



JUDICIAL ROBES

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MAINTAINING TRADITION ...

BY

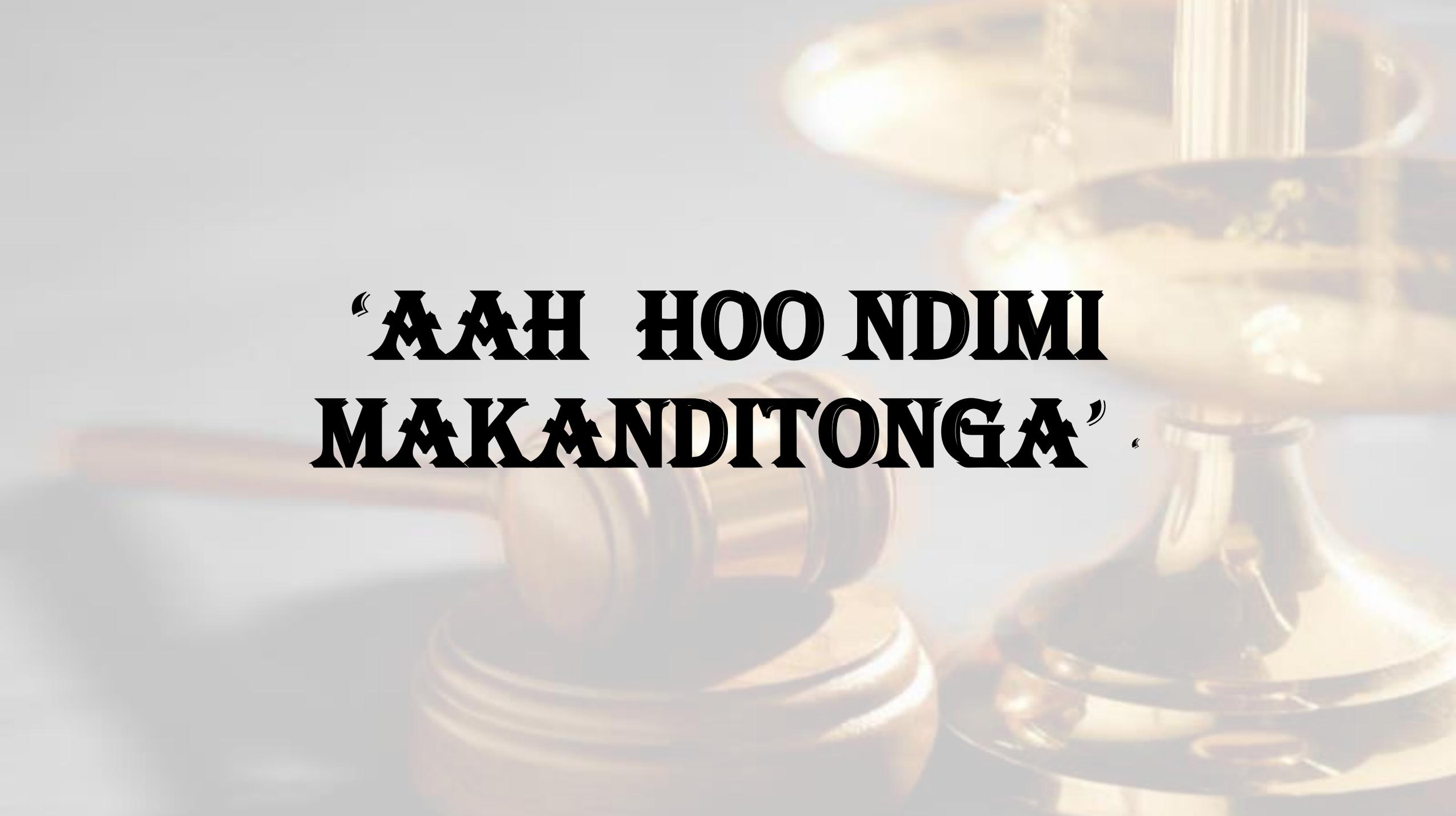
HON MAKONI JA

END OF FIRST TERM, JUDGES'

SYMPOSIUM

'NDICHOCHIAMBIRE'





**‘AAH HOO NDIMI
MAKANDITONGA’**

INTRODUCTION

- Judicial attire, particularly periwig or peruke is an issue that has caused a lot of debate globally, within the legal fraternity and it has recently become contemporary within our jurisdiction.
- Recently, the cost of the periwigs has sparked outrage and gained traction.
- This has led to mixed reactions concerning the longstanding tradition of judges wearing judicial attire.
- The bone of contention now is: **IS THE WEARING OF JUDICIAL ATTIRE BY JUDGES STILL RELEVANT IN ZIMBABWE??**

HISTORY AND RATIONALE

- The tradition of wearing horsehair wigs, perukes, pre-dates the 15th Century.
- In the 14th Century, during the reign of King Edward III, it was accepted as a costume for nobles who appeared before the Court of the king, denoting its resemblance of reverence.
- At the same time, the wigs were introduced to cover baldness of those who normally shaved heads in the reign of France's King Louis XIII, who was trying to conceal his balding head.

HISTORY AND RATIONALE, CONTINUED

- The curly horsehair wigs have been used in the English courts since 1600s and has been part of the court dress in Great Britain.
- By the 18th century, wigs were meant to distinguish judges and lawyers and other members of the upper crust.
- This tradition was carried to all British colonies.
- Likewise, the wig was inherited in Zimbabwe together with the British colonial judicial institution.
- The tradition still continues in this jurisdiction **42 years**, post-independence.

THE ZIMBABWEAN CONTEXT

- The Zimbabwean legal system is heavily influenced by the legal structure of the United Kingdom.
- It was modelled on the structure of the courts in the United Kingdom, and it included amongst other things, the adoption of legal cultures which ostensibly involve the wearing of wigs by Judges of the Superior Courts.
- By virtue of the profession and ethics, Judges in Zimbabwe must be formally dressed when reporting for duty.
- When sitting in court, Judges must be fully robed .

ARGUMENTS FOR MAINTAINING THE JUDICIAL ATTIRE

1. SIGN OF SYMBOLISM

- Regarded as traditional status symbol of the legal profession.
- Confer a sense of collegiality, professionalism and uniformity.
- Practical benefit-no need to agonize what to wear
- Might lead to 'hotchpotch'
- It acknowledges the origins and history of Zimbabwean Courts.
- Asserts the independence of judges and to that extent, represent their detachment and lack of personal interest in the case.
- Provide a sense of corporate identity to the wearers like those in the uniformed forces. (uniformity).
- It emphasizes the objectivity of the law and deflects personal attention from judge.

ARGUMENTS FOR MAINTAINING WIGS

CONT...

2. ANONYMITY

- The wigs maintain a level of anonymity providing security to the Judges.
- makes it less likely for judges to be identified by parties outside the courtroom.

ARGUMENTS FOR MAINTAINING WIGS

CONT.....

3. DIGNITY AND AUTHORITY IN COURT PROCEEDINGS

- Judicial Attire brings authority, formality, solemnity and dignity to court proceedings.
- Litigants will in turn respect court process and decisions.
- Project a respectful image to court users; accused take proceedings seriously and might compel witnesses to tell t

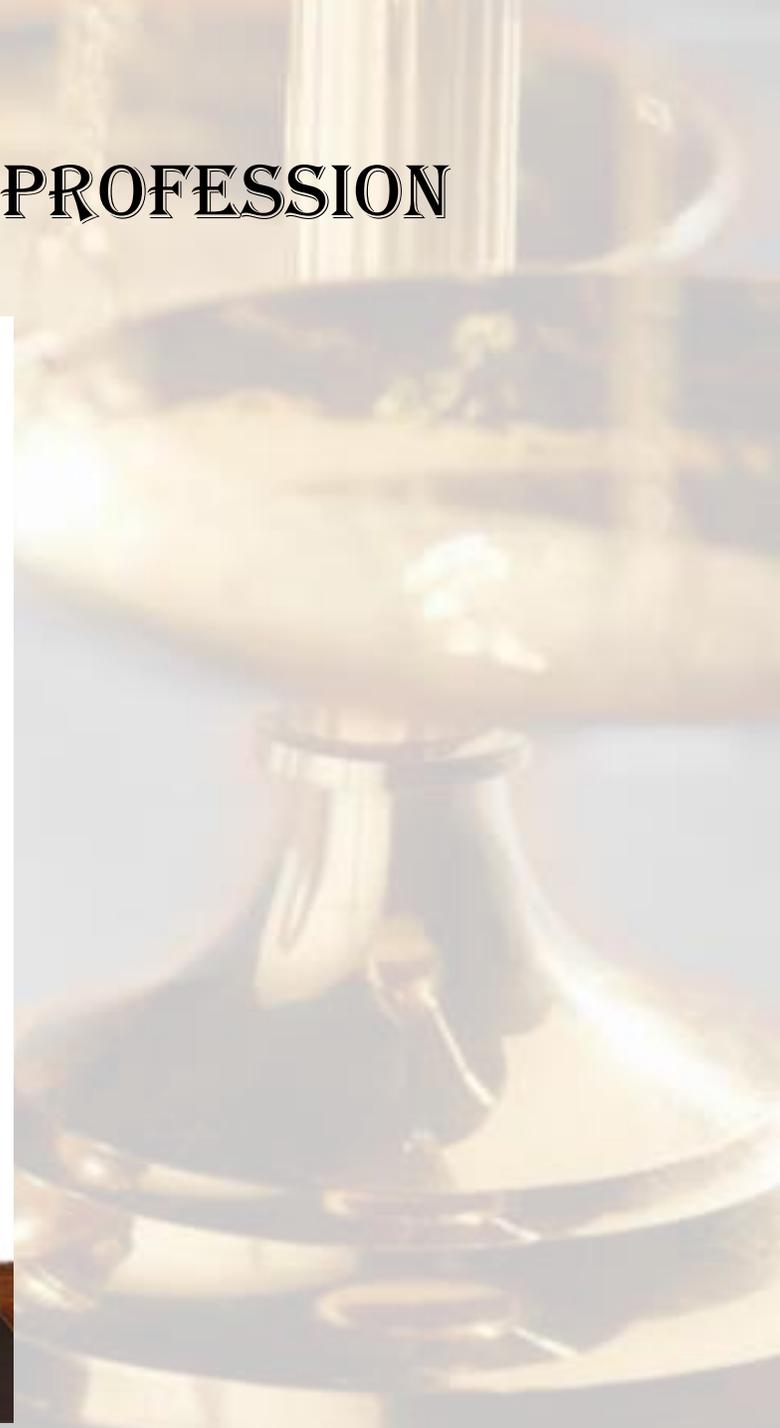
ARGUMENTS FOR MAINTAINING WIGS

CONT.....

4. DISTINCTION.

- The need to distinguish the bar from the bench, judges of different courts and from other country.
- Court robes help in distinguishing judges from other professions and creates a separate professional identity for them.

TRADITIONAL SYMBOL FOR THE LEGAL PROFESSION



JUDGES LIKE MEMBERS OF THE UNIFORMED FORCES,
PILOTS, DOCTORS SHOULD BE RECOGNIZABLE AND HAVE A
SENSE CORPORATE IDENTITY.....



WITHOUT JUDICIAL ATTIRE, THE HON. JUDGE PRESIDENT IS NOT EASILY RECOGNISABLE AS SUCH TO LITIGANTS IN THE CORRIDORS



WITH A PERIWIG ON, THE HAIRDO WILL BE COVERED AND LITIGANTS WILL FOCUS MORE ON THE COURT PROCEEDINGS RATHER THAN HER HAIRDO.



JUDICIAL ATTIRE WOULD DIFFERENTIATE THE HON. JA
FROM A CEO.....



ALL THE HONOURABLE JUDGES (FRONT ROW)BELOW ARE FORMALLY DRESSED, BUT WOULD IT BE PROPER FOR THEM TO PRESIDE OVER CASES DRESSED IN THIS FASHION ??? FOOD FOR THOUGHT!



ZIMBABWE
Ministry of ICT,
Postal & Courier Services
MISSION
To provide high-quality ICT
services and services that are
modern, accessible, and
affordable to improve the
standard of life for Zimbabweans

JUDICIAL SERVICE COMMISSION
ZIMBABWE
Mission Statement
VISION
A Zimbabwe in which world
justice prevails!
MISSION
In accordance with the laws
of Zimbabwe and best practices,
provide administrative support
to the judiciary in the promotion
and maintenance of a just
delivery system that inspires
public trust and confidence in the
rule of law

FORMALLY DRESSED BUT DIFFERENT SUIT COLOURS ,
WOULD THIS DRESSING IN COURT DISTINGUISH
THEM FROM COUNSEL??



WHICH OF THE TWO WOULD BE REVERRED ??



JUDICIAL ATTIRE SEPARATES A JUDGE FROM THEIR PERSONALITY, IT CONTRIBUTES TO THE PRINCIPLE OF IMPARTIALITY WHICH IS REQUIRED OF EVERY JUDGE!



JUDICIAL ATTIRE GIVES HON. JUDGES ANONYMITY, IT
COMPLETES THE PERCEPTION THAT ONE IS TRIED BY
THE LAW, NOT AN INDIVIDUAL

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FROM OTHER JURISDICTIONS : ZAMBIA

- Zambian judges have maintained wearing the wigs. However, there have been calls to abandon the dress inherited from colonial masters and instead come up with one reflecting the Zambian identity and character.

HON. JUDGES NEATLY AND UNIFORMLY DRESSED



KENYA

- In Kenya the former chief justice Willy Mutunga removed the wigs from the courtroom, arguing they were a foreign imposition and not a Kenyan tradition.
- He swapped the traditional British red robes for “Kenyanised” green and yellow robe.
- Immediate former Chief Justice, David Maraga, to revert to the traditional red robes and the periwig.

KENYA



GHANA....



- Still wear robes and wigs
- The Chief Justices view
- Anonymity
- Preserves the uniqueness of members of the bench

JAMAICA AND BAHAMAS

- In Jamaica, the wigs and long, red royal-style robes were discarded in 2013, opting instead for lighter weight black robes with vertical black, green and yellow lines symbolizing the colors of the national flag.
- Judges in the Caribbean nation of the Bahamas still wear the wigs, reportedly out of a sense of decorum and respect for the process.

BERMUDA ...

- In Bermuda, a British Overseas Territory, wigs and gowns are no longer worn in Commercial Court as of 2008 but are still part of the official attire for judges and lawyers in senior courts such as Bermuda's Supreme Court.

NIGERIA.....

Judges in Nigeria still wear wigs and judicial robes .



CONCLUSION...

- The wearing of Judicial robes and Wigs by Judges should be maintained, '**NDICHOCHIHAMBIRE**'
- Judicial Attire completes a Judicial Officer, it brings authority, formality, solemnity and dignity to court proceedings.
- a time honoured tradition
- The adulation and veneration that is associated with any Judicial Office is accentuated by how distinguishable they are from the masses, and Judicial Attire is the epitome of that distinction .