

**DOES LEGAL ARCHITECTURE AND COURTROOM DESIGN ALLOW US  
TO UNDERSTAND THE NATURE OF JUDICIAL HIERARCHY AND THE  
POWER OF LAW**

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The nature of judicial hierarchy and the power of law can be understood from the judicial architecture as architecture plays an important role in understanding the symbolic lives of the courts. A question that often arises is that whether a court house is a building which is made for the purpose of looking aesthetically pleasing to the eye or whether in its representation it is a sign of what law really is. If looked upon closely, one would find that judicial architecture would convey expansive messages in relation to themes of law and politics. The images from the design of the courtroom would reveal the rule of law, judicial independence and judicial power in a political and legal culture. This link between legal architecture and nature of judicial hierarchy has been acknowledged by public law scholars as well. *“Simply put, to know courts is to love them, because to know them is to be exposed to a series legitimizing messages focused on the symbols of justice, judicial objectivity and impartiality.”*<sup>1</sup> *“It is through architecture that law paradoxically enforces itself as select, secluded and sacral in nature and yet at the same time celebrates its regulation over an outside community of subjects by drawing them within the singular and absolute extent of its jurisdictional space.”*<sup>2</sup>

The importance of courts has been realized more towards the end of the 20<sup>th</sup> century and this can be seen through the change in the architecture of courts. There was a time when courtrooms were just tucked away into multipurpose town halls. In the United States during the 1850s state courthouses were commonplace and they weren't called as courthouses, it was only during the end of the 20<sup>th</sup> century that 'courthouses' came about. With the new courthouses being set up, the role of judges grew. With the new courts the judges invoked a higher authority, for they

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<sup>1</sup> James L. Gibson, Gregory A. Calderia and Vanessa A. Baird, *On the Legitimacy of National High Courts*, Vol. 92 AMERICAN POLITICAL SCIENCE REVIEW 345 (1998).

<sup>2</sup> Haldar Piyel, *In and Out of Court: On Topographies of Law and the Architecture of Court Buildings*, Vol.7 (20) INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW 187 (1994).

understood that the walls of a court and the elaborate features of these courts are what actually frames law.<sup>3</sup>

It was between the 18<sup>th</sup> and 20<sup>th</sup> century that judges escaped the servitude of monarchs and obtained independence in the form of a fixed tenure in office and a fixed salary. A courthouse now documents these changes and reflects the shift in power. Even though courtrooms are equipped with state emblems and flags, but any symbol which personified the state as an overseer of the judge is no longer present. The absence of such a symbol is seen as a recognition of judges being independent and more authoritative and the presence of the state emblem and flag personifies the entire power of the State is behind the judge. To further prove the judge is more authoritative and commands more respect and honour, one would find across all courtrooms that the judge presides proceedings from his elevated bench. The height not only signifies the judge's power but also gives him visual control over everyone in the courtroom, thus helping him maintain full control over the court. This is a sharp contrast to a judge's position in the past, where he did not have a fixed salary and was at the mercy of the monarch. Judges were subject to corruption and this has been depicted remarkably by the Flemish artist Gerard David who in his painting depicts how a judge who after being caught for corruption was punished by King Cambyses who ordered him to be flayed alive and made his son a jurist to sit on a seat made from his father's skin. However during that time gifts were everywhere and presents were given to people in high positions and there was no clear distinction between a good gift and a bad gift. Thus, if a judge was caught accepting a gift, the king would decide whether the gift was good or bad and punish him accordingly.

When one looks at a modern day court building, one would notice at the frequent reliance of glass which symbolizes the accessibility and transparency of law, but the interiors of these courts tell a completely different story. The interiors of courts have multiple segregated passageways which have been done to isolate the participants once they enter the building. The

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<sup>3</sup> *Ibid* (2).

dynamics of judicial proceedings is affected by the use of space and designation of place in a courtroom. By raising the dock of the defendant, the defendant is raised to a height where he is clearly visible to the entire courtroom. The space between the defendant and the judge also creates a sense of stripping of one's dignity for confessions and highly personal stories which would normally be told in close and intimate spaces are conducted over much longer distances in the presence of strangers.<sup>4</sup> However the space in the courtrooms which ignites such feelings of humiliation in the defendant is done so as to make the guilty understand the gravity of law and the seriousness of his crimes.

*“The changing use of space in the courtroom reflects how roles in the trial have transformed over time as ideas about due process and the value of lay knowledge have changed. Lawyers in particular began to assume a much more important role in the trial in the last 150 years as the right to counsel was established and law became increasingly technical.”*<sup>5</sup> With law becoming more technical, the importance of lawyers grew and they began playing a bigger role in the proceedings, which led to their claim of having more space in a courtroom. The people who suffered because of the new role of the lawyers were the court officials, who earlier had large desk in the center of the court have now been given a small desk by the side of the judge as more benches have been set up for lawyers.

The creation of a separate space for the judiciary has been a recent phenomenon. Earlier the members of the jury would mingle with spectators, but as a result of changes in the civil and criminal procedures which has restricted their power to gather evidence and to adjudicate on matters of law. Thus by creating a space for the jury their connection with the spectators reduced.

Another aspect that has changed inside the courtroom is the space for the public to view the proceedings which has become more peripheral and contained which is a drastic change from the courts in the pre-Victorian era. In that time movement was less restricted and their behavior was less restricted. The seating area in those courts however was based on the public's class as

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<sup>4</sup> Mulcahy Linda, Architects Of Justice: The Politics of Courtroom Design, Sage Publications 386 (2007).

<sup>5</sup> Mulcahy Linda, Architects Of Justice: The Politics of Courtroom Design, Sage Publications 392 (2007).

result of which a lot of people had to remain standing which would make the courtroom very crowded. The courtrooms would get so crowded that a trial was considered by pickpocket and thieves as ‘harvest time’. By making court proceedings more contained for the public, a sense of the gravity of law was tried to be brought out and to respect the law ‘gentlemanly values’ were promoted inside the courtroom. To keep the public in a courtroom contained a glass screen is placed between the dock and the public seating area in most courts which also keeps their vision restricted. With the glass screen in between the public can only see the judge clearly as he is at a height and any endeavor to stand up to look at anything else clearly is met with disapproval from other members of the public.

To understand the power of law and judicial hierarchy one need not look further than the Supreme Court of Israel, where the symbols and images are more subtle but yet invokes strong feelings to a person who enters the court for the first time and manages to convey the power of Israeli Law. The architects behind the Israeli Supreme Court wanted the public to feel as though they were entering a place which they didn’t have to go to higher place to get justice, but enter a place where they would feel protected, important, dignified and act in a dignified manner. To ignite these feelings the architects used both the culture of Israel and modern techniques.

As soon as one enters the building they come in front of a grand stairway, a stairway that is made of Jerusalem stone and is constructed to look like steps found in old Jerusalem. The wall opposite the stairway is constructed from the stone found in the archeological digs near the Great Western Wall and almost looks like it is a part of the Great Western Wall. In its history, the Great Western Wall used to separate the east from the west and would reproduce itself as “symptomatic of a fear; the threat of conquest, the threat of the other.”<sup>6</sup> The wall of Jerusalem was known to keep enemies at bay thus giving the people a sense of protection. By replicating the wall in the Supreme Court the architects offered people a sense of protection, that the law

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<sup>6</sup> Haldar Piyel, *In and Out of Court: On Topographies of Law and the Architecture of Court Buildings*, Vol.7 (20) INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW 194 (1994).

would protect them and ignite a sense of fear in the criminal, the same the Great Western Wall created a sense of fear in the heart of enemies of Jerusalem.

As one walks further in the building, one would notice that at certain intervals there are working replicas of street lamps, which are hardly ever used for the building is lit up by natural light. This is done so as to make the person feel as if he has not left the outside and has merely entered another street in the outside world. *“The inside has been deliberately been made to look like the outside- an outside that has been dragged inside in order to constitute and thus sanctify the inside.”*<sup>7</sup> It acts as a representation of the thing itself which enables it to become the thing itself. Thus, by trying to look like the outside, law makes an individual that it can organize and bring order to a chaotic world.

The chambers of the judges are on the top most floor, giving the judges a symbol of hierarchy and the holding cells for the prisons on the ground floors. *“Thus, the judges descend from the contemplative light; the prisoners ascend to the light and for citizens coming in the street, the leveling effect and accessibility of the court embodies their raison d’être.”*<sup>8</sup>

This use of natural light is made possible by a huge curved wall made up of glass which is situated at the top of the flight of stairs and it is from here that one can view the entire city of Jerusalem. *“The transparency of the outside again emphasizes through its panoramic and panoptical vision, the court’s jurisdiction, for the view itself becomes an ocular representation, a simulacrum of the city where human events remain invisible to the naked evidencer’s eyes.”*<sup>9</sup>

Although the formal entrance to the building is situated on the first floor and is designated as a gate house, the second entrance to the building reminds one of the doorways from Kafka’s *Trial*, where each gatekeeper is more powerful than the previous. *“The doubling of the entrance serves to strengthen the principle of interiority and to regulate more intensely that which comes from*

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<sup>7</sup> Ibid (6).

<sup>8</sup> Perry A. Barbara, *The Israeli and United States Supreme Courts: A Comparative Reflection on Their Symbols, Images, and Functions*, Vol. 63, No. 2 *The Review of Politics*, 327(Spring, 2001).

<sup>9</sup> Haldar Piyel, *In and Out of Court: On Topographies of Law and the Architecture of Court Buildings*, Vol.7 (20) *INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW* 195 (1994).

*the outside.*<sup>10</sup> The entrance acts as a point of access to the outside world but also provides a liminal space which like the window frames the outside world from the inside and provides an ocular representation of the outside and vice versa.

Upon entering from the second entrance one enters to find a pyramid like roof which acts as a window that allows light to enter. This natural light aims to make one forget about the outside world and wants them to be nurtured by this natural light. This natural light is symbolic to an internal enlightenment. “*The light symbolizes the enlightenment of the judge seeking just judgment.*”<sup>11</sup> Thus upon entering this court of justice one needs to look up and see the natural light which is symbolic to the purity of the justice one would receive in this court which appears to be an allusion to the shekinah of God. The courtrooms in the building are also illuminated from this natural light which comes from circular windows on the top, thus the judge only needs to look up to the natural light for “*Truth shall spring out of the Earth; and justice shall reflect down from the heaven.*”<sup>12</sup> The circular windows marks the principle of absolute closure, “*of a return to unity and ultimate oneness, of a precise and faultless denial of the other; an omniscient model of truth that circumscribes the phenomenal world.*”<sup>13</sup>

Beneath the pyramid, the panoptical tower of justice lies the library of the Supreme Court. These books, case reports and statutes are kept behind the glass wall that “*constitutes the rotunda of the gate house and arranged in categories, in volumes, by year, by classification.*”<sup>14</sup> The glass wall protects the knowledge of the principles of social justice which is “*meticulously and scrupulously arranged and guarded against the uninitiated visitor, whilst still being visibly on display.*”<sup>15</sup>

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<sup>10</sup> Haldar Piyel, *In and Out of Court: On Topographies of Law and the Architecture of Court Buildings*, Vol.7 (20) INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW 196 (1994).

<sup>11</sup> Perry A. Barbara, *The Israeli and United States Supreme Courts: A Comparative Reflection on Their Symbols, Images, and Functions*, Vol. 63, No. 2 The Review of Politics, 327(Spring, 2001).

<sup>12</sup> Pslams [85:12], The Bible cited in Perry A. Barbara, *The Israeli and United States Supreme Courts: A Comparative Reflection on Their Symbols, Images, and Functions*, Vol. 63, No. 2 The Review of Politics, 330(Spring, 2001).

<sup>13</sup> Haldar Piyel, *In and Out of Court: On Topographies of Law and the Architecture of Court Buildings*, Vol.7 (20) INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW 199 (1994).

<sup>14</sup> Haldar Piyel, *In and Out of Court: On Topographies of Law and the Architecture of Court Buildings*, Vol.7 (20) INTERNATIONAL JOURNAL FOR THE SEMIOTICS OF LAW 197 (1994).

<sup>15</sup> *Ibid* (14).



The answer to the question whether a court is a building for the purpose of looking aesthetically pleasing to the eye or whether in its representation it is a sign of what law really is illustrated beautifully by the Israeli Supreme Court. The Israeli Supreme Court's attempt to create a temple of justice which conveys the country's power of law and judicial hierarchy. Thus justice in these courts is absolute and pure and it is these architectural effects that elicits an admiration for the splendor of law, for the authority of law and the legitimacy of its jurisdiction is drawn from these architectural effects.

