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SYMBOLISM IN JUDICIAL ARCHITECTURE

ABSTRACT. The symbols that surround us from many sides play an important role in our perception of reality. Experiencing the world through different senses allows us to use a variety of means to manifest specific values or principles. Symbolism understood in this way also finds its place in legal sciences. Its most visible and substantial form is the symbolism hidden in judicial architecture. This paper is an analysis of the changing symbolism in judicial architecture over the centuries, taking into account current trends and indications in the design of court houses. Through a historical view of the evolution of symbolism, contemporary symbols and their relevance to the administration of justice have been interpreted, making it possible to identify specific symbols present in judicial architecture.

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1. *Introduction*

Symbolism was a direction in poetry and fine arts, formed in France and Belgium in the second half of the 19th century, assuming that the world cognized by the senses (material) is an illusion hiding the real, ideal world, which cannot be interpreted by reason.¹ Concepts from the real world cannot be described by ordinary language, only a symbol can do so. But are symbols only reserved for poetry, literature, or art?² Don't we also find them in other sciences, such as law? Can we not also find in the 'legal field' illusions hiding the real, ideal world, which cannot be interpreted by the senses and reason? To find answers to the above questions, one would first need to consider a more representative physical representation of law, in which symbolism can be freely smuggled, which is judicial architecture.

However, it is crucial to ask yourself also another question, from the law perspective: does the symbolism present in judicial architecture, understood as the place in which justice is rendered, have a purpose in the process of delivering justice, and to what extent?³ Is there any place at all for symbolism in court architecture, or is utilitarianism and the usefulness of specific pieces of court equipment for the effective administration of justice more important? At the same time, it would seem that symbolism in modern court architecture may be somewhat forgotten, or overlooked – but is this really the case?

Lawyers, especially academics, both from civil and common law jurisdictions, have recognized the communicative importance of the physical manifestations of justice.⁴ To put it another way, it is significantly important *where* justice is delivered, as it communicates in and of itself certain messages to its audience.

¹ Karl Ruhrberg and others, *Art of the 20th Century* (Taschen 2005) 22-23.

² About symbols of power and their influence on politics and trust, see Gustavo Zagrebelsky, *Simboli al potere. Politica, fiducia, speranza* (Einaudi 2012); see also Frank Covey, *The symbols of justice*, (The Student Lawyer Journal 1959) 14-17.

³ Fabien Gelinat and others, (*Judicial Architecture and Rituals*; in: *Foundations of Civil Justice* (Springer Link 2015) 2.

⁴ *Ibid.*

Judicial architecture addresses many issues, including court openness, building trust in the judiciary, or ensuring equal rights of the parties to the proceedings but judicial architecture is also about symbolism, which is contained in the architectural elements of courthouses. Many of these symbols date back to ancient and medieval times, when they also served important functions in the administration of justice. At that time, however, they took different forms than they do today – so it is reasonable to analyze the symbolism contained in court architecture over the years – to find ancient symbols in modern judicial architecture.

This paper is an attempt to present selected symbols found in modern court architecture, detailing their history and the transformations they have undergone over time. In order to do so, it will be necessary to show the historical visions of the judiciary and courthouses, as well as to look at modern trends in contemporary judicial architecture. The author would like to mention only that these will not be obvious symbols such as scales or judges' robes – following the example of the 19th-century symbolists, an analysis of less obvious symbols will be made.⁵ These symbols are still present in courts' architecture and offer an opportunity to combine it with the basic principles of judicial proceedings.

⁵ See notable publications in the field of judicial architecture by Judith Resnik – Judith Resnik, Dennis E Curtis and Allison A Tait, 'Constructing Courts: Architecture, the Ideology of Judging, and the Public Sphere' in Richard Sherwin and Anne Wagner (eds), *Law, Culture & Visual Studies* (Springer Publishing Company 2013) 515; Judith Resnik and Dennis E Curtis, 'Representing Justice: From Renaissance Iconography to Twenty-First Century Courthouses' (2007) 151 *Proc Am Philos Soc* 139.

About judicial architecture see also: Association française pour l'histoire de la Justice, *La Justice en ses temples. Regards sur l'architecture judiciaire en France* (Errance 1992); Georges Martyn, 'Painted exempla iustitiae in the Southern Netherlands' in Reiner Schulze (ed), *Symbolische Kommunikation vor Gericht in der Frühen Neuzeit* (Duncker & Humblot 2006) 335-56.

About Lady Justice and her attributes see: Adriano Prospero, *Giustizia bendata. Percorsi storici di un'immagine* (Einaudi 2008); as well as: Bradly Knox, 'The Visual Rhetoric of Lady Justice: Understanding Jurisprudence Through "Metonymic Tokens"' (2014) 6 *Inq J* <www.inquiriesjournal.com/articles/896/the-visual-rhetoric-of-lady-justice-understanding-jurisprudence-through-metonymic-tokens> accessed 17 December 2024.

About judges' robes see: Georges Watt, *Dress, Law and naked truth: a cultural study of fashion and form* (Bloomsbury 2013).

2. *From outdoor to indoor: historical perspective on courts and symbols*

Nowadays we usually speak about court buildings or court houses, but courts have not always been located in enclosed, indoor spaces. In most European cultures the administration of justice is inextricably linked to court buildings. However, in fact, the emergence of the first court buildings in Europe dates to the late Middle Ages and beginning of Renaissance.⁶ This does not mean, of course, that there were no courts earlier – there were, but they were located first in the open air and then in premises that were not necessarily intended for the administration of justice.

2.1. *Circles*

In ancient Greece, courts were located in open spaces, usually taking the physical form of stone circles at which sat a council of senior citizens of Athens. A similar vision of courts in early medieval England was advocated by H. Bellot, who argued that the countless stone circles scattered across the British Isles served not only for tribal gatherings and religious worship, but also for the administration of justice.⁷ Some even believe that the famous Stonehenge, which in Cornish dialect is called ‘Merddin Embys’ (meaning: the fence of judgment) was also the place where the tribal court sat.⁸ In various parts of ancient and medieval Europe, tribes gathered and sat in circles to agree on important matters for their future, and – to dispense justice (sitting in a circle does not remain incidental).

People from different parts of medieval Europe were eager to take advantage of the terrain when choosing a place where a tribal court could sit. Germanic peoples, but also the Slavs, took hills that were clearly visible from afar, as the place of deliberation.⁹ This gave justice a special dimension – metaphorically lofty and important. Local tribes

⁶ Fabien Gelinat and others, *Foundations of Civil Justice. Toward a Value-Based Framework for Reform* (Springer Link 2015) 8

⁷ Hugh Bellot, ‘Some early courts and the English Bar’ (1922) 38 LQ Rev 168.

⁸ Linda Mulcahy, *Legal architecture: Justice, due process and the place of the law* (Routledge 2011) 15.

⁹ Witold Hensel, *Polska Starożytna* (Ossolineum 1988) 460.

needed to climb up those hills, and from the top of them the whole area was usually visible, which also gave them a metaphysical significance. Architectural elegance or even solemnity is still the basic feature of judicial proceedings.

2.2. Trees

Trees were another important element of nature willingly used in the choice of court site. King Louis IX, who ruled France in the 13th century, always passed his judgments under a tree.¹⁰ Germanic, Slavic, and Anglo-Saxon peoples did the same, choosing a hill or the largest and oldest tree in the area as their court site, depending on the terrain. It might sound surprising, but in some places in the United States, courts were still sitting under trees in 1841.¹¹ In medieval Europe, trees, or more precisely, oaks, were personifications of various gods. For the Scandinavians, the oak was a personification of Thor, for the Germans the oak was associated with the god Donar, while the Slavs worshipped oaks in the name of the god Perun.¹² Therefore, no one should be surprised by the choice of these trees as the site of courts in various areas of medieval Europe. Some also note that many modern English courthouses often feature wooden paneling on the walls, which is identified with the English people's historical attachment to the tree as the place under which justice is administered.¹³ Nowadays, in democratic states based on the rule of law, judgments are announced not in the name of gods, but in nations. Courts do not deliver justice in their own names.

2.3. From outdoor space...

The outdoor courts had also another very important aspect – the space, which

¹⁰ Clare Graham. 'The history of law court architecture in England and Wales; The institutionalization of the law' in SAVE Britain's Heritage (ed), *Silence in court: The future of the UK's historic law courts*, (SAVE Britain's Heritage 2004) 36.

¹¹ Mulcahy (n 8) 17.

¹² See: Hugh Fife, *Warriors and Guardians: Native Highland Trees* (Agryll Publishing 1994).

¹³ Robert Jacob, 'The historical development of courthouse architecture / La formazione storica dell'architettura giudiziaria' (1995) 14 Zodiac 30.

was not restricted by a roof or walls, allowed to create real ceremonies or spectacles. Anyone could come and watch the trial with their own eyes, without fear of running out of space. A large gathering of people (the audience), often surrounded by magical nature (trees, hills) gave these ancient courts a metaphysical dimension. The formation of a circle of people around a tree or at the top of a hill was also of considerable importance – in a circle everyone is equal, everyone can see each other, and there is complete transparency. The presence of circles in the modern judiciary is still quite popular. In some courts, courtrooms are designed so that the parties and the judge sit at round tables or on a circle plan.¹⁴ Visibility and openness were and still are basic features for judicial proceedings.

The concept of justice without walls is still an important issue among lawyers. These days however, no one is thinking about courts on hills or under trees, but about virtual courts, which do not necessarily have to be located in buildings.¹⁵ Mohr also notes that, in fact, the judicial process has never been and cannot be constrained by any walls, because even a witness who testifies while standing before a court in a courtroom directs his thoughts to the past and the relevant events of the case, far beyond the walls of the court building.¹⁶ This metaphorical vision of a court without limitations seems even fitter when we think about the broadcasting of hearings on the Internet and the phenomenon of open justice. The live streaming of court hearings has made it possible for the people to become fully involved in the judicial process, without having to leave their own homes. Usually, the OJ Simpson trial¹⁷ is readily invoked on this occasion, but in recent months we have also experienced an analogous phenomenon in the United States – the case of Johnny Depp and Amber Heard focused the attention of millions

¹⁴ The author will refer to this issue later in the paper.

¹⁵ Piątek Wojciech, 'A right to a public hearing in times of emergency – online or physical?' (2023) 14(2) *Int'l J Courts Admin* 6.

¹⁶ Richard Mohr, 'In between power and procedure: where the court meets the public sphere' (1999)1 *JOSCCI*.

¹⁷ Julia Zorthian, 'How the O.J. Simpson Verdict Changed the Way We All Watch TV' (*Time*, 2 October 2015) <time.com/4059067/oj-simpson-verdict/> accessed 3 February 2024.

of people around the world, and the viewing of live broadcasts of their trial broke records on the Internet. Unintentionally, modern courts are referring to their medieval and ancient predecessors, reaching out to the public and creating a space without walls.

2.4. ... To indoor space

Judicial spaces were evolving over a long period of time.¹⁸ The first courts under trees evolved into courts in enclosed spaces, which, however, were dedicated to various social activities. Over time, court buildings began to be built to fit the pattern of 'temples of justice'. In the late Middle Ages, churches, the interiors of castles or town squares were used as places for administering justice.¹⁹ During the Renaissance, the first buildings dedicated exclusively to the judiciary were already being erected.²⁰ At the same time, there was a marked shift in the previous openness and accessibility of the courts. Closed court buildings did not fit in with the surrounding architecture, nor were they connected in any way to other spheres of public life, and in fact remained closed and inaccessible to the outside world. Watching a court trial was something extraordinary that most people could not experience. Justice began to recede and fence off with symbols incomprehensible to the people.

An interesting analysis of the transition from outdoor courts to indoor courts was made by Linda Mulcahy, who pointed out the strong relationship of this change with the written text and the rise of legal awareness:

'For some writers the enclosure of courts within buildings reflects broader shifts in attitudes towards adjudication and the nature of the authority on which adjudicators sought to draw. Graham (2004) has argued that the trend towards holding courts indoors (...) reflected the increasing association of legal procedure with the written word. (...) Douzinas and Warrington (1991) draw attention to the move from speech to writ-

¹⁸ Resnik, Curtis and Tait (n 5).

¹⁹ Gelinas and others (n 6) 7.

²⁰ One of the oldest courthouses in UK, The Central Criminal Court of England and Wales, commonly referred to as the Old Bailey after the street on which it stands, was built in 1585; Another example from France: justice-halle built in 1535, in the city of La Ferté-Bernard. On first courthouses built during the Renaissance period see: Gelinas and others (n 6).

ing in the English trial prompted by the slow transfer of religion from the public to the private sphere and the growth of literacy. Such transformations were by no means rapid but the growth of a “legal science” with its emphasis on the legal text rather than divine revelation has been traced back to the twelfth century when the first law schools were established specifically for the purposes of studying ancient manuscripts. From a position in which it was expected that the will of God would reveal itself, through for instance an ordeal by fire, Goodrich (1987) argues that in time it was the text which revealed the wisdom of the deity or their disciples and was treated as a sacred source. It can be surmised that once it was the text which was seen to contain a complete and integrated body of doctrine from which all deductions could be made (...) natural elements became less important in the process of adjudication and a new type of priest emerged in the form of the lawyer.²¹

It is difficult to disagree with the above ideas – there is certainly a clear analogy between the spread of written text (and reading skills) and the move of courts from open spaces to buildings.²² Just as compelling is the argument about the emergence of the first law schools, which were located in enclosed spaces – usually at the universities. In the past, activities such as reading or writing were better performed in enclosed spaces, i.e. in buildings. Nowadays, however, due to the use of technology, text communication does not experience any limitations, including those associated with outdoor or indoor spaces.

3. Evolution of symbols in judicial architecture

Since the transition from outdoor courts to indoor courts, we remain in the era of indoor courts and designing court buildings. A significant role is played in them by symbols and rituals, which often have a strong impact on the parties to the trial, or

²¹ Mulcahy (n 8) 21-22.

²² See: Costas Douzinas, Ronnie Warrington and Shaun McVeigh, *Postmodern jurisprudence: the law of text in the texts of law* (Routledge 1991).

more broadly, the entire society that comes into contact with the judiciary.

With this transition, new symbols have emerged that owe their appearance to the enclosed spaces in which they can function freely. The presence of courtrooms, walls, or corridors created the possibility of adapting new metaphors and allegories of equality, transparency, or power of state. Most of these symbols are also present in contemporary judicial architecture, which makes it all the more worthwhile to take a closer look at them.

3.1. Religion

The aforementioned spiritualistic connections between the gods (God) and the court are still present in modern court buildings, albeit in a slightly more discreet form.²³ The connection between spiritualism and justice has always been strong, and the administration of justice has had an element of divinity in it. Chase wrote about religious symbolism in the modern courthouse, noting the altar-like bench, the choir-like jury box, the lectern-like witness stand and the rood screen separating the inner and outer segments of the room.²⁴ Religious symbolism is sometimes also attributed to the very masses of courthouses, which resemble cathedrals or churches. Soaring towers, spacious main lobbies or stained-glass windows – all of them bring to mind religious buildings.

3.2. Glass

Skipping the religious themes, one can say that a frequent example of the presence of symbolism in court buildings is the use of glass to express the transparency of justice. This is why glass walls or glass staircases, doors and passageways are so common in courts. Judith Resnik and Dennis Curtis write about the symbolism of glass in courthouses:

‘In short, while an ancient practice, adjudication has been reconstituted and ac-

²³ The previous paragraph, which discussed the connections between the tree – the place where justice was administered and the tree – the personification of the gods. From the perspective of Christianity, however, the connections between religious symbolism and court buildings looked a little different, as I discuss in more detail in this paragraph.

²⁴ See: Oscar Chase, *Law, Culture, and Ritual: Disputing Systems in Cross-Cultural Context* (NYUP 2005).

quired four attributes – independent decisionmakers, requirements of public processes, a new ideal of fairness, and equal access for and equal treatment of all. A tour of the many new courthouses, serving as the new icons of justice, captures adjudication’s centrality. Governments explain their decisions to case their courts in glass and to bathe them in light as representing the values – transparency, accessibility, and accountability – that undergird the exercise of force. These facilities often marry old Renaissance forms with newer technologies and aesthetics as they embrace the iconography of the Virtue Justice, augmented by an eclectic array of objects created through materials ranging from cloth and clay to bronze and steel.²⁵

It’s hard to ignore this noticeable trend in contemporary court architecture. Most courthouses abound in glass, and its use is usually indeed identified with the transparency of the judiciary. At the same time, the glass as an allegory of transparency corresponds well with the circles²⁶ present in modern court buildings, together creating a contemporary new symbol of transparency and equality.

At this point, however, it is impossible not to criticize the excessive use of glass, which sometimes negatively affects the quality of work in the courts. A negative example of the use of glass, for example, is the increase in temperature in specific rooms at the court – it often happens that the glass interiors of the courts on hot days turn into almost ‘greenhouses’, forcing the frequent use of air conditioning to lower the temperature.

3.3. Monumentalism

Another example of the symbolism present in court buildings is the representation of the state as the entity in whose name judgments are given. Court buildings are often monumental, meant to make the citizen crossing their threshold feel small and subservient to the laws enacted by the legislature.²⁷ At the same time, monumentalism

²⁵ Judith Resnik and Dennis Curtis, *Representing Justice. Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (2nd edn, OctoberWorks 2022) 15.

²⁶ More about use of circles in courts in paragraph 4 – oval tables in the courtrooms, especially in different European countries.

²⁷ Resnik, Curtis and Tait (n 5).

indicates the extraordinary importance the state attaches to the judiciary – in other words, the state seeks to provide as much funding as possible to show the public the dignity of the administration of justice. The Federal Administrative Court in Leipzig can serve as a good example here. It was built between 1888 and 1895 in a typical monumental style for the reign of Kaiser Wilhelm II, however, it has only served as the seat of the Federal Administrative Court since 2002,²⁸ which may also lead one to reflect on the importance of the symbolism of monumentality and power in modern times. Another good example is the Palace of Justice of Brussels, whose construction was completed in 1883. For many years, it was the largest courthouse in the world. This incredibly monumental courthouse served as a model for the Palace of Justice in Lima, however, it lacks the dome of its Belgian counterpart.²⁹

It is necessary to admit that monumentalism is justified from the point of view of creating the seriousness of the administration of justice. Doubts may arise when we begin to consider the relationship between building trust in the judiciary and the opening of the courts to the public. Personally, I am not convinced that ‘scaring’ people with powerful buildings and large piles is a good idea for bringing the society and creating friendly relations with people.

3.4. Power of state

The presence of the state emblem in court buildings is naturally connected with ‘state symbolism’. The emblem usually appears not only in the courtrooms but also in the main halls or administrative rooms. Other symbols that are often used are the scales and the sword. The scales symbolize impartiality, and the sword symbolizes power. Finally, a really commonly used symbol in court buildings – Lady Justice, who is customarily depicted as a woman wielding a sword (sometimes also a scale in her other hand) with a blindfold covering her eyes.³⁰ An interesting example is the depiction of Lady

²⁸ See: Official webpage of The Federal Administrative Court in Leipzig, ‘History of the building’ <www.bverwg.de/en/gebaeude/geschichte-des-gebaeudes> accessed 3 February 2024.

²⁹ See: Jan Van Win, *Bruxelles maçonnique. Faux mystères et vrais symboles* (Télélivre 2012).

³⁰ About symbolism of Lady Justice see: Prosperi (n 5); as well as: Knox (n 5).

Justice in one of the courtrooms at the Supreme Court of the United States. The woman is not blindfolded – she frowns and wields a sword, being in full willingness to fight the forces of evil (the representation of which is a group of people entwined with snakes).

Not only physical symbols

Equally important as symbols are the court rituals that unite society with the judiciary and introduce interaction between them. The court is theatre – this thesis should not surprise anyone, since for centuries societies have perpetuated this belief. For some, judicial rituals that take on a theatrical form are almost a condition *sine qua non* for law to exist in practice. In a paper entitled ‘Judicial architecture and rituals’, Antoine Garapon’s concept on the various functions of judicial rituals is cited:

‘Antoine Garapon, a French magistrate and author, argues that judicial rituals are a condition *sine qua non* for law to exist in practice. Garapon highlights three functions of judicial rituals at trial: breaking out of ordinary experience, purifying the experience of crimes that are re-enacted during trial, and representing and commemorating legitimate authority. Rituals put tensions at ease and defuse violence by transforming real fights into symbolic struggles. Moreover, the actual person of the judge does not count as much as his or her symbolic figure. The judge is a fictitious entity, just as the legislator is. He or she carries out an act of speech, which gains, by virtue of the surrounding ritual, a performative function. In other words, with the ritual and the robe, a judge renders justice whenever he or she utters the law.’³¹

Symbolism and rituals thus form a close relationship in which they complement each other. Symbols are part of rituals, while rituals cannot function properly without symbols. Thus, when conceptually analyzing the symbols contained in judicial architecture, we should always keep in mind the importance of rituals and allegory of the court as a theatre. In doing so, the symbols are, so to speak, the props necessary to play out specific scenes in a theatrical performance. So it would be good to write the script prudently and cast capable actors in the main roles.

³¹ Gelinas and others (n 6) 24.

4. *Old symbols in contemporary judicial architecture*

The symbols described in Paragraph 3 have been present in court architecture since the transition from outdoor courts to indoor courts. But what happened to the symbols which were present when court buildings were not erected? Can we find the trees or circles mentioned in Paragraph 2 in contemporary judicial architecture? It turns out that the trees – under an altered form – have been cleverly smuggled into modern courthouses.

Nowadays, a really popular trend in contemporary judicial architecture is the use of wood. As mentioned earlier, wood historically can be identified with the trees under which local courts convened in medieval times. Thus, the tree once symbolized the gods and power, while nowadays (wood) can be identified with the supreme authority of the state and the passing of judgments on its behalf.

A good example of the use of wood is the courtroom at the Supreme Court of Canada in Ottawa. Almost the entire room is made of wood, and particularly impressive are the high walls paneled with Australian Blackwood, punctuated with zebrawood pilasters trimmed with Honduras mahogany.³² Extremely solemn against their backdrop is Canada's coat of arms, which also reinforces the sense of state power. A similar use of wood was made at the Supreme Court of United Kingdom in London, where it was also decided to use wooden panels on the walls.

The use of wood as a symbol of the supreme authority of the state and the passing of judgments on its behalf is not a complete coincidence dependent on the discretion of individual architects. In some countries, special guidelines for judicial architecture are being created that explicitly indicate the need for wood elements in court buildings.

In the Court and Tribunal Design Guide (United Kingdom), it is justified in this way: 'Timber panelling – can give a space more presence, offering an enhanced look. Wall paneling can also provide a degree of wall protection as well as having acoustic benefits.'³³ The U.S. Courts Design Guide (2021) also overemphasizes the need to use

³² Official website of Supreme Court of Canada: < www.scc-csc.ca/court-cour/buil-edi-eng.aspx > accessed 3 February 2024.

³³ HM Courts and Tribunal Service, 'Court and Tribunal Design Guide' (2019)<www.gov.uk/

wood, and stresses its seriousness:

‘Courtrooms. Finishes in the courtroom should reflect the seriousness and promote the dignity of court proceedings. Finishes are an integral part of the courtroom’s architectural design. Courtroom millwork should be equivalent to the Architectural Woodwork Institute’s (AWI) Quality Standard for Premium Millwork.’³⁴

I wonder if intuitively most of those in the courtroom would have indicated that the use of wood is related to reflecting the seriousness and promoting the dignity of court proceedings. Nevertheless, this was the intention of the Guide’s authors.

Another symbol that is frequently used in judicial architecture is the circle, or semicircle. Following the example of medieval gatherings on hilltops and under old trees, modern courts also try to smuggle in the symbolism of the circle. Mulcahy, analyzing the meaning of the circle, notes that:

‘Circles were commonly used to symbolise the fact that justice was administered in the name of the whole community. The presence of inner and outer circles tended to denote that in tribal communities groups of wise men were acknowledged as guardians of the customary traditions transmitted orally from one generation to another. As law makers, they identified the appropriate rule and proposed judgment to the popular assembly but it was the assembly as a whole that gave judgment and took responsibility for it.’³⁵

A good example of the use of oval tables in court is the courtroom at the Supreme Court of the United Kingdom in London. Not only do the judges sit at a semi-circular table, but the parties to the proceedings sit at a semi-circular table facing the judges in such a way that the two tables give the impression of a merging circle. Another example of the use of a semicircle in court is the main courtroom at the European Court of Justice in Luxembourg. There, the judges sit at a huge table shaped like a semicircle, which facilitates visibility and mutual communication. Yet another example

government/publications/court-and-tribunal-design-guide> accessed 3 February 2024.

³⁴ Administrative Office of the U.S. Courts, ‘U.S. Court Design Guide’ (2021) <www.uscourts.gov/rules-policies/judiciary-policies/us-courts-design-guide> accessed 3 February 2024.

³⁵ Mulcahy (n 8) 15.

of the use of circles in courthouses is the frequent use of round tables in judges' deliberation rooms, for example, it is in the Supreme Court of Estonia in Tartu, where judges have the opportunity to sit at a round table and discuss in an atmosphere of equality and lack of division.

I rejoice at the frequent use of round tables in courts. Thanks to them, the distance is shortened, and a sense of friendly atmosphere is created. Round tables are also a manifesto of equality – of the parties to the proceedings and of the judges. Finally, there is another prosaic reason why round tables become useful – it is easier to discuss and exchange views at them, since everyone can look at each other freely and communicate without any barriers.

4.1. Special remarks on glass

When analyzing contemporary design guidelines for court spaces, it is impossible to ignore the use of glass. Although glass itself did not appear in the days of 'outdoor courts' (if only for the reason that glass had to be 'fitted' into an enclosed space), it has appeared in court buildings since the Renaissance.³⁶

Modern court buildings abound in glass, which symbolizes transparency and clarity. Thus, glass walls, glass staircases, glass floors – everything is being designed to achieve the impression of transparency. A good example is the building of the Polish Supreme Court in Warsaw (built in 1999), where glass is the compositional dominant of the entire building. Not only are the exterior walls made of glass, but also a large number of walls inside the buildings – in spaces accessible to all. Another good example of the use of glass is the courthouse in Frederiksberg, Denmark, built in 2013 and awarded many prizes in prestigious architectural competitions. In this courthouse, glass was used by fitting a large number of windows into the facade, but also by building a majestic, long glass ceiling in the main corridor. When people visit this courthouse, they can look up and see the sky above them, which also adds symbolic meaning. Yet another example of the widespread use of glass is the Queen Elizabeth II Courts of Law in Brisbane (Australia), built in 2012. The monumental and soaring facade of this court-

³⁶ See: Paragraph 3.2 of this paper. Glass appeared in court buildings as early as the first courts were placed in religious buildings (churches) or castles, abounding in glass stained-glass windows.

house is entirely made of glass, while its interiors also abound with glass walls or glass staircases.

Just as in the case of wood – the court design guides explicitly point to the need for using glass in the courtrooms. The U.S. Courts Design Guide (2021) indicates that in public waiting areas, walls should be built using glass panel systems.³⁷ Similarly, the Court and Tribunal Design Guide (United Kingdom) indicates that the design of entrance doors to most rooms must include ‘Safety glass vision panels where needed with stainless steel ironmongery.’³⁸ Such architectural solutions aim to strengthen the judiciary’s sense of transparency and fairness. At the same time, as the authors of the Guide point out, their vision is to ‘create a justice system which is affordable, intelligible and available for use by all, convenient for those who cannot easily attend in person, and supportive of those not comfortable with the law or technology. In order to achieve this, the justice system should follow three guiding principles: just, proportionate and accessible.’³⁹ It would thus have to be considered that the use of glass reflects at least two of the three principles mentioned above, i.e. just and accessible. This is because glass is a manifestation of transparency, while at the same time reinforcing a sense of fairness and transparency in the dispensation of justice.

5. *Conclusions*

Contemporary judicial architecture remains ambiguous. The symbolism it contains is the result of traditions developed over several centuries, which have had a significant impact on the formation of courts around the world. Seemingly indistinguishable elements that fit into everyone’s everyday life – such as glass, wood and a circle – are highly significant from the perspective of court symbolism and are used in judicial architecture for good reason. Those symbols can be analyzed from a historical perspective (as has been done in this paper), but one can also consider their future –

³⁷ Administrative Office of the U.S. Courts (n 34).

³⁸ HM Courts and Tribunal Service (n 33).

³⁹ *Ibid.*

what transformations might they have in the coming decades, and will we attribute their current meanings to other objects? Time will tell...

However, symbolism should be used reasonably, as long as its intention is to create a fair and transparent court. This is because symbols are often misread, and non-obviousness leads to misinterpretations by their recipients, i.e. the public (society).

With symbolism in judicial architecture, it is a bit like 19th-century symbolism, about which Jean Moréas in 'Symbolist Manifesto' wrote as follows:

'Thus, in this art movement, representations of nature, human activities and all real life events don't stand on their own; they are rather veiled reflections of the senses pointing to archetypal meanings through their esoteric connections.'⁴⁰

Therefore, whenever we undertake an analysis of a particular symbol found in the court space, we should keep in mind its historical significance and contemporary context, but we should not give up entirely on our personal impressions, which may not always be in line with the feelings of other people. After all, symbols like to be re-discovered.

To conclude, answering the questions mentioned in the introduction of this paper: there is no doubt that symbolism in modern court architecture should play a significant role. However, it remains on the sideline, is not often analyzed, and the significance of many of the original symbols has been forgotten. There is, however, a noticeable trend of referring to symbolism in guidelines on judicial architecture, which are being created in some countries. Perhaps through an increase in legal awareness among the public, as well as better promotion of legal education, modern symbols will become more clear and obvious to most of us.

⁴⁰ Jean Moréas, 'Un Manifeste littéraire, Le Symbolisme' *Le Figaro. Supplément Littéraire* (Paris, 18 September 1886) 150.
