The Court Archive:
The Origins of the Judicial Robe in Illinois

John A. Lupton
© Illinois Supreme Court Historic Preservation Commission
July 2017

It is a universal sight to see a judge wearing a robe while on the bench or at a ceremonial function. The robe is a symbol of the legal knowledge, dignity, and status of its bearer in implementing the rule of law. It demonstrates the important responsibility given to those who interpret the Constitution and statutes and preside over the dispute resolution process.

Judges began wearing robes in England as early as the 14th century. The concept was taken from ecclesiastical robes, which featured the minister as the head of his congregation representing the church—much as the judge was the head of his courtroom representing the monarchy. After the American Revolution, most states—Massachusetts was a notable exception—chose to eliminate robes because of the connection to its monarchical roots. However, the U.S. Supreme Court decided to don robes from its first session in 1789. Trial-level federal courts generally did not follow suit until a century later.

When Illinois became a state in 1818, judges did not wear robes. Throughout much of the early nineteenth century, the general public in many states considered robes to be vestiges of an aristocratic and anti-republican society. In early statehood Illinois, judicial positions were considered to be stepping stones to higher (and more important) political offices. While an Illinois lawyer arguing more than 5,000 cases, Abraham Lincoln never laid eyes on a judge's robe—except in his one oral argument before the U.S. Supreme Court.

By the late nineteenth century, Illinois had grown in prominence, becoming the fifth largest state in the Union, and the source of many new legal precedents. The judiciary became an important and respected branch of government. As a result, heated debates took place as to whether judges should begin wearing robes. Those in favor argued that it was a symbol of knowledge that should be worn with pride, while opponents argued it was a relic of English pretention. Other states in the country had similar discussions. In 1885, New York judges began wearing robes; Ohio, Rhode Island, and South Carolina followed suit in 1900.

In 1908, the Illinois Supreme Court made its decision. The opening of the new Supreme Court Building prompted the justices to put on robes for the first time in the state's history. With a new building came increased stature. The significance of having a standard uniform for arbiters of

justice quickly moved to lower courts in Illinois. Nationwide, the practice increased as many state courts in the 1920s through the 1940s adopted robes. By the 1950s, only five states—Missouri, Arkansas, North Dakota, Texas, and Wyoming—had yet to do so.