

Why do barristers wear robes?

Barrister's Robe or Gown

The history of the robe goes back to medieval times, when lawyers retained the tunic worn by men as a sign of learning until the middle of the 14th century. Up until the Tudor period, the barrister's robe was closed at the front and brightly coloured. By the start of the 16th century, the fashion was for a long, open gown of sombre colour, typically mulberry. By 1600, black had become the colour of choice for members of the Inns of Court.

On the death of Charles II in 1685, the Bar entered a period of mourning and barristers wore a mourning gown. This was the origin of the robe worn by barristers today: with pleated shoulders and bell-shaped sleeves tapered at the elbow with two buttons.

The modern robe or gown also has a mysterious piece of triangular cloth attached to the left shoulder, often described as 'violin-shaped', which is cut in two lengthways. Its origin is obscure and there exist two theories.

The first is that this was once a money sack for brief fees. According to legend, it is divided in half to create two segments, one for gold coins, and the other for silver. The theory is that since barristers were not openly paid for their work, clients placed ex gratia payment into counsel's pocket, literally behind their back, to preserve their dignity. From this is derived a 'backhand payment'. If barristers could not see how much they were being paid, the quality of their advocacy in court could not be compromised. Alternatively, barristers' performances depended on their fee being topped up in such rear pocket, a process which did not disturb the flow of their delivery.

The second theory is that the triangular cloth is a derivative of the mourning hood introduced following the death of

Charles II, in keeping with traditional mourning dress of the time. This was cast over the barrister's left shoulder and held in place by a long tassel known as a liripipe, originally held in the left hand. This liripipe has survived on the robe today, and is now represented by the strip of cloth that hangs down the front of the modern gown.

Jabot or Bands

In 1640, lawyers swapped their neck ruffs, the fashion of the era, for plain linen 'falling bands', to conceal the collar of the shirt. The bands were originally wide and tied with lace at the front. By the 1680's, they had become two rectangles – as worn by barristers today. One theory is that the two rectangles represent the tablet of Moses. They were also worn by doctors and clergymen, however, and were probably a sign of learning.

The Wig

Charles II returned to England from France and brought with him the trend of the 'periwig' from Louis XIV's court. English society adopted the trend, as did barristers in 1663.

The most fashion-conscious members of society tried to outdo one another with larger and larger wigs, hence the term 'bigwig'. Certain judges and senior council today wear the long, full-bottomed wig – the spaniel look – on ceremonial occasions, to indicate their position.

Three styles of legal wig survived the fashion trends of the 17th and 18th centuries and are still in use:

(a) the long full-bottomed wig, as described above;

(b) the bob-wig, or 'bench' wig, which has frizzed sides rather than curls and a 'queue' (looped tail), and

(c) the tie-wig, the most common style worn by the majority of barristers today. The tie-wig has a fuzzed crown, with rows of curls, known as 'buckles' along the sides and back, and a looped tail at the rear.



The Wig

In the time of King

Charles II, all lawyers wore the full-bottomed wig. These were abandoned around 1740 in preference for the smaller, lighter tie-wigs. By the 19th century, the tie-wig became the hairpiece of choice for barristers, and is still worn today.

Senior or Queens Counsel

Queens (or Kings) Counsel wore different gowns to junior barristers – traditionally a lace and tufted robe. By the early 18th century, this became ceremonial only. The preferred dress for everyday court appearances became a silk gown.

Called to the Bar

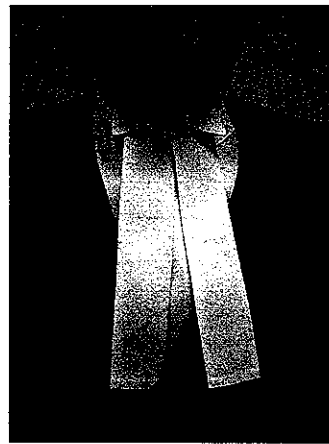
Originally court rooms were partitioned off or enclosed by two bars or rails; one separated the judge's bench from the rest of the room; the other segregated the area for lawyers engaged in trials from the space allocated to the public, and from those appearing before the court.

Advocates, or counsel, were called before the court, came to the 'bar', and were admitted into the sealed-off area of the court hence; the term 'called to the bar', or

being given the privilege to appear, before the court.



Robe or Gown



Jabot