

Victoria Law Foundation

Grants
Publications
Education

General



Wigs and Robes

A lasting
tradition

If you visit some Victorian courts today, particularly the Supreme and County Court, you will see judges and barristers (lawyers who specialise in appearing in court) dressed in distinctive wigs and robes. The origin of court dress is steeped in history. In Victoria, court dress varies depending on the different courts and their practices. Court dress is generally made up of a wig and robes. The robes include a bar jacket, jabot and gown.

Front cover: Chris Tam and Melanie Szydzik, young lawyers competing in the final of the Moot Hanover Competition, prepare to put their case to the judges at the Melbourne Supreme Court, 23 July 2009. The Age. Picture by Michael Clayton-Jones

Find out more at...

**www.
victorialaw
foundation.
org.au**

The history of court dress

Originally court dress was designed to distinguish members of the legal profession from other members of society.

In England, following publication of the scholarly work *The Discourse on Robes and Apparel* in 1625, the Commission of Westminster passed a Royal Decree on court dress. This document, known as the Judges' Rules of 1635, aimed to regulate the attire worn by judges.

Under the Judges' Rules, judges were to wear black or dark violet robes on normal occasions, and red robes for special ceremonial events and criminal cases. Although barristers were not subject to these formal regulations, they also began to wear only black robes during this period.

In Australia, traditional English court dress was not firmly established until the mid-nineteenth century. Many lawyers initially questioned the practicalities of wearing heavy robes in Australia's hot climate, but by the 1860s this type of formal court dress was universally adopted.

Another legal year begins with the legal fraternity dressed in full legal regalia.



Who wears what?

In Victoria, the court dress worn by a judge or barrister depends on the court and the type of case being heard. In many cases judges and barristers will appear without a wig. On some occasions, they might appear without a wig or robes.

Judges

In Victoria, wigs and robes are most commonly worn in the Supreme Court and County Court.

Supreme Court judges wear black robes when sitting in court. Most also wear a bench wig (see page 10). On ceremonial occasions they wear a red ceremonial gown, which is trimmed with white and fastened with a wide black belt, and a bench wig.

In the County Court, judges wear black robes lined with purple and a wig for certain types of cases. County Court ceremonial dress is similar to the Supreme Court but purple.

Magistrates and tribunal members in the Magistrates' Court and at the Victorian Civil and Administrative Tribunal (VCAT) do not wear wigs or robes.

Judges of the High Court decided not to wear wigs and jabots (see page 6) in 1987. They wear a simple black robe.

Barristers

Whether a barrister wears formal court dress will depend on the court they are appearing in and the nature of the case that is being heard. The style of court dress for barristers also depends on whether they are Queen's Counsel or Senior Counsel (barristers who have been formally recognised for their experience and skill), or junior counsel.

Full court dress for a barrister includes a wig and robes made up of a black bar jacket, jabot and gown. Queen's Counsel and Senior Counsel are distinguished from junior counsel by the design and fabric of their robes. (See pages 6 and 7.)

Robes

Jabot

In Victoria, barristers wear a jabot as part of their court dress. A jabot is a type of bib, with a plain collar and two strips of straight fabric that are sometimes decorated with lace. The jabot is worn around the neck over a normal shirt. There are various styles of jabot. Barristers can choose which style of jabot they want to wear.

Bar jacket

The bar jacket is a plain black jacket that sits partially over the jabot and is covered by the gown.

Gown

A gown is worn by a barrister over their bar jacket and jabot. A barrister's gown is similar in appearance to traditional academic dress. A junior counsel's gown is made of wool and traditionally known as a 'stuff' gown (junior counsel were once known as 'stuffmen'). The gowns worn by Queen's Counsel are made of silk – this is the reason that Queen's Counsel or Senior Counsel are often referred to as 'silks'. The junior counsel's gown has a feature known as the 'money bag', a thin strip of material trailing down the front of the gown and the remainder of a 'pocket' on the back.

Money bag

The purpose of the 'money bag' is not entirely clear. Some say that, at one point, the gentlemanly barrister would not lower himself to ask clients for money, but would turn his back and pull on the strap to jingle the bag, 'reminding' the client that payment was due. However, English wigmakers Ede and Ravenscroft, creators and sellers of court dress since the seventeenth century, argue that the 'money bag' is in fact the remains of either an early monastic hood or a traditional hood worn during a period of mourning.

Jabot

The gowns worn by Queen's Counsel are made of silk – hence senior barristers are often referred to as silks

Bar jacket

Gown

Money bag



The rosette

In Victoria, the gowns of Queen's Counsel or Senior Counsel incorporate a square piece of black silk decorated with a bow on each corner. These bows carry several layers of ruffled silk pinned with a button in the centre, and are attached to the back of the gown by a silk ribbon.

Popularly thought to be a sign of Irish heritage, the rosette was actually another element of wig maintenance. The tails of a short wig were tied into a 'wig bag' or 'powder bag' to protect the gown from the powder and ointment used to care for the wig.



Wigs

In certain circumstances, both barristers and judges wear wigs as part of their court dress. Judges and barristers wear different wigs. The style of wig also changes for different occasions.

History

Before the seventeenth century the legal profession in Europe did not wear a prescribed wig or head-dress. However, in England, at the time of the development of the Judges Rules, judges were ordered to wear a simple white lace cap, or coif – already a popular trend at this time – while barristers remained bare-headed.

Not long after, at the time of the Restoration of 1660, the wig was introduced to England by the royal court of King Charles II, following the fashion from the French court of King Louis XIV. Wigs of this period were grand and oversized. They were known as ‘perriwigs’, a term derived from the French word, perruque (weaving wig). These wigs were designed in a style that later developed into the ‘full-bottomed wig’ (see photograph below) which is still worn today by some judges for ceremonial occasions.



PHOTOGRAPH BY DAVID JOHNS

Supreme Court judges in summer ceremonial dress. The traditional full-bottomed wig is reserved for special occasions, such as the opening of the legal year.

Wigs were originally made from a variety of materials, including vegetable fibres and goat, yak, horse or human hair. Today, all styles of legal wigs are made from horse hair.

Wigs of the late seventeenth and eighteenth centuries needed constant maintenance. They were treated daily with a scented ointment called pomatum and a liberal application of powder.

In 1822, Humphrey Ravenscroft patented the 'forensic wig', a style featuring fixed curls which didn't require frizzing, curling or pomatum.

Today, barristers still wear the forensic wig. Judges wear a simplified form of this wig, known as the 'bench' or 'tie' wig for general court duties.

For general court duties, Supreme Court judges wear a bench wig.





The full-bottomed wig is worn by judges on ceremonial occasions.

Gender and court dress

Although more women than men now graduate from Victorian law schools each year and enter the profession, this has not always been the case.

When women first came to the English Bar in 1922, there was considerable debate about whether they should be allowed to wear wigs. It was decided that both sexes should wear the same head-dress, provided the hair was completely covered.

A book produced by the Victorian Bar in 1979, *Professional Conduct, Practice and Etiquette: A Compilation of the Governing Rules and Structures*, drew its dress code from a directive from the Lord Chief Justice of England:

‘The dress of barristers appearing in court should be unobtrusive and compatible with the wearing of the robes. Suits and dresses should be of dark colour. Dresses or blouses should be long sleeved and high to the neck. Men should wear waistcoats. Shirts and blouses should be predominantly white or of other unempathic [neutral] appearance. Collars should be white and shoes black ellipois [round-toed]. No conspicuous jewellery or ornaments should be worn.’

Joan Rosanove was the first woman to join the Victorian Bar, in 1923, and the first woman to wear court dress. She went on to have an illustrious career, and was appointed a Queen’s Counsel in 1964.

Stocking controversy

In 1993 a lawyer was criticised for her choice of polka-dot stockings, above-the-knee skirt, and a ponytail of dyed, bright red hair.

She had chosen clothes that were intended to put her clients at ease, but the judge was so 'shocked' that he threatened to leave the court room in order to 'recover'.

Apparently her outfit had 'prevented him from thinking clearly'

The incident caused much public interest, raised questions of discrimination and gender bias, and led to an inquiry by the Australian Law Reform Commission.



PHOTO BY PETER GLENANE

Contemporary issues

The relevance of court dress continues to generate considerable debate, even among lawyers.

Arguments for court dress

Those who want to maintain court dress argue that it:

- respects and maintains the tradition of the law and the courts
- acknowledges the origins and history of English and Australian courts
- emphasises the objectivity of the law and deflects personal attention from the judge
- brings authority, formality and dignity to court proceedings.

It is also said that wigs maintain a level of anonymity. This proposition gained some further support in the 1980s after a number of violent attacks against judges of the Family Court of Australia. When the Family Court was established in 1975, wigs and robes were not worn in order to make the Court less formal and intimidating, but they were reintroduced for judges following the attacks.

Arguments against court dress

Those who want to abolish court dress argue that wigs, in particular, are:

- reactionary and old-fashioned
- irrelevant to modern society
- exclusive and uphold class distinction.

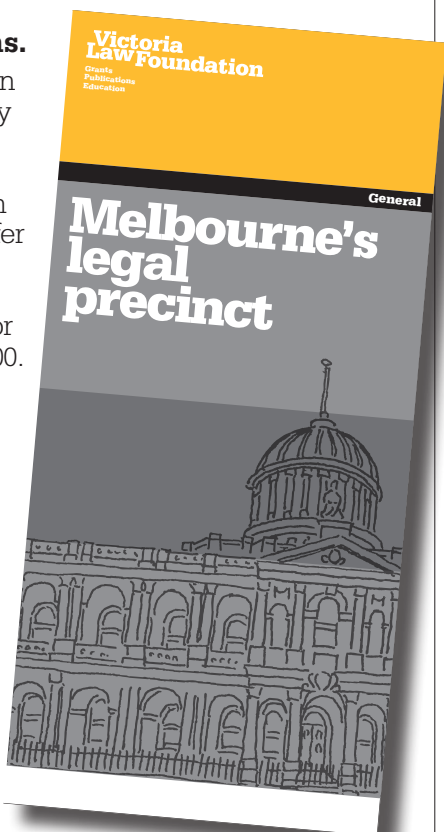
It is also said that wigs, far from bringing respect to court proceedings, in fact lessen respect for the courts because of their outdated and irrelevant appearance. Formality and seriousness are upheld by the judge and counsel and the way proceedings are conducted, not by items of clothing.

In Victoria, the *Supreme Court Act 1986* provides that the Chief Justice, after consultation with the Council of Judges, determines all matters relating to the dress of judges.

Explore Melbourne's legal history and architecture

**Melbourne's Legal
Precinct is your
guide to our city's
most important
legal institutions.**

Includes more than
50 entries, a handy
colour map and
details of which
buildings are open
to the public or offer
tours. For a free
copy of the guide,
visit our website or
telephone 9604 8100.



Find out more at...

**www.
victorialaw
foundation.
org.au**

"Victoria Law Foundation provides a true partnership – collaborating, discussing and then disseminating what can often be complex research information to the justice system."

**Associate Professor
Jeanette Lawrence**

School of Behavioural Science,
University of Melbourne



Victoria Law Foundation is a not-for-profit, community benefit organisation providing legal information through grants, publications and education programs.

The Foundation is an independent statutory body funded by the Legal Services Board Public Purpose Fund. See our website at www.victorialawfoundation.org.au

This publication may be photocopied for educational purposes.

©Victoria Law Foundation 2010
ISBN 978 1 876045 77 7

Photographs courtesy of the Law Institute of Victoria, Ludlows Legal Wear and Blashki Legal Wear.

Disclaimer: While care has been taken to ensure the accuracy of the material contained in this publication, no responsibility can be taken for any errors or omissions.

Accurate at March 2010

Victoria Law Foundation

Level 5, 43 Hardware Lane
Melbourne Vic 3000 Australia
DX491 Melbourne
T 03 9604 8100 F 03 9602 2449
contact@victorialawfoundation.org.au

www.victorialaw.org.au | find legal information & services