Social Ideology as Seen through Courtroom and Courthouse Architecture

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by Jonathan D. Rosenbloom

INTRODUCTION

Our architecture shapes our environment. Its design is a product of society's desires and needs. In this way, architecture reflects society by serving as the physical manifestation of society's needs and values.

Because architecture is the physical manifestation of society's needs and values, we may use it to explore social ideology. This article analyzes the architecture of the American courtroom and courthouse, in an effort to explore the values and ideals embodied in American jurisprudence. The first section discusses the general notion that architecture, especially public architecture, is a spatial manifestation of social ideology that can be dissected to reveal the underlying ideology. The second section examines the architecture of the American courtroom and courthouse as embodiments of fundamental American legal concepts. The third section embarks on a detailed analysis of the courtroom, to unearth the ideologies underlying the actual application and practice of the law within the courtroom space. The fourth section examines courthouse exteriors in detail in order to unearth an external perception of the law that is practiced within. Finally, the fifth section assesses the insights that the previous two sections provide. That examination reveals a legal ideology in flux. While

* The author would like to thank New York Law School Professor Richard K. Sherwin for his thoughtful critiques and valuable suggestions regarding the article.
2. EDWARD W. SOJA, POSTMODERN GEOGRAPHIES: THE REASSERTION OF SPACE IN CRITICAL SOCIAL THEORY 78 (1989) ("The structure of organized space is not a separate structure with its own autonomous laws of construction and transformation...It represents, instead, a dialectically defined component of the general relations of production, relations which are simultaneously social and spatial."); see also DAVID HARVEY, SOCIAL JUSTICE AND THE CITY 306 (1973); C. Richard Hatch, Toward a Theory of Social Architecture, in THE SCOPE OF SOCIAL ARCHITECTURE 3 (C. Richard Hatch ed., 1984) (stating that "architecture [does] not merely...reflect reality, but also...change(s) it"); SOJA, supra, at 80 n.3 ("While such adjectives as "social," "political," "economic," and even "historical" generally suggest...a link to human action and motivation, the term 'spatial' typically evokes a physical or geometrical image, something external to the social context and to social action, a part of the 'environment,' a part of the setting for society—its naively given container—rather than a formative structure created by society.");
3. See generally Hatch, supra note 2, at 9 ("The task of social architecture as fore, then, is to make legible the institutions, relationships, and values that are at the heart of social life. These must be expressed in a manner that makes them available to reason, reveals their contingent nature, and brings what is accepted without thought into the realm of critical consciousness."); RASMUSEN, supra note 1, at 10 ("Architecture is produced by ordinary people, for ordinary people; therefore it should be easily comprehensible to all"). Although the term "ideology" has many meanings, its use in this article refers to a doctrine of ideas and values embraced by any given society and expressed either concretely or abstractly.
4. See infra notes 9-38 and accompanying text.
5. See infra notes 39-43 and accompanying text.
6. See infra notes 44-78 and accompanying text.
7. See infra notes 79-104 and accompanying text.
8. See infra notes 105-111 and accompanying text.
courtroom designs have remained largely unchanged, conveying a certain stability and continuity within our legal system, changes in courthouse exteriors to styles reminiscent of corporate architecture seem to indicate that something is changing in the way the public perceives law's role in contemporary society.

1. PUBLIC ARCHITECTURE AS A SPACIAL MANIFESTATION OF SOCIAL IDEOLOGY

Space is not a scientific object removed from ideology and politics; it has always been political...Space has been shaped and molded from historical and natural elements, but this has been a political process. Space is political and ideological. It is a product literally filled with ideologies.9

Throughout history, architecture has been a reflection of social ideology.10 When history is marked by an ideological change in society, there has been a corresponding change in the architectural style of that society. For example, Edward W. Soja, in his book *The Reassertion of Space in Critical Social Theory*, describes the architecture development from the Russian revolution by stating:

Spatial transformation was not assumed to be an automatic byproduct of revolutionary social change. [The architecture] too involved struggle and the formation of a collective consciousness. Without such effort, the prerevolutionary organization of space would continue to reproduce social inequality and exploitative structures.11

While the new society adopts a new ideology, it also adopts a new architectural style to serve as a physical manifestation of the new ideology.12 Architecture takes on the form of the new ideology, it becomes the movements, thoughts and emotions of the society.13

11. SOJA, supra note 2, at 89; see CURTIS, supra note 10, at 351; accord infra notes 18-38 and accompanying text.
12. Although a society adopting a new ideology will generally adopt a new architecture, some architectural forms have withstood the ideological changes of society and have been repeated throughout history. This often occurs when the broader significance of an architectural form sustains a meaning significant to the new society as well as the old.
   For example, Figure 1 is a statue holding the victory laurel on top of a hill in Budapest, Hungary. The statue was originally erected to celebrate the "liberation" of Budapest by the then-Soviet Union soldiers following World War II. Three sides of the statue were engraved with the names of the Soviet soldiers who lost their lives in the fighting. Upon Hungary's separation from the Soviet Union, the Hungarians scraped the soldiers' names off of the statue and adopted it as their symbol of liberation from the Soviet Union.
13. See FRANCOISE CHOAY, THE MODERN CITY: PLANNING IN THE 19TH CENTURY 98-99 (1969) (quoting architect Le Corbusier as suggesting that architects should "[c]onsider man, his needs, tastes, and active inclinations in order to determine the conditions for the system of construction best adapted to his nature."); SOJA, supra note 2, at 78.
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Figure 1
Architecture and societal ideology have their most profound connection in the area of public architecture. By harnessing some of the most basic and fundamental activities that define society, public architecture becomes an essential part of society. The prominent English architect Sir Christopher Wren recognized the potential connection between public architecture and society by stating that: "Architecture has its political Use; publick [sic] Buildings being the Ornament of a Country, it establishes a Nation, draws People and Commerce; makes the People love their native Country...."

As stated in the introduction, architecture sustains contents vital to a society identifiable as society's ideology, and therefore deconstructing that architecture reveals the ideologies it was designed to promote and reflect. More specifically in this instance, public architecture can be used as a source of informing the public by playing the role of an interpreter of the abstract social ideologies. A dissection of that architecture, therefore, should reveal those ideologies. The following two subsections are examples that illustrate the dissection of public architecture to unveil a social ideology that corresponds to the design of the architecture. Architecture born from 19th-century Socialism and 20th-century Italian Fascism can be used as interpreters to explain the corresponding social ideologies with an understanding of the designs and their functions. The examples illustrate the diverse architectural forms that can develop from multiple societal ideologies and our ability to read those forms to unearth the ideologies.

14. Hatch, supra note 2, at 7; James Howard Kunstler, The Public Realm And The Common Good, CLASSICIST 11 (1994-95) (stating that "the public realm is the physical manifestation of the common good.");

15. Hatch, supra note 2, at 4 (a common theme of city projects is that "[t]he understanding that architecture is a form of public discourse and, as such, has the responsibility to reveal the social forces that condition it"); see SOAI, supra note 2, at 79-80 ("Space in itself may be primordially given, but the organization, and meaning of space is a product of social translation, and experience....Socially-produced space is a created structure comparable to other social constructions resulting from the transformation of given conditions inherent to being alive...."); MANUEL CASTELLS, THE URBAN QUESTION 115 (Alan Sheridan trans., 1977) ("It is a question, then, of establishing, in the same way as for any other real object, the structural and conjunctural laws that govern its existence and transformation, and the specificity of its articulation with the other elements of historical reality. This means that there is no theory of space that is not an integral part of a general social theory, even an implicit one.");

16. Sir Christopher Wren, Of Architecture, in PARENTIALIA OR MEMORS OF THE FAMILY OF THE WRENS 351 (Stephen Wren ed., Gregg Press Ltd. 1965); see Robert Campbell, Celebrating Community, BOSTON GLOBE, Feb. 2, 1997, at Ni ("Architecture, if it does anything, embodies our values. It can bring people together and help them build relationships and eventually a community. Or it can drive people apart, depriving them of public places in which to meet and mix and learn about one another."); Lynn Nenmirth, Good News And Bad News, ARCHITECTURAL REC., Aug. 1994, at 24 (quoting architect Margaret McCurry as stating: "People base their attitudes about this country on its buildings. If public buildings are boring or appear just like any other structure, that translates into a lack of respect for the entire governmental process.");

17. Rod Hackney, Community Architecture and Self Help, in THE SCOPE OF SOCIAL ARCHITECTURE, supra note 2, at 95.

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19. See Cr
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A. 19TH-CENTURY SOCIALIST ARCHITECTURE

During the early 19th century, the Industrial Revolution created a divide between economic classes. While proprietors became increasingly more wealthy, more and more of the working class dropped further and further into poverty. This inevitably led to sub-standard living conditions and heavy congestion in the inner cities.

In response to these social conditions, numerous architects began to reconsider the urban design of cities. Some architects focused on a design aimed at countering the capitalist economic structure of the Industrial Revolution. They sought to alleviate social inequality and the sub-standard living conditions, while returning to a simpler, cleaner, healthier lifestyle.

The architects pushed for reform through designs aimed at providing each member of society with an equal and collective share in private and public spaces. Inspired by the writings of Karl Marx (1818-1883) and Friedrich Engels (1820-1895), who "argued that the true roots of the evil lay in the rottenness of the social order engendered by capitalism...[and]...advocated revolution as the prerequisite for a decent political and architectural environment," the early 19th-century architects began to physically realize the socialist ideology. They designed cities situated around a circle to create the existence of equality and communal importance. Figures 2 and 3 illustrate proposed plans for various socialist cities. Figure 2, a diagrammatic layout of a socialist city, creates a city focused on a central circle. This circle was designed as the main public space. Designing the main public space as the center focal piece emphasized the importance of a shared communal space. This was the principal aspect of the socialist design and was meant to focus on equality, shared living, and the dissolution of all hierarchy and distinction among the citizens.

Situated around the center public space were the municipal buildings. Designed in a radial fashion adjacent to the inner public space, the municipal buildings promoted the socialist belief in equal communal participation in governing by designing around a circular shape. Next came the residential units, which enclosed and embraced the communal and municipal spaces in the center, again promoting communal participation in governing. Finally, the industrial space was clearly separated from the housing and public spaces in the center by a railroad track. Designing the city with the industrial and agricultural areas surrounding it emphasized the socialist idea to have numerous small self-sufficient communities.

20. See id. at 8-11, 27-31.
21. See id. at 8-11.
22. See generally id.
23. Id. at 32.
25. See Spiro Kostof, A History Of Architecture 679 (1985) ("The town would have its industries and businesses, and a ring of farms surrounding it would supply the necessary food. And so the benefits of the town - social life and public services - would be combined with those of the country - the quiet, the healthful air, greenery, fresh produce.")
Figure 2

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In addition to municipal, residential, industrial, and agricultural spaces, the socialist architects often proposed designs for communal kitchens, dining halls, laundromats, baths, assemblages, and concert halls. In fact, one socialist architect, Etienne Cabet (1788-1856), went so far as to propose equality of all furniture in all homes so that “all citizens [would] be housed in the same way.” Significantly, the design of the socialist city did not include religious buildings, jails, or courthouses - notions not endorsed by socialism.

The unique socialist architectural design served the purposes presented by the socialist ideology of community and equality. That design, however, would not survive outside the realm of a socialist society; for example, it failed in capitalist America. In 1825, Robert Owen (1771-1858) designed a socialist city in New Harmony, Indiana, and in 1848, Etienne Cabet designed a socialist city in Red River, Texas. Within a few years both had failed.

B. 20th-Century Fascist Architecture

Benito Mussolini, Il Duce of Italy from 1922 to 1943, dictated a regime driven by imperialism and fascism. Similar to the socialist architects, Mussolini focused on public architecture to promote this ideology. He created a monumental public architecture to “extol[] the discipline, order, and strength of the new state.” He planned to do this by referring back to the “glorious” architecture of the Roman Emperors and the Italian popes. Mussolini referenced the architecture of the past to connect it with the architecture of his new Rome, thereby symbolizing a return to the “glorious” days of the Roman Emperors and the height of the Italian popes. Mussolini achieved this by employing architects, such as V. Ballio-Morpurgo and Giuseppe Terragni, to physically create a fascist ideology and structure the new Rome. The architects adopted several design techniques that became the symbol and structure of Italian Fascism. For example, they began by applying architectural

27. Similar to most socialist architects of the time, Cabet was not only an architect, he was also a theorist and politician. Once elected to the French Chamber of Deputies in 1831, Cabet eventually was convicted of treason and fled to England. It was in England that he fully developed his socialist theories and designs.
28. Choay, supra note 13, at 97.
29. Kostof, supra note 25, at 677. See also Curtis, supra note 10, at 244.
30. Like Cabet, Owen was not only an architect; he was one of the foremost scholars of early socialism and reformers of education, marriage, and religion.
31. See Choay, supra note 13, at 99.
32. Similarly, Adolf Hitler rejected socialist architecture for his ideal society. Hitler, who recognized the power of architecture, stated that it “forms the most uncorrupted, the most immediate reflection of the people’s soul, exercises unconsciously by far the greatest direct influence upon the masses of the people.” Curtis, supra note 10, at 351. He promoted his Third Reich propaganda by disassembling the progressive modern ideas flourishing from the architectural movement of the Bauhaus and replacing their architecture with stoic, white authoritarian architecture to reflect his political ideology.
33. Id. at 354 (referring to Adolf Hitler).
34. Id. at 351-58.
35. Id. at 351.
detailing from ancient Rome such as columns, doric capitals and arches. Through the use of these details the architects made a connection to the past.

At the same time, fascist architects strayed from the Roman model in many respects. They emphasized progress by altering the color and shape of the ancient column design, by minimizing the detail of the historic architecture they emulated. (Compare Figure 4 with Figure 5). While this symbolized the power of the Roman Emperors and connected it to Mussolini and his Rome, it also expressed the desire to evolve.

Mussolini’s architects also designed and built solid, massive, white polished marble buildings that painted the landscape of the new Rome. The building mass and sheer size symbolized the strength and power of the new empire, while the white, bland, and repetitive architectural details symbolized the pure, regimented society adopted by the Fascists. For example, Mussolini’s “square coliseum” (Figure 4) exhibited his desire to connect with the past by utilizing architectural details, like the repeated and stacked arches, while moving and reshaping society to a new fascist future by breaking with the classical design through the square shape, white color, and lack of detail. Where the ancient Roman Coliseum (Figure 5) was the symbol of the Roman Empire, the “square coliseum” was to be a new monument and a new symbol for a new grand society.36

The architects of Italian fascism employed these designs to craft a fascist ideology.37 Just as Mussolini’s social ideology drastically differed from the Socialists’ social ideology, so did his architecture. While the socialist ideology called for a circular, minimal design to promote an equal and communal society, the Fascists’ ideology called for an axial, repetitive, monumental design to promote order and rigidity in society. The public architecture of the socialist and fascist societies served as means for communicating two separate ideologies in two separate societies.38 The architects used architecture and especially public architecture as a means of discourse to influence and interpret a social ideology. By analyzing the architecture we are able to extract the underlying essence of the architecture and the underlying ideology that created the architecture. The three following sections test this theory by embarking on an analysis of a critical piece of American architecture and society – the courtroom and courthouse.

II. COURTROOM AND COURTHOUSE ARCHITECTURE AS ESSENTIAL PIECES OF AMERICAN PUBLIC ARCHITECTURE

Just as the architecture of socialist and fascist cities reflected the ideology of their societies, American architecture reflects distinctly American ideals and values.

37. It is interesting to note that at approximately the same time as the construction of Mussolini’s Rome, America, a capitalist society, was designing iconographic capitalist structures such as the Chrysler building (1928-1930) and Rockefeller Center (1931-1940).
38. See Rasmussen, supra note 1, at 10-11 (“That which may be quite right and natural in one cultural environment can easily be wrong in another; what is fitting and proper in one generation becomes ridiculous in the next when people have acquired new tastes and habits.”).
Figure 5
Nowhere is this reflection more easily seen than in the American courtroom and courthouse—two of the most significant and integral pieces of our public architecture.

Since the days of *Marbury v. Madison*, the courtroom and courthouse have played a significant role in the governing of our society. They have become symbols of our law, serving the indispensable function of influencing the manner in which fundamental aspects of American legal ideology are practiced, debated, and decided. Almost every part of our lives from penal laws to estate laws, and from tax codes to building codes, is dictated by some legal element. As the literal and symbolic place of defining these elements, the courtroom and courthouse have become influential pieces of American public architecture.

III. INTERIOR COURTROOM ARCHITECTURE—A PERSPECTIVE ON SOCIETAL IDEOLOGY IN THE APPLICATION OF LAW

We begin our dissection of the architecture with the interior space of the courthouse—the courtroom. Through an architectural analysis, one may unearth the social ideology invested in and determine whether that ideology is consistent with the principles attempting to be upheld in the space. The dissection is the result of a four-step process: 1) a physical description of the space; 2) an analysis and interpretation of the architecture constructing the space; 3) an analysis of the principles attempting to be upheld within the space; and 4) a comparison of the architecture and the constitutional principles.

A. THE COURTROOM GENERALLY: THE CREATION OF AN ACTIVE AND INACTIVE SPACE

We begin our dissection of the courtroom with the general diagrammatic layout for a typical courtroom in Figure 6. The courtroom is basically a rectangle, divided into two areas by a small wooden wall. The wall is approximately three feet high with passage from one area to the next made possible by two swinging doors in the middle of the wall. The division between the areas is further pronounced by sharply
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contrasting architectural details. The area designated as "area one" in Figure 6 consists of equal, parallel, symmetrical benches facing into the area designated as "area two." On the other side of the wall, the seating in area two, unlike the seating in area one, is designed with unequal, irregular, asymmetrical seating facing three different directions with varying heights. The difference between the two areas is further emphasized by the lighting design. The greatest cluster of windows is on the western wall in area one. The occupants of area one have the best perspective to look out these windows, giving them the best opportunity to visually escape from the action in area two. (Figure 8) The majority of the active inhabitants in area two, however, have no view out of these windows. Their sightlines are restricted to within the courtroom interior. Similarly, the greatest cluster of ceiling lights are focused above the inhabitants in area two. Overall, the design resembles that of a theater where the inhabitants in area one observe the action in area two.

The distinction between the seating arrangements in areas one and two implies a distinction between actions, functions, and movements. For instance, the seating design of area two, unlike area one, creates a sense of inequality and specificity among the people seated there. This is accomplished by rotating the direction and varying the heights of the individual seats in area two. While area one's seating is basically equal and indistinct, area two's seating consists of three individual seating spaces, implying three different activities. (Figure 7) While the area one benches face area two, the seating in area two faces inwards, focusing on the center of area two. By directing the attention to area two, the design imputes a sense of importance on the activity taking place there.

The design of area one also creates a certain symbolism, for although the inhabitants of the inactive area do not participate in the activities in area two, they serve as an essential aspect of the trial. Their watchful presence represents the presence of the populace at large. While the inhabitants of area one do not have any apparent power in the proceedings, they function as a watchful eye on the proceedings and assure that it is not done "behind closed doors." The inactive presence of the area one inhabitants is consistent with the constitutional principles invested in the criminal justice system. Designing the area one inhabitants to be separate and inactive observers physically manifests the social ideology invested in the Sixth and First Amendments to the United States Constitution. The United States Supreme Court has held that the Sixth Amendment guarantees a criminal defendant the right to a trial open to the public to ensure that the process is not done "behind closed doors." The Supreme Court has also held that in addition to a defendant's Sixth Amendment right

45. The light from the windows and interior lighting fixtures differ greatly. The windows offer an external perspective not given by the lighting, and the light from the windows gives off a more dispersed lighting than the unidirectional lighting of the interior fixtures, further focusing on the activity in area two.
46. U.S. CONST. amend. VI see Waller v. Georgia, 467 U.S. 39 (1984); but see Gannett Co. v. DePasquale, 443 U.S. 368 (1979) (holding that trial judge may exclude public and press from pretrial hearing on admissibility of defendant's confession).
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to a public trial, the public and press have a First Amendment right to observe a trial.\textsuperscript{47}

\section*{B. The Active Area and Its Inhabitants}

While the architecture of area one creates a single space for a single type of inactive inhabitant, the architecture of area two creates several different spaces for several different inhabitants. The following sub-sections dissect the architecture engaging three of the major spaces and inhabitants in the active area in an attempt to discover the ideology embodied within the architecture.

\subsection*{I. The Attorneys' Space}

Central to the courtroom is the architecture around two identical tables located in the middle of area two. (Figure 9) Sections\textsuperscript{48} cut through the tables illustrate the tables' location at the lowest point in the courtroom with elevated seating surrounding them on two sides. (Figure 10 & 11) This design resembles that of an arena, where the combatants battle in the lowest area and are observed by an audience seated above them. Further, a planimetric view of the courtroom illustrates that the tables are identical and are equally placed along an axis as in Figure 9.

The architecture defining the attorneys' space symbolizes the key role attorneys play in the American system of justice. The Supreme Court has held that the Sixth and Fourteenth Amendments of the United States Constitution guarantee each defendant in a criminal trial the right to counsel in an adversary proceeding.\textsuperscript{49} The American court system is "premised on the belief that pitting two adversaries against each other, with each interested in presenting her version of the truth, is the best way for the jury to determine the probable truth."\textsuperscript{50} "The adversary system of trial, sometimes called the sporting approach to the truth...requires that two equally matched lawyers, a prosecutor and a defense counsel, joust in open court."\textsuperscript{51}

The attorneys' role as essential adversaries is embodied in the architectual design. Designing the tables as the center focal piece at the bottom of the courtroom highlights the attorneys' position as essential and adversarial. Similar to the

\textsuperscript{47} U.S. CONST. amend. I; \textit{see} Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980) (extending First Amendment public right to attend criminal trial); \textit{see also} Press-Enterprise Co. v. Superior Court, 478 U.S. 1 (1986) (finding limited First Amendment right to attend preliminary hearings); \textit{but see} Gannett Co., 443 U.S. 368 (trial judge may exclude public and press from pretrial hearing on admissibility of defendant's confession).

\textsuperscript{48} A "section" is a drawing of an object viewed after a cut is taken along a vertical plane.

\textsuperscript{49} \textit{See} Gideon v. Wainwright, 372 U.S. 335, 344 (1963) (holding that "in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured of a fair trial unless counsel is provided for him."); Argersinger v. Hamlin, 407 U.S. 25 (1972) (requiring waiver of counsel in misdemeanor carrying a jail sentence); \textit{see also} Scott v. Illinois, 440 U.S. 367 (1979) (requiring a waiver of counsel only where defendant will be sentenced to imprisonment); \textit{but see} Lockhart v. Fretwell, 506 U.S. 364 (1993) (holding that ineffective counsel is only reversible when defendant shows that counsel's ineffectiveness denied defendant of a fair trial).

\textsuperscript{50} \textsc{Thomas A. Mauet}, \textsc{Trial Techniques} 1-2 (4th ed. 1996).

\textsuperscript{51} \textsc{George P. Fletcher}, \textsc{A Crime Of Self Defense} 6-7 (1988).
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combatants in an arena, the attorneys battle in the lowest area of the courtroom and are the focal point watched from the seating above and around. (Figures 11 & 12) The attorneys are also seated equally along an axis stemming from the judge at identical tables to symbolize and create an equality between them as required by the Sixth and Fourteenth Amendments.52

The significance of creating an arena-like design for equal adversaries can be shown in a brief comparison to the architecture of judicial systems in other countries. For example, in some eastern European countries the prosecuting attorney sits on a podium next to the judge, separating himself from the defendant and the defense attorney.53 During the trial, the focus is not on an adversarial confrontation but rather on the defendant and his attorney. Designing the prosecuting attorney's position to be adjacent to the judge would be an inadequate design to sustain the activity and ideology of the American system of justice, and an equal, adversarial confrontation between attorneys. The design would unfairly shift the equally positioned attorneys.

The essential and adversarial role of the attorneys is further enhanced once the attorneys begin to examine witnesses and elicit facts. The attorneys call witnesses to take the stand located next to the judge. Meanwhile the attorney relocates herself at a podium several feet away from the witness stand. (Figure 13) When the witness is seated, the attorney begins a dialogue with the witness, extracting key facts that support the attorney's story. In this capacity, the attorney becomes the key player performing the most action and dictating how the evidence will be presented. The attorney chooses a theme for the argument that she believes will best persuade the jury to side with her client. Simultaneously, she tries to minimize her opponent's argument. She does this by engaging the witness in a dialogue that occurs along an imaginary corridor in front of the jury. (Figure 14) The dialogue calls to mind the back and forth of a tennis match. Just as the tennis players volley while the audience sits idly by and watches, the attorney and witness go back and forth with verbal exchanges, while the jury sits idly by and watches. The architecture focuses the jury on the dialogue between the attorney and witness by giving the jury a close, unobstructed view of the corridor of conversation. Once the direct examination of the witness is complete, the opposing counsel steps into the same spot as the first attorney, and carries on a dialogue with the witness along the same corridor, telling a different story.

The design of the attorney/witness corridor embraces American constitutional principles. Designing the witness stand so that the witness is directly facing the defendant creates the confrontational situation mandated by the Sixth Amendment.54

52. See supra notes 50-51.
54. The Sixth Amendment guarantees a defendant the constitutional right to confront witnesses in a criminal trial. U.S. Const. amend. VI; see Davis v. Alaska, 415 U.S. 308 (1974); Chambers v. Mississippi, 410 U.S. 284, 295 (1973); but see Maryland v. Craig, 497 U.S. 856, 844 (1990) (finding that the Confrontation Clause does not require face-to-face examination in all circumstances); see also Delaware v. Van Arsdall, 475 U.S. 673, 684 (1986) (finding some violations of the Confrontation Clause and right to cross-examine are harmless error).
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In sum, an analysis of the architecture surrounding the attorneys' position in the courtroom reveals an internal consistency between the architecture and the ideology invested in the constitutional principles affecting the actual application of the law. The architecture does this by embracing the attorneys' position as essential participants and equal adversaries whose function is to present evidence and witnesses before a jury.

2. The Judge's Space

We now turn our attention to the second major space in the active area—the judge's space. Set flush against the northern wall opposite area one lies a single elevated seat. (Figure 15) Perched on the highest seat in the courtroom, the judge assumes this position behind the highest interior wall in the courtroom. (Figures 16 & 17) The judge's seat also bisects the east-west space-distance between the attorneys' tables. (Figure 15) Above the judge and on the fortification-like wall guarding him is a plaque bearing the American bald eagle.

The architecture creating the judge's position embodies an ideology based in independence, separation, and authority. By isolating the judge's seat and designing it to be the highest in the courtroom, the architecture implies that the judge is independent from anyone or anything in the courtroom. He is elevated above the bickering between the attorneys below him and the jury off to the side of him. His position implies detachment from the proceedings and that he is an impartial referee.

The location of the judge's bench underscores his control over the proceedings. Positioned at the end of the courtroom, the judge is able to maintain a watchful eye over everyone in the courtroom and over the proceedings. The only corner that would have been out of the judge's perspective is cut short by three extended triangles, giving the judge the maximum opportunity to view the entire courtroom.

Because the architecture symbolizes the judge's role as an unbiased arbitrator separate and independent from the proceedings, the architecture is consistent with the ideology invested in the judge's position in the actual application of the law. During a criminal trial the judge is "the chief member of a court"55 and is in "control of proceedings and the decision maker of questions of law or discretion."56 Moreover, unlike the adversarial attorneys, the judge is required to play a passive and unbiased role57 as "the citadel of the public justice and the public security."58 Further, the

56. BLACK'S LAW DICTIONARY, supra note 55, at 841.
57. See STEPHAN LANDISMAN, READINGS ON ADVERSARIAL JUSTICE: THE AMERICAN APPROACH TO ADJUDICATION 77 (1988); but see Stephen A. Saltzburg, The Unnecessarily Expanding Role of the American Trial Judge, 64 Va. L. Rev. 1 (1978) (arguing against the increase in active judges during trials); see, e.g., JOHN SIRICA, TO SET THE RECORD STRAIGHT: THE BREAK-IN, THE TAPE, THE CONSPIRATORS, THE PARADON 71-81 (1979) (discussing Judge Sirica's active role in the trial of seven Watergate participants).
58. PRESSER & ZAINALDIN, supra note 40, at 135 (quoting Alexander Hamilton from The Federalist Papers No. 78).
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Supreme Court has held that the Due Process Clauses of the Fifth and Fourteenth Amendments entitle a criminal defendant to a trial before an "unbiased judge."^{59}

From the moment the judge enters the courtroom, his stature as "the citadel" of justice is recognized.^{60} The judge enters from his private entrance in area two. He is the only courtroom inhabitant to use this entrance. (Figure 18) This separate entrance implies that the judge is apart and independent from the proceedings, attorneys, jurors, and public — consistent with the constitutional principles cited above.^{61}

When a witness is called to testify, the architecture further exemplifies the judge's position as an unbiased arbitrator. After being called, a witness assumes her designated position and all attention is directed toward the corridor of conversation in Figure 14. The judge becomes secondary and his appearance is only acknowledged when opposing counsel makes an objection. Upon objection, the focus shifts from the corridor in Figure 14 to the adversarial set-up in Figure 9. Once the judge rules on the objection, focus moves back to the attorney-witness corridor and again secondary importance is placed on the judge. The architecture forces the judge to play a much more passive role by having the judge fall into the background, emphasizing the importance of conducting the proceeding in a manner that allows the attorneys to tell their story.

Designing the judge's space to reflect her passive role during witness examination is critical to the architecture of the American courtroom. For example, this type of architecture would be inadequate to serve the Chinese criminal court system, which permits active questioning of a witness by the judge. In the 1984 criminal trial in China of the "Gang of Four," while a witness was being examined the judge stopped the proceedings and stated:

59. "U.S. CONST. amend. V, XIV; see Young v. United States, 481 U.S. 787, 799 (1987); In re Oliver, 333 U.S. 275 (1948); see also PREISSER & ZAINALDIN, supra note 40, at 134 ("In a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws."); but see U.S. Judge Denies Pressure Changed His Mind, CHI. TRIB., Apr. 14, 1996, at 12 (discussing the re-hearing and reversal by Federal District Court Judge Harold Baer following pressures from executive and legislative branches of government).

The judge's role as an unbiased arbitrator is also reflected in the judge's tenure. To shield federal judges from political pressures, federal judges "hold their Offices during good Behaviour." U.S. CONST. art. III, § 1; cf. SHAO-CHUAN LENG & HUNGDAH CHIU, CRIMINAL JUSTICE IN POST-MAO CHINA 66 (1985) (stating that judges in the Chinese system serve for three or five years, depending on the court in which they sit, subject to reappointment).

60. Interestingly, another interpretation of the architecture around the judge's space could lead to the perception that it creates a hierarchy of importance in the courtroom, where the judge is at the top. This is inconsistent with the democratic ideals invested in the criminal justice system. However, it is consistent with countless warnings about the power granted to the judiciary in the American system of justice. See generally ROBERT H. BORK, THE TEMPTING OF AMERICA (1990); PREISSER & ZAINALDIN, supra note 40, at 252-54 (quoting from HONESTUS, OBSERVATIONS ON THE PERNICIous PRACTICE OF THE LAW, As Published Occasionally IN THE INDEPENDENT CHRONICLE, In The Year 1786 (warning and arguing against the inherent judicial power). Similarly, the axial alignment of the judge's position is not unlike the undemocratic use of the axial design in fascist architecture where the axial relationship is meant to emanate a sense of power and control, rather than unbiased arbitrator.

61. Supra notes 56-60 and accompanying text.
This court issues about American court during trials and witness exams by our society.
The architect of the court's role application was designed for

3. The Jury

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[The defendant's] denial absolutely cannot stand up. Today the court's investigation has made it clear that [defendant] schemed with [another defendant] to conduct illegal searches and to persecute close acquaintances from the literary and art world of the 1930s, and this had a goal she would not disclose. What must be especially pointed out here is that this crime had extremely serious consequences. The five literary and art figures mentioned above, after having had their homes illegally searched, all met vicious physical persecution.

[Defendant] cannot evade her criminal responsibility. It must also be pointed out that the illegal searches of those people's homes, and the physical maltreatment of them, were crimes committed jointly by [the defendants].

Call [the next witness].

This colloquy during an American trial would not only raise serious constitutional issues about the judge's bias but also would not function in the architecture of the American courtroom, where a judge's position is designed to be unbiased and passive during witness examination. Designing the judge's position to be secondary during witness examination implies a position of passivity and neutrality -- ideals embraced by our society's view of the judge's role.

The architecture defining the judge's space emphasizes his position as defined by the constitutional principles. Those principles warrant a design that embodies a judge's role of independence, separation, control, and neutrality in the actual application of the law.

3. The Jury's Space

The final major active participant's space in the courtroom is that of the jury. (Figure 19) Situated along the west wall the jury is seated in the "jury box." The box is an architectural addendum to area two. A sectional drawing through the box (Figure 20) illustrates that when the jury box is severed from area two, area two is symmetrical. The box is simply tacked onto the side as an annex. Symmetrical architecture is thought to symbolize harmony and wholeness. The placement of the jury box onto the symmetrical area implies that it is separated from the action occurring in that symmetrical area. The design permits the jury only to observe the trial and not to become actively involved in the initial presentation of it.

Within the jury box the jurors are seated in twelve individual seats. The seats are designed on a unique series of steps, distinguishing them from any other seating in

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An architecture developed by Lewis Carroll would also be inadequate for the judge's position:
"No, No!" said the Queen. "Sentence first - verdict afterwards."

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"There's the King's Messenger. He's in prison now, being punished and the trial doesn't begin until next Wednesday and of course the crime comes last of all."
"Suppose he never commits the crime?" said Alice.
"That would be all the better, wouldn't it?" the Queen said.

ALICE IN WONDERLAND IN LOGICAL NONSENSE: THE WORKS OF LEWIS CARROLL 177, 195 (Philip C. Blackburn & Lionel White eds., 1934).

63. FED. R. CRIM. P. 23(b) generally requires twelve jurors in a federal criminal trial.
Figure 20
the courtroom. (Figure 20) This seating is similar to the audience seating in a theater or arena. (Figure 12) The jurors are elevated above the floor of the performance space, separated from the action below but still watching attentively and preparing to judge.

The jury box is further distinguished from the rest of the courtroom by its east-west orientation. (Figure 21) All of the participants in the courtroom have designated positions that require a north to south orientation. The jury, however, is the sole inhabitant of the courtroom facing east-west. This gives the jurors a unique perspective and an unobstructed view of the trial as it is presented. Their position provides them with the most visual access to the presentation of evidence along the corridor in front of them. (Figure 14) The architectural orientation of the jurors keeps them focused on the attorneys and the witnesses as the evidence is presented.

It is immediately apparent from the placement of the jury that the jury has a unique role in the judicial process because it occupies a unique place in the courtroom. By having a unique seating and orientation, the jury is singled out, implying severance from the trial and individuality of the jury. Unlike the judge's separation, which is still within the confines of the verbally active participants by its north-south orientation, the jurors are in a different separation by their east-west orientation. They are isolated and taken out of the north-south flow of activity.

The architecture further describes the jury's role by protecting it with a three-foot-high wall and four-foot-wide passage. Although the passage is never physically occupied in any meaningful way, it serves the vital purpose of distinguishing the jurors from the public in area one by visually and physically separating them.

The jurors' first movements into the courtroom clearly distinguish them from other members of the public in area one. The jurors enter into the courtroom through a separate doorway in the southwest corner. (Figure 22) Even though the jury is made up of members of the public, they stand apart from the public because their entrance is not accessible to the public. This emphasizes the importance of the jury's role and its separation from society. The jury, however, maintains its connection to the public by entering in area one, the public seating area. This is significant because it implies that although the jurors are accepting a special role in society, they are still a part of society - a society that is participating in the judicial process.

The architectural design defining the jury space is consistent with social ideology as articulated in the Constitution. The Supreme Court has held that a defendant has a right to "a panel of impartial, 'indifferent' jurors" drawn from a fair cross-section of society. The architecture of the jury box promotes this right by orientating the jurors on a unique east-west axis and providing unique sectional qualities. As laypeople, the jurors serve as the public's connection to the judicial process and a

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64. See Irvin v. Dowd, 366 U.S. 717, 722 (1961); see generally Duncan v. Louisiana, 391 U.S. 145 (1968) (extending right to jury to almost all serious criminal trials); but see Murphy v. Florida, 421 U.S. 794 (1975) (shifting the burden to defendant to prove trial was made "inherently prejudicial" by an impartial jury).

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check on judicial despotism. A juror is the layperson’s opportunity to act as a public servant and function as a check on the judicial system. The design of the jury box and its seating arrangement is consistent with this public/semi-official function of the jury by its proximity to the public area, unique entrance, orientation, and elevation.

C. CONSISTENCY OF INTERIOR COURTROOM ARCHITECTURAL DESIGN

An analysis of courtroom architecture reveals that the architecture is designed to establish a passive public forum of observers, attorneys that are essential, equal adversaries, an independent unbiased judge, and a separate jury of the defendant’s peers, consistent with Fourth, Fifth, Sixth, and Eighth Amendments. The significance of having a corresponding architectural design and societal ideology in the courtroom lies in architecture’s inherent quality to promote and maintain a system of values invested in the actual practice of law. Despite major changes in the Constitution, Supreme Court doctrine, and technology, the architectural realization of the courtroom has remained substantially the same since 1791 and guided by the Fourth, Fifth, Sixth, and Eighth Amendments. These Amendments have been and continue to be used as the foundation for criminal prosecution and have not changed. Significantly, just as the amendments have not changed, nor has the architecture where those Amendments are applied. With the

66. See generally PRESSER & ZAINALDIN, supra note 40, at 34-51 (recounting the John Peter Zenger trial where the jury exercised their power of jury nullification to acquit on a charge of seditious libel) (citation omitted).
67. See supra notes 44-47 and accompanying text.
68. See supra notes 48-54 and accompanying text; LANDSMAN, supra note 57, at 1, 15.
69. See supra notes 55-62 and accompanying text.
70. See supra notes 63-66 and accompanying text; LANDSMAN, supra note 57, at 1-5, 33-39.
71. U.S. CONST. amend. IV, V, VI, VIII. “[N]o Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing...the person...to be seized.” U.S. CONST. amend. IV. “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.” U.S. CONST. amend. V. “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him...and to have the Assistance of Counsel for his defence.” U.S. CONST. amend. VI. “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. CONST. amend. VIII.
72. See, e.g., U.S. CONST. amends. XIII, XIV, XV.
74. Consider, for example, the technological accommodations made for electric lights and television monitors.
75. U.S. CONST. amend. IV, V, VI, VIII.
exception of accommodating technological advances, interior courtroom architecture has remained substantially the same for the past 200 years.77

The exposure of an internal consistency between the architecture and the law provides a possible understanding of why courtroom architecture has remained the same. If the basic underlying ideology practiced in the architecture has remained substantially the same for the past 200 years and the architecture wishes to reflect this ideology, then it too will remain the same. In other words, consistent with the relatively continual and unchanged application of the 1791 Amendments, the basic architectural design of the courtroom has not changed because the fundamental manner in which the law is practiced and applied has not changed.

A dissection of the interior courtroom architecture serves as a window on law and its actual application and practice from within. Juxtaposing that dissection with the social ideology invested in the Constitution reveals that architecture is a physical manifestation of the actual application and practice of the law as guided by the Constitution. Furthermore, a historical analysis reveals that just as the Constitutional Amendments have remained substantially unchanged for the past 200 years, so too has the architecture of the courtroom.78

IV. THE COURTHOUSE – A PERSPECTIVE ON SOCIETY’S PERCEPTION OF THE LAW

If dissecting the interior design gives us a glimpse of how the law is actually practiced from an internal perspective, dissecting the exterior design of the courthouse should provide us with a glimpse of how the public at large views law from the outside.

A necessary starting point to unearth this perception is a brief review of architectural courthouse history to unveil the initial social perceptions of law and the architecture those perceptions embodied. If, as in courtroom architecture, there are no architectural changes in courthouse design, then the perception unearthed from the original architecture should be the same as today’s perception of the law. However, as we will see, this is not the case and courthouse architecture has evolved taking on a new shape — implying a changing external perception of the law.

A. A BRIEF HISTORY OF COURTHOUSE ARCHITECTURE

Courthouse architecture is partially responsible for creating one of the most prolific public architectural periods in America – the Greek Revival.79 The Greek Revival period was introduced to American public architecture during the early 19th century.80 The birth of the Greek Revival period was a product of several significant historical events both architecturally and politically. In 1738 at Herculaneum and then

77. Compare Figure 23, a courtroom from 1838 with Figure 24, a courtroom from 1991.
78. Although the constitutional Amendments have remained substantially the same throughout the past 200 years, they have been bypassed by the increased use of plea bargaining.
79. For a detailed account, see ROGER G. KENNEDY, GREEK REVIVAL AMERICA (1989).
80. Id. at 3.
and the law remained the same. To reflect this consensus with the courts, the basic framework of law on law and justice with the rule of law is a physical guidance by the Constitution for years, so too.

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in 1748 at Pompeii, both in southern Italy, major ancient Roman cities were excavated. These excavations attracted many scholars who produced numerous books, sketches, and discussions analyzing the rediscovered architectural style of the Roman cities.

Thirty years later in 1776, America declared its independence from England and began searching for an independent identity. Part of that search included breaking away from England’s Georgian architectural style popular in the 18th-century. Georgian architecture became a symbol of the English monarchy, and adopting a new architectural style would symbolize the new-born country’s freeing itself from England. Intrigued by the newly rediscovered classical architecture of Herculaneum and Pompeii and searching for a new architectural style, the new United States began to adopt classical architecture as its defining architectural style.

Most architectural historians believe that the 1792 Virginia State Capitol (Figure 25) is one of the earliest works of public classical architecture in America. Designed during the “Federalist” period of architecture, a precursor to Greek Revival, the Capitol was instrumental in advancing the adoption of classical architectural design in America. The architects, Thomas Jefferson and Jacques-Louis Clerisseau, designed the Virginia State Capitol in the Greek classical style modeled after the Roman Maison Carrée in Nîmes, France. They adopted this style to reject the traditional English designs. The austere presence of classical architecture was to symbolize and evoke a perception of the everlasting stature of the new country, the “intellectual tradition to which it was heir, and to signal to the world the greatness to which it aspired.” The Virginia State Capitol has been considered to sustain Jefferson’s:

sharp aversion to the architecture of colonial América, and in so doing [the Virginia State Capitol] became the first American public building to reject altogether the English tradition. It thus stands as the first positive step toward American cultural independence...[T]hrough its stylistic independence, the building becomes expressive of a fundamental Jeffersonian principle, freedom of choice.

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81. KOSTOF, supra note 25, at 195-207.
82. Id. at 560.
83. See KENNEDY, supra note 79.
84. See id.
85. Jefferson has been quoted as saying: “Architecture is my delight... But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile them to the rest of the world, and procure them its praise.” LOIS CRAGG ET AL., THE FEDERAL PRESIDENCE 24 (1977).
86. Id. at 26-28; see WILLIAM H. PIERSON JR., AMERICAN BUILDINGS AND THEIR ARCHITECTS 291 (1970) (“Jefferson’s architectural judgment was clearly tinged by his political opinions, and it was in part this attitude which motivated him in his search for an architectural idiom which would be non-English and at the same time expressive of American democracy. It is this idealism, too, which separates his architecture so decisively from other American work of the period.”).
87. PIERSON, supra note 86, at 297.
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stand[ing] the first tie belief in the were motifs which has Jefferson meaning and purpose. 88

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The same commentator has described Jefferson's choice to employ the classical design as:

standing on the threshold of a new and living tradition in American architecture; for the first time the weary clichés of the English colonial styles were rejected in favor of a belief in the present. Jefferson's plans for [the University of Virginia and Monticello] were motivated by an unshakable faith in the rightness of his time and place, a faith which has been the mark of all great creative men through all generations of time.... Jefferson spoke for an aspiring America. His architecture, therefore, takes on its own meaning only when viewed as both instrument and symbol of his social and political purpose.88

Although America had begun to adopt the classical style, it was not until the War of 1812 with the destruction of Washington D.C. and the beginning of a new era of presidents, James Monroe (1817-1825) and Andrew Jackson (1829-1837), that Greek Revival began to flourish.89 Architects such as Robert Mills90 (1781-1855), William Strickland91 (1799-1854), and Thomas U. Walter92 (1804-1887) proposed numerous public buildings all designed in the Greek Revival style to maintain the national ideology of independence, worldliness, and liberty adopted by Jefferson and Clerisseau.93 While holding the official government position of Architect of Public Buildings, Mills stated "we have the same principles and materials to work upon that the ancients had, and we should adapt these materials to the habits and customs of our people as they did theirs."94

By the mid-1800s all public buildings and most large residential buildings were being built in the Greek Revival style. Greek Revival had become the adopted symbol of democratic America and produced some of the most symbolic and celebrated early American buildings that would influence generations of architects to come.95

One of those architects was Cass W. Gilbert (1859-1934). Architect of the United States Supreme Court in Washington D.C. and the old United States District Court, Southern District of New York ("Old Courthouse"),96 (Figure 28) Gilbert embraced and maintained the architectural ideals of democracy, independence,

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88. Id. at 334, 287.
89. Kostof, supra note 25, at 631. The adoption of Roman architecture by Napoleon’s imperialist regime was another reason why the early American architects opted for an architecture based on ancient Greece and not ancient Rome in the Virginia State Capitol. Id.
90. Mills was responsible for the first Greek Revival building in Washington D.C., the Patent Office & Treasury Building.
91. Strickland is often associated with the first Greek Revival building in the United States, the 1818 Second National Bank in Philadelphia, Pennsylvania.
92. Walter studied under Strickland in 1819, before taking control of all of the Capitol extensions in 1851.
93. Kostof, supra note 25, at 631; Kennedy, supra note 79, at 29.
94. Kostof, supra note 25, at 631.
95. For example, many early American Statehouses including the North Carolina (Figure 26) and the old Illinois Statehouses (Figure 27) were designed in the Greek Revival style.
96. I use the adjective "Old" only to distinguish it from the New Southern District of New York Courthouse discussed later. The Old, completed in 1936, is still functioning as a Federal District Court in Manhattan and as the United States Court of Appeals for the Second Circuit.
Figure 27
worldliness, and stability presented by Jefferson, Mills, Strickland, and Walter into the 20th century. To Gilbert, it was above all else that public architecture:

should inspire "just pride in the state, and [be] an education to oncoming generations to see these things, imponderable elements of life and character, set before the people for their enjoyment and betterment. The educational value above is worth to the state far more than it cost -- it supplements the education furnished by the public schools and university [and] is a symbol of the civilization, culture and ideals of our country." 97

Gilbert believed, like the architects for some 100 years before him, that Greek Revival architecture had embodied a perception of "civilization, culture and ideals of our country" essential to a courthouse and the external perception of what occurs within it. He and other architects of government buildings created a government style based on Greek Revival, known as Beaux-Arts, to symbolize the stability and strength of the government.

The emphasis Gilbert placed on classical architecture to symbolize the functions of a courthouse can be illustrated by comparing it with contemporary residential architecture. In 1936, while Gilbert was designing the Old Courthouse, classical design in residential architecture had long passed. Architects like Frank Lloyd Wright (Figure 29) and Richard Neutra (Figure 30), had completely reformed American residential architecture into an era of modernism. 98 Nonetheless, Gilbert maintained the classical motif and continued to design public architecture in the classical style to continue the ideals it symbolized. 99

Gilbert was not simply out of touch with current architectural movements. In fact, it was quite the opposite. His 1913 design of the Neo-Gothic Woolworth building (Figure 31), then the tallest office building in the world, illustrates not only his acute awareness of contemporary architectural styles, but more importantly the continued significance of using classical architecture for public buildings like a courthouse. Gilbert designed the Old Courthouse and the Woolworth building in two markedly different styles for two markedly different functioning buildings. Gilbert employed the classical style for the courthouse and not the Neo-Gothic style, because it embodied a perception of a system of justice identified by independence and stability that he believed had not changed since the founding of the Nation and the beginning of an architectural period 150 years before it.

B. MODERN COURTHOUSE ARCHITECTURE – THE NEW UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

The days of the classical courthouse are over. In the past five years, architects have proposed designs for new federal courthouses in Alexandria (Virginia), Boston,

97. CRAIG, supra note 85, at 234 (quoting Gilbert).
98. See generally CURTIS, supra note 10, at 163-370.
99. Gilbert was not alone in his adoption of classical architecture. James Knox Taylor, the official Supervising Architect of the United States, stated in 1901 that classic architecture is the official architectural style of the United States government. CRAIG, supra note 85, at 236.
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Figure 28

1998] COURTROOM AND COURTHOUSE ARCHITECTURE 509

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Charleston (South Carolina), Kansas City (Missouri), Minneapolis, St. Louis, and Tampa. These designs abandon Greek Revival architecture for new modern designs.

One example of the new design is the new Federal District Court, Southern District of New York ["New Courthouse"]. (Figure 32) Completed in 1995, the New Courthouse is the nation’s largest federal district courthouse. Rising twenty-seven stories with a nine story wing, the New Courthouse stands less than 100 feet away from the Old Courthouse, but could not be more different. It completely abandons the classical style and employs an entirely different architectural style. While the Old Courthouse is symmetrical, unified in color, and classically structured with columns and capitals, the New Courthouse is asymmetrical, multicolored, and structured with curves and modern exterior facing.

The difference between the two is immediately apparent from the approach to the buildings. The peripheral areas, Chinatown and TriBeCa, are systematically laid out on grids. The grids converge, forming a focal point at a public park in front of the Old Courthouse. The exterior footing of the Old Courthouse does not follow the surrounding grids and distinguishes itself as a freestanding architectural icon within the surrounding grid areas. By not following the grids, the Old Courthouse creates its own architectural vocabulary imparting a sense of prominence to the site within the grids, yet separating it from the grids. By not responding to the grids, the Old Courthouse creates the perception that the courthouse is a place apart from society, necessary to objectively resolve the disputes generated from within society and within the grids.

Although less than 100 feet from the Old Courthouse, the New Courthouse pales in comparison to the form and structure of the Old. Wedged behind the New York County Courthouse, the New Courthouse is almost submerged into the surrounding street grids, making the entrance to the New Courthouse much less conspicuous than that of the Old Courthouse. (Figure 33) The New Courthouse is situated on a plot of land carved out from the surrounding grid areas. Unlike the Old Courthouse, the New Courthouse follows the grids of the surrounding areas and is almost completely engulfed by the grid area.


101. Designed without a budget cap, the New Courthouse eventually cost the taxpayers $412 million and was substantially behind schedule on the date it was opened. $69 million of this money is attributed to the lavish interior, including:

- stone pilasters in the ceremonial courtroom costing $333,000;
- a dome in the ceremonial courtroom costing $185,000;
- a fire hose cabinet in the ceremonial courtroom costing $5,900; and
- 1,200 doors costing $9,000 apiece.


102. This park somewhat resembles the 19th-century socialist use of the park as a focal communal point of gathering near the municipal buildings. The park is in the midst of a multi-million dollar renovation.
The public park in front of the Old Courthouse entrance (Figure 28) gives the public a place to relax before entering and upon exiting it. The park also provides the entrance with substantial amounts of natural light because there are no buildings obstructing the sunlight. The openness and lightness of the area gives the perception that the area is a communal area, an important aspect of a system promoting democracy. Because the surrounding grid area contains few parks, the entrance to the Old Courthouse is further distinguished. Furthermore, the entrance to the Old Courthouse is celebrated by its grand staircase descending onto the park.

The main entrance to the New Courthouse differs drastically from the ceremonial entrance to the Old Courthouse. Entrance to the New Courthouse occurs down a dark alley that receives little natural light, making it inconspicuous and uninviting. (Compare Figure 34, entrance to New Courthouse with Figure 28, entrance to Old Courthouse) One does not perceive the same sense of importance emanating from the entrance of the New Courthouse as from the Old Courthouse. Significantly, the New Courthouse is bordered on one side by a park. The architects, Kohn, Pederson Fox Associates, however, did not design the main entrance to face the park, as Gilbert did in the Old Courthouse. Instead they chose to place the main entrance in a dark alleyway wedged between two buildings.\(^\text{103}\)

Standing in the middle of the park by the Old Courthouse and looking east one can see the Old Courthouse and can sense the power and permanence emanating from its solid mass. In the background, almost sheepishly peeking over the Old Courthouse's shoulder, one can see the New Courthouse and sense its feeble structure and meager presence.

Before actually entering the New Courthouse, it is impossible to know what type of activity occurs within it. Figures 35 and 36 are buildings designed by Kohn, Pederson Fox Associates, architects of the New Courthouse and numerous late 20th-century buildings throughout the country. Although these buildings are designed in a style very similar to the New Courthouse, the activities inside these buildings are very different than those in the courthouse. Figure 35 is an office building, while Figure 36 is an insurance company – functions drastically different from a courthouse.\(^\text{104}\) Comparing Cass Gilbert's Woolworth building and Old Courthouse to Kohn, Pederson Fox's office buildings and New Courthouse illustrates the changing design of architecture. While Gilbert employed different styles for the office building and the courthouse, Kohn, Pederson Fox employed a similar style for both.

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103. A fact sheet produced when the New Courthouse won the 1997-1998 BOMA/NY award for Government Building of the Year describes this dark alley and side entrance to the park as "proudly turning its face to its civic sisters while offering a graceful shoulder to a nearby park . . . ."

104. Because the exterior of the courthouse does not make it apparent that the New Courthouse is a place of judicial administration, the place to experience its judicial nature is inside the building. It is not until one enters the New Courthouse, and is greeted with an enormous statue of Lady Justice by Ray Kasky, that the judicial nature of the building is realized. Upon entering, the statue hovers overhead, leaning forward and balancing the scales of justice.
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Figure 36
C. INCONSISTENCY OF EXTERIOR COURTHOUSE ARCHITECTURE

The exterior courthouse architecture has stylistically changed in recent years. The new style abandons the classical vocabulary used for courthouse architecture for 200 years. Since the founding of the nation, architects employed the classical style of architecture because it created an external perception that the law and the country were based on an ideology founded in democracy, independence, and stability. The exterior facade embodied this perception by physically structuring society’s perception of the law without, while harnessing the legal activity within. It influenced society’s perception of the law and imputed stability in law. Stability has been one of the keystone of the American criminal justice system and has been embodied by the use of classical architecture. The classical architecture provided faith and an expectation of justice in law. However, the classical style of architecture has been abandoned by the new courthouse design. If the exterior courthouse architecture is society’s perception of the law and that architecture has experienced a change, it follows that society’s perception of the law has changed as well.

V. UNCHANGED COURTROOM ARCHITECTURE VERSUS CHANGED COURTHOUSE ARCHITECTURE

We can only speculate as to what this change in society’s perception of the law as experienced through courthouse architecture means. There are, however, two fundamental components of that change: first, there is the rejection of the classical architecture and the ideology it sustains; and second, there is the adoption of a new style and the corresponding ideology the new style sustains.

As a starting point, rejecting the old classical style may be interpreted as an expression of society’s increased discontent with the law and its growing uncertainty regarding the system’s ability to administer justice.

However, what replaces that style? A quick comparison of architectural styles reveals that the new architectural style is one commonly recognized as the style used for corporate architecture. The reader will recall the prior section’s comparison of the New Courthouse designed by Kohn, Pederson Fox Associates and two corporate buildings designed by the same architects. The comparison revealed that the architects employed substantially the same architectural details and designs in the courthouse as they did in structures housing the corporate functions. (Compare Figures 29 & 31 with Figures 32, 35 & 36)

What does housing the system of justice in a style recognized for its association with corporate structures say about society’s external perception of law? Does it mean law’s role in society is to be read as couched in corporate values?

Disguising the internal functions of the law behind a corporate facade could be interpreted as an attempt to impute corporate order and to overcome uncertainty by embracing corporate values such as efficiency, order, and predictability. It proceeds on the perception that the internal functions of the building are anchored in something perceived to be secure, or at least more secure than the current perception of the legal system. The corporate structure symbolizes what today’s society considers or recognize that stabil...
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recognizes to be stable, and the need to house the internal application of the law in that stability.

In this way, the exterior facade functions as corporate advertising that masks prevalent, negative views about the law's state of efficiency and legitimacy. The facade advertises to the public a perception of the law as efficient, predictable, and stable. The corporate facade represents that stability and is tacked onto the courtroom functions, so as to create an almost parasitic relationship, where the wounded reputation of the legal system aligns itself with the power, wealth, and largeness of the corporate structure and society's perception of it on the outside. Once seen as the symbol of monumentality, power, and stability, classical architecture has given way to society's new perception of monumentality, power, and stability - the corporate structure.

Aligning the courthouse with the private corporate sector also has the effect of rejecting the independence commonly associated with the justice system. The exterior facade blurs the line separating the independent public functions in the courtroom and the private realm by linking the legal system to the corporate sector. It implies a connection with the corporate structure or an external perception that only the corporate world can get justice. In other words, the system of justice housed within operates only within the confines of the corporate structure without.

Perhaps this vision of the law as aligning itself with the corporate sector is consistent with the current public sector's move towards plea bargaining. Over 95% of all cases are decided by plea bargaining.\(^\text{105}\) In these cases, private individuals operate independently of the constitutional principles applied in the courtroom and bargain on the open market (e.g., how much is manslaughter worth?).\(^\text{106}\) The architecture reflects this private dealing by adopting the corporate style to symbolize people's perception of a mechanistic plea bargaining process that occurs between private individuals independent of the courtroom and public realm. The corporate facade symbolizes the political wave of plea bargaining by physically connecting the courtroom functions with the iconographical symbol of the private sector - the corporate structure.

Finally, this dissonance of disparate elements internally and externally coupled with the masking of the interior is suggestive of a postmodern style.\(^\text{107}\) One of the cornerstones of postmodernist thought is the idea of pastiche.\(^\text{108}\) Pastiche is the layering of sensible and non-sensible, related and non-related styles over one another. The layering of the new exterior courthouse corporate design over the legal functions

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\(^\text{105}\) See Newman, supra note 76. Along the same lines, it may also be an expression of recent privatization efforts (e.g., private security firms and private prisons).

\(^\text{106}\) As with most corporations, corporate efficiency comes at a price; here, it is the loss of constitutional rights. Some of these rights include the right to a jury trial and the right to confront and cross-examine witnesses, U.S. CONST. amend. VI, and the right not to incriminate oneself, U.S. CONST. amend. V.


within is the iconographical example of pastiche. On the inside lies the traditional public realm of the courtroom where the constitutional principles continue to be applied. Wrapped around the courtroom is the fundamentally different private corporate design. The exterior facade creates an internal strife between the exterior and interior emblematic of postmodern pastiche by literally couching the judicial activity within the corporate facade. If courthouse architecture sustains an ideology, this courthouse’s message of pastiche is indicative of a postmodernist ideology.

Part of the postmodern ideology is the questioning of established structures by challenging society to reconsider all that has been absorbed as part of society’s culture. The changing courthouse architecture is a reflection of postmodernist ideology by its rejection of formalism, stability, and established architectural detailing in the classical architecture used for 200 years. The architecture challenges the status quo by abandoning classical architectural detailing. The architects juxtaposed the corporate structure onto the courtroom functions in a postmodern pastiche manner creating a schism between the traditional societal perception symbolized by the classical architecture and its long established history in America. That architectural schism represents society’s conflict-ridden perception of law in the postmodern era.

CONCLUSION

I began this article as an investigation of courtroom and courthouse architecture and the extent to which it embodies societal ideology. That investigation quickly revealed an internal strife between the interior courtroom design and the exterior courthouse design. A dissection of the interior, where the law is actually practiced, revealed that the design is consistent with ideology invested in the actual application of law. It also revealed that just as the ideology in law has remained substantially consistent, so too has the interior architecture. A dissection of the exterior courthouse, however, revealed that there is a changing societal perception of the law that was reflected in a changing architectural style of the exterior. The external perception of

109. See id. at 599; see also Robert Justin Lipkin, Can American Constitutional Law Be Postmodern?, 42 BUFF. L. REV. 317, 329-32 (1994) ("In fact, skepticism concerning truth and justification can be the stepping stone to modernity."); see generally Hatch, supra note 2, at 7 ("Community is almost unknown; society is reduced to an aggregation of fearful and mutually suspicious individuals.").

110. See CURTIS, supra note 10, at 547 (quoting postmodern architect Robert Venturi as stating "architects can no longer afford to be intimidated by the puritanically moral language of orthodox modern architecture.").

111. See id. at 604 (finding Michael Graves’s postmodern architecture to be "plac[ing] a personal lyricism high in the scale of values, and cocking a snook at ‘functional appropriateness.’"); id. at 609 (describing Collage City by Colin Rowe & F. Koetter, one of the leading books on postmodernism, as "a symptom of a state of skepticism in which irony was a basic ingredient").

For example, one of the foremost postmodern architects, Robert Venturi, in a house designed for his mother, mocked most of the established residential design details. Although the house was designed with the typical residential details such as a gable roof, attached moldings, and a back porch, it was no mere replica of the standard suburban image, since the allusions to the humble American home were combined with witty and ambiguous quotations from Le Corbusier and Palladio. The facade had a deliberately deadpan character which disguised the welter of internal complexities and contradictions of the plan. Id. at 352. Venturi, in a show of irony and mockery, even challenged the established use of a stairway by designing the house with an infamous second floor staircase leading to nowhere.
the law is no longer viewed as the stable vestige of justice as perceived through the classical architecture. The new courthouse architecture raises questions of stability and performance by breaking with the classical style of the past and adopting a corporate architectural style. To the extent that a dominant societal ideology exists, it is manifested in courthouse architecture and an analysis of that architecture indicates a postmodern ideology.

What this discovery and the existence of this internal/external clash mean is open to speculation. It is, however, a significant indication that something is changing in the way the public perceives law's role in contemporary society. It is a perception that sharply contrasts with the impression of continuity within the building's interior.