ❑ **WIGS AREN'T MADE FOR THE SWELTERING LAGOS HEAT, WHERE LAWYERS MELT UNDER THEIR GARB. THE CULTURE THAT INVENTED THE WIG AND GOWN IS DIFFERENT FROM OUR OWN AND THE WEATHER IS DIFFERENT,” UNINI CHIOMA- EDITOR, NIGERIAN LAWYERS BLOG**
- ❑ **WIGS ARE SIMPLY 17TH CENTURY ENGLISH MALE FASHION**



BRUTALITY OF COLONIAL COURTS' WIGGED JUDGES

- **OPPONENTS OF WIGS AREN'T JUST ARGUING ABOUT INCONVENIENCE BUT AGAINST A TRADITION AFRICAN JUDICIARIES APPEAR TO EMBRACE**
- **BRITAIN'S "COLONIAL COURTS" WERE SOMETIMES BRUTAL**
- **FOR EG- IN KENYA'S MAU MAU REBELLION IN THE 1950S, THE WIGGED, WHITE JUDGES SENTENCED MORE THAN 1,000 PEOPLE TO DEATH FOR CONSPIRING AGAINST COLONIAL RULE.**
- **IN ZIM MORE THAN 60 EXECUTIONS TOOK PLACE BETWEEN 1968 & 1976 UNDER SENTENCES OF DEATH BY WIGGED JUDGES**

ABANDONED

- **SOUTH AFRICA, KENYA AND SEVERAL OTHER COMMONWEALTH COUNTRIES.**
- **IN BRITAIN, JUDGES HAVE STOPPED WEARING WIGS WHEN HEARING CIVIL AND FAMILY CASES, ENDING A CENTURIES-OLD TRADITION.**

THROUGH SOCIETY'S LENSES – BLACK BARRISTER IN UK



- **WEARING GEORGIAN STYLE WIGS IS NONSENSE**
- **IT IS BAD ENOUGH THAT WE ENDURED THE PLUNDER OF HOMELANDS BUT WHY DO WE VEHEMENTLY HOLD ON TO RELICS**
- **THE FURNISHINGS OF THE JUDICIARY IN FORMER BRITISH COLONIES BORDER ON THE RIDICULOUS- THEY ARE LITERALLY OLD FASHIONED, UNSUITABLE FOR AFRICAN CLIMATE AND DO NOT REFERENCE ANYTHING AFRICAN.**

JULIUS MALEMA



JULIUS MALEMA

- **“I WAS VERY WORRIED WITH THOSE JUDGES IN ZIMBABWE... WHAT DO THESE THINGS REPRESENT? WHAT SYMBOL IS THAT? DOES IT MEAN YOU CAN ONLY THINK WHEN YOU ARE WEARING A WIG THAT LOOKS LIKE THE HAIR OF WHITE PEOPLE? THE REASON YOU THINK PROPERLY IS BECAUSE YOU ARE WEARING WHITE WIGS, ACCORDING TO COLONIALISM? AND THEN REVOLUTIONARIE ALLOW THAT TO CONTINUE IN ZIMBABWE; THEY ALLOW THAT TO CONTINUE IN KENYA...”**

OTHER PROFESSIONAL ATTIRE IN ZIM



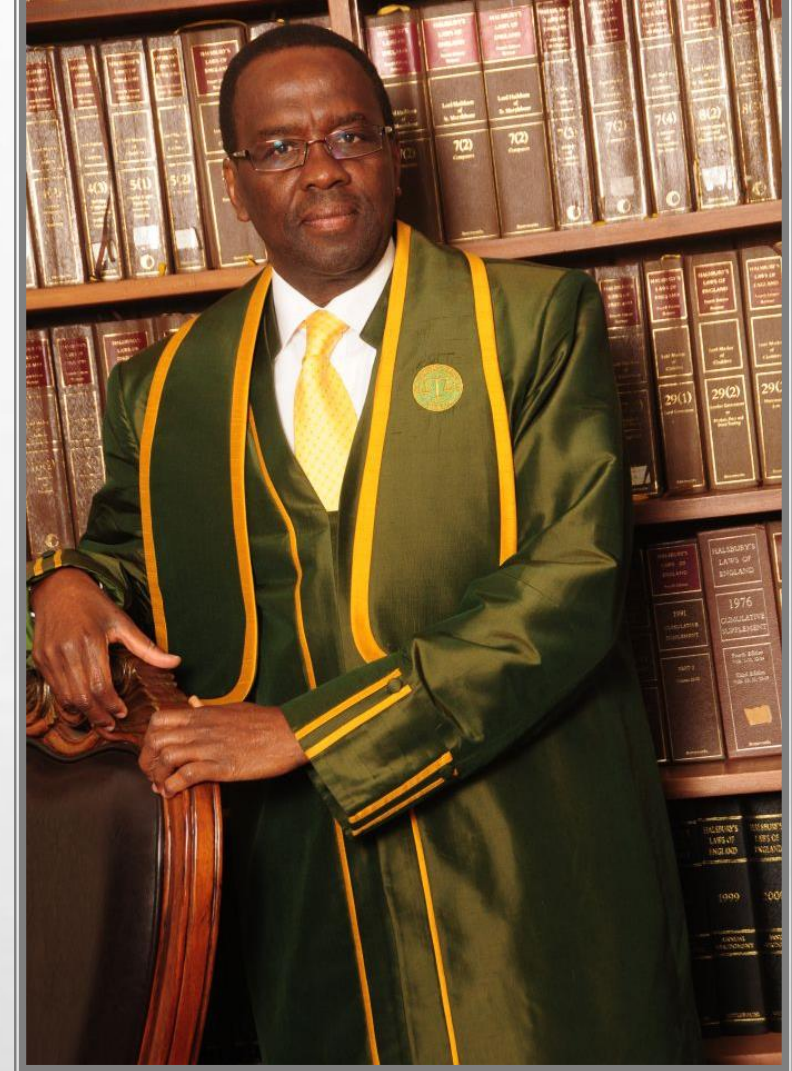
CHIEF JUSTICE MUTUNGA

IN 2011, AT CJ MUTUNGA'S FIRST PRESIDING, ALL 7 SC JUDGES WORE FORMAL BUSINESS SUITS – CONTRARY TO THE DISTINCTIVE RED ROBES TRADITIONALLY WORN.

ADVISED LAWYERS THAT IT WAS NO LONGER NECESSARY FOR THEM TO APPEAR IN THE GOWNS AND HORSEHAIR WIGS THAT WERE THE STANDARD REQUIREMENT IN BOTH THE HIGH COURT AND COURT OF APPEAL

BANNED COLONIAL FORMS OF ADDRESS, EG. 'MY LORD' AND 'MY LADY', INHERITED FROM THE ENGLISH COURT, AND REPLACED THEM WITH 'YOUR HONOUR'.

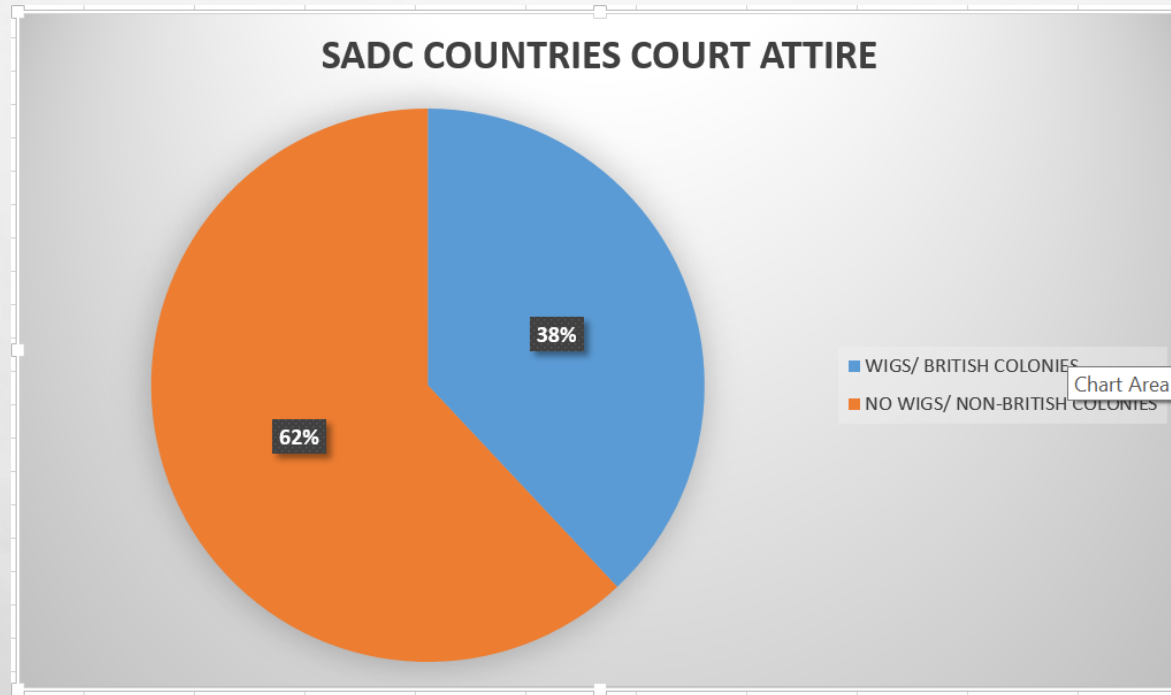
UNAPOLOGETIC THAT PREVAILING JUDICIAL ATTIRE- AN ARCHAIC COLONIAL IMPOSITION



DAVID MARAGA CJ

- **ENDED THE PROGRESSIVE ACHIEVEMENTS OF HIS PREDECESSOR**
- **A NOTICE ISSUED BY THE REG. OF THE SC CONVENING THE PTC TO DEAL WITH ODINGA'S PRESIDENTIAL ELECTION PETITION, ENDED WITH REMINDER: " NOTE THAT ALL COUNSEL APPEARING SHALL BE FULLY ROBED."**
- **SINCE THEN, JUDGES AND LAWYERS HAVE DONNED THEIR FORMAL ROBES**
- **RETAINED OPTION TO DISPENSE WITH THE HORSEHAIR WIGS & REMAIN FLEXIBLE ON THE FORMS OF ADDRESS.**
- **ROME WAS NOT BUILT IN A DAY COLONIAL GARB IN KENYA MAY STILL BE ABANDONED**

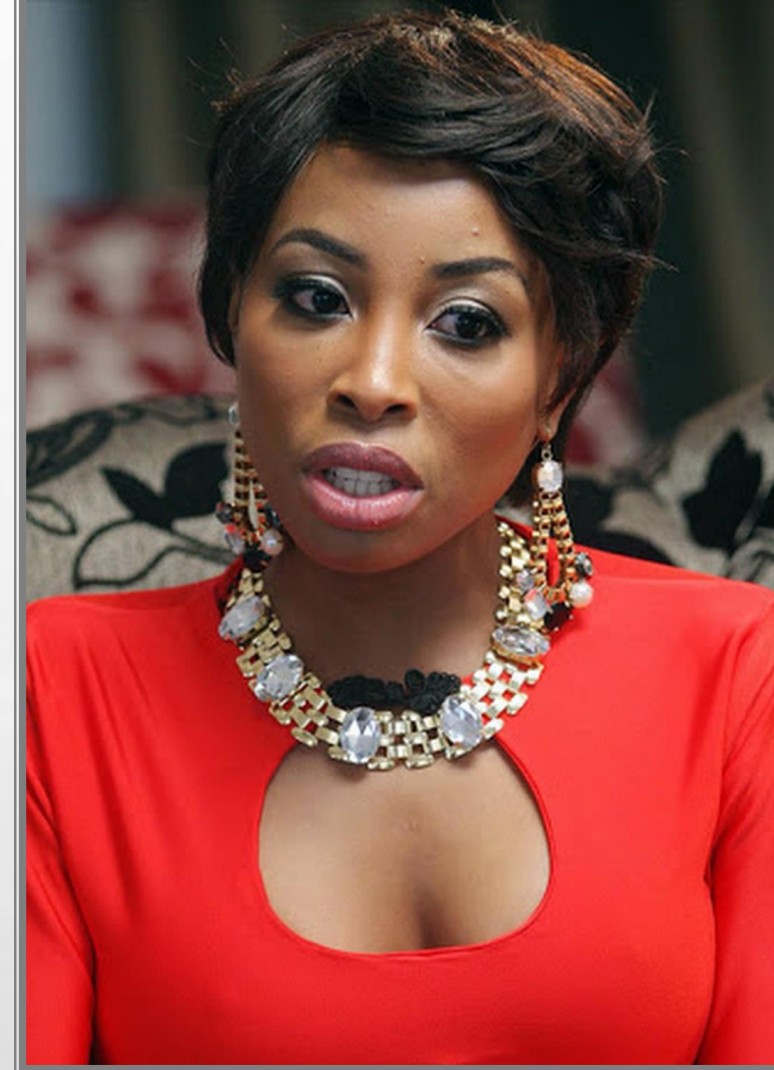
THE MATHS



COLO-MENTALITY

- **INTERNALIZED OPPRESSION**
- **CONDITIONS PEOPLE THAT THEIR ETHNIC OR CULTURAL IDENTITY IS INFERIOR TO WESTERN CULTURE**
- **NO DIFFERENT FROM THE CONCEPT OF THE ORIGINAL SIN FROM THE BIBLE**
- **ZIM GOT INDEPENDENCE 4 DECADES AGO BUT THE COLONIAL WIG SURVIVES**
- **IT DOES NOT AFFECT US AS JUDGES ONLY BUT EVERY FACET OF THE ENTIRE AFRICAN CONTINENT- FROM LANGUAGES TO SKIN COLOUR**
- **THE WIG HAS A SYMBOLIC ASPECT IN SAME WAY SPEAKING ENGLISH HAS**
- **CHANGE ISN'T EASY TO EMBRACE- THE WIG, THE COLONIAL FORMS OF ADDRESS, THE GOWNS MAY ALL NEED TO GO**

AFTER & B4 SHE BECAME WHITE



THE WIGLESS JUDGE

THE FUTURE CAN BE BRIGHT IF WE WANT IT TO BE



AFRICANISATION & REFORM



JUDGMENT



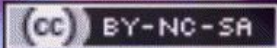
THE WIG'S FUNERAL





*Muchas
Gracias*

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