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Icons And Arrangements: How Courtrooms Talk About Themselves

If a courthouse announces itself in a certain public way, its interior does so much more privately, writes Randy D. Gordon.

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In a previous column, we looked at how courthouses transmit meaning through their forms. Now, I want to move inside and show how courtrooms do the same.

If a courthouse announces itself in a certain public way, its interior does so much more privately. Supreme Court Justice Stephen Breyer suggests that this is so because “a court, unlike any other government agency, concerns itself not with the public en masse, but with the individual citizen who appears before it. It devotes as much time and attention to the particular individual’s specific problem as the problem requires.”

How we create and construct courtrooms tells us a great deal about what we expect courtrooms to tell us about justice. Federal judge and architectural historian Douglas Woodlock explains that “if you bring a person into an undistinguished room to resolve a dispute, you have told a story before the case even starts: that justice doesn’t really count very much; that it is just another one of those things bureaucracy dispenses.” From this he concludes that a properly constructed courtroom should “lift the spirits of the participants—parties, witnesses, jurors, spectators, and judicial personnel—so that they can perform their critically important task of seeing that justice is done.” But is this spirit-lifting really what—or at least all that—a courtroom conveys to the participants?

Put another way, does the physical space of a courtroom have in impact

on the proceedings within it?

There's good reason to think it does. For as Robert Ferguson opines, the array of the modern courtroom as a forum for resolving conflict into decision—from the alignments to the furnishings to the most mundane details—are made with this aim in mind, “and practitioners quickly learn that the size, shape, style, and provision of the actual arena will influence the decisions that are made there.”

Contemporary courtrooms exhibit a continuity with what architectural historians refer to as “traditional”: a large, square or rectangular box; high ceiling; monumental doorways; massive, elevated bench; bars and gates demarking the internal spaces for various participants; rich ornamentation complemented by cultural and ceremonial objects. As Judith Resnik and Dennis Curtis note, in the U.S., courtrooms took on this “traditional” shape in the 19th century as lawyers and judges sought visibly to manifest the importance of their work.

Today, a courtroom is structured through a series of exclusions. As early as the 1830s, judges complained of having to pass through the courtroom to get to the bench, a situation solved architecturally by passing judges through the marshal's room. By the 1990s, though, judicial assassinations and federal-building bombings exacerbated these earlier concerns and resulted in heightened security measures ensuring the segregated circulation of judges, criminal defendants and the public. Indeed, the 2007 U.S. Courts Design Guide transforms security worries into a design feature: “An essential element of courthouse security design is the physical separation of public, restricted, and secure circulation systems.”

Once inside a courtroom proper, participants further experience the ambivalent nature of judicial spaces. The ultimate question is whether the modern, stated objective of fashioning courts around concepts of transparency and participatory justice is achievable or a just a veneer veiling traditional power structures.

Viewed against this concern, the ubiquitous bars, elevations and partitions in a courtroom create a series of oppositions signaling segregation and hierarchy. Flags, seals and photographs of the head of government (be it the president or a governor) further entrench notions of state power and differential relationships. And by staking out private spaces like the judge's bench, the lawyers' tables, or the jury box, the ostensibly “public” courtroom begins to look not so public after all. But that's in some sense the point because, as Ferguson suggests, “Courtrooms require an ‘aura,’ a mystique of authenticity and legitimacy that will aid the angered, the resentful, and the injured to accept an impersonal, institutional solution.”

This functional segregation (infused as it is with hierarchical markers) betokens forms of order that are somewhat at odds with the notion of courtrooms-as-public-spaces. Some of this is historical: For example, an elevated bench as a sign of authority has been a courtroom feature since the Middle Ages. But other elements, such as the separation of spectators from participants, is of more recent vintage. Considered in a larger historical context, one might argue that the modern courtroom should be analyzed along a temporal continuum, one revealing that courtrooms have gradually aligned with cultural archetypes.

If this is right—and I think it is—it takes us back to the starting point of our

earlier discussion: the church. This is to say, religious architecture may be more than an analogue—it may well represent an archetype that legal architecture shares. This should not be a startling conclusion, given that both law and religion claim to ensure (or at least facilitate) a just society—the one through rules enjoying social privilege and recognition, the other through tenets of Christian morality.

Given the shared social histories of law and religion, architectural historian Luke Scott is right to observe “shared spatial associations” that can be traced back at least to Roman times. The same may be said of courtrooms and theaters, which, despite “seemingly disparate civic programs with entirely unrelated social and cultural functions, are linked by their analogous conceptualisations of space.” In both cases, this concrete space, a “box,” serves as the vehicle from which to project a scene that ostensibly happened before and elsewhere—i.e., outside the box.

In a later installment, I’ll take up what trials may or may not “represent” or “refer to.” Now, I just want us to register the physical characteristics that are shared among churches, theaters and courtrooms. Although each of them “mean” different things, they “mean” in the same way, each signaling to those entering that they are in a liminal space, at once strange and familiar.

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