

## **History of legal regalia for barristers**

When we visualise a lawyer we probably picture a man or woman wearing a wig, black gown and bib. While this stereotype persists, legal wigs in New Zealand are generally reserved for ceremonial purposes only. Nonetheless they continue to be the defining image of a barrister at work.

New Zealand's legal system was derived from the English system, including its traditional attire.

### **Gowns**

Barrister's gowns date back as far as the reign of King Edward III in the 14th century. In this period fur and silk lined robes were established as a mark of high judicial office. This was based on the correct dress for attending the royal court of the day. These gowns changed with the seasons, generally green in the summer and violet in the winter, with red for special occasions. The plain black gown, most commonly seen on barristers in New Zealand today, was adopted in 1685 as a result of the bar going into mourning over the death of King Charles II.

Today legal gowns are compulsory for New Zealand barristers when appearing in the High Court, Court of Appeal and Supreme Court. However, a more individual style of dress is acceptable in District Courts and Tribunals.

Gowns are also worn by junior barristers in bar admission ceremonies, along with the traditional wig and bib.

### **"Money bags"**

Perhaps the strangest aspect of legal attire is the triangular piece of robe which can be seen attached to the back left shoulder of a barrister's gown. While you could be forgiven for thinking this is some sort of manufacturer's folly, this piece of material (which awkwardly hangs off the back) is said to represent a pocket or "money bag". The story goes there was a time in the history of the legal profession when barristers would not "lower themselves" to ask clients for money. Instead they would turn their backs to reveal a coin bag, or pocket, to remind clients payment was due. Supposedly the quality of the barrister's work wouldn't be compromised if they could not see how much they were being paid. However, original English court dress makers Ede and Ravenscroft argue the money bags are in fact the remains of an early monastic hood or a traditional hood worn during a period of mourning.

### **Wigs**

Wigs first appeared in the legal profession in the 17<sup>th</sup> century during the reign of King Charles II in the time of the Restoration of the English monarchy. They were fashionable amongst the English upper class after Charles II was inspired by the court of Louis XIV of France. Despite going out of fashion in the reign of King George III, barristers and judges continued to wear them in court to distinguish their profession from other members of society.

Made from either horse, goat or human hair, original wigs were difficult to maintain - they had to be frizzed and curled, and then treated with a thick scented ointment known as "pomatum", then they

were covered in a thick layer of powder. This process was required frequently meaning wigs demanded time and attention from their owners.

Today barristers being admitted to the bar in New Zealand can be seen wearing what is known as a tie-wig. 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. It was the hair-piece of choice for Barristers in the early 19<sup>th</sup> century.

### **Bibs**

Bibs, also known as jabots or bands, are usually reserved for ceremonial wear, including admission ceremonies and swearing in of judges. They first appeared in 1640 when lawyers swapped neck ruffs for 'falling bands' of plain linen. Today they consist of two rectangles which are said to represent the tablets of Moses in the Old Testament.

While this attire is not worn by lawyers on a day to day basis, it will continue to be important because it symbolises the timeless and significant influence barristers have in our justice system.

Fun facts:

- The word wig is short for periwig, which is derived from the French word perruque.
- Wigs went out of fashion in the part because of a "powder tax", which was introduced after the French Revolution in 1790.
- When England's first female barrister was called to the bar in 1922, there was heated discussion about what she would wear in court. In the end it was decided that female barristers would wear the wig in the same manner as male barristers, with no hair showing at the front and long hair tied at the back.
- When New Zealand's first female lawyer Ethel Benjamin was admitted to the bar in 1887, the Otago District Law Society attempted to impose an alternative dress code on her. They were unsuccessful in their discrimination and Ms Benjamin can today be seen in photos sporting a wig, gown and bib.