



The Unusual Story Behind the Usual – Courtroom Attire

By Jana Baca*

It will not surprise you that most of our courtroom customs are based on English traditions and customs. What many of us don't know and might find, if not surprising, than at least somewhat entertaining, are the reasons or folk-lore behind these traditions. We will be sharing these interesting tidbits with you in each of this season's Matrimonial Affairs. In this installment our focus is on courtroom attire.

GOWNS/ROBES

All judges in Ontario wear black robes. It is said that the history of the black robes dates back to 1685 England when the Bar adopted the gown as a sign of mourning for King Charles II. Others say judges started wearing black robes in 1694 when all of England's judges attended the funeral of Queen Mary wearing black as a symbol of mourning. In any event, the black robes of a judge are no laughing matter, even today.

WIGS

In many jurisdictions around the world (but not in Canada) judges and lawyers are also required to wear wigs. The wig and the black gown are thought to provide a degree of anonymity to the judges. Other than anonymity, it is also said, that the wigs provided protection from unsanitary and unsavoury conditions that once afflicted the courtrooms of England. For instance, Judges developed the custom of wearing wigs on their shaved heads in order to prevent the spread of head lice. Apparently, the stench of the courtrooms was so offensive that judges started bringing flowers with them to mask the unpleasant odours in the courtroom. Next time you are in a stuffy courtroom, be thankful for the ventilation system however meagre it may be.

TABS/BANDS

As we know, underneath their robes, judges and lawyers wear white shirts with collars and tabs. Some believe that the two tabs symbolize the two tablets of the Ten Commandments or the Old and New testaments. They are meant to remind the people who wear them of their moral duties and responsibilities.

THE SASH

All Canadian judges wear red sashes over their gowns. Judges of the Ontario Superior Court wear the sash on their right side, while Judges of the Ontario Court of Justice wear it on their left side. While the sash today seems to serve as a judicial identifier, the sash in the early days likely had a more practical use. Word of mouth has it that the sash was worn as a scarf to

keep judges warm when they traveled from town to town to adjudicate. It has also the nickname "Gun Case" because of its shape which resembled a holster.

Armed with this knowledge, we can now better appreciate our court room attire (and be thankful that wigs and flowers are no longer necessary to make our day in court habitable).

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