

Scales of Justice: How Courtroom Architecture in the United States and Japan Influences and Reflects the Politics of their Legal Systems

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Introduction

“So far as the judicial system is concerned, the [American] trial court is the appointed site of spectacle,” according to political scientist Murray Edelman (92). Each day, many significant and sometimes life-altering decisions are made within the confines of the courtroom. While most American citizens understand and appreciate the basic ideas of the criminal justice system, including jury trials, defendants’ rights, and the power of the judge, it is difficult to fully understand every aspect of this complicated system without close examination or personal experience. Though the American criminal justice system affects the lives of every American citizen either directly or indirectly, the courtroom itself, a valuable and influential architectural space, is often under-examined and taken for granted.

Courtrooms and courthouses are familiar architectural spaces to American citizens, whether their knowledge stems from personal experience in a courtroom or is derived from seeing trials on television and in movies. Either way, American citizens have come to recognize American courtrooms and courthouses as symbols of justice in which legal proceedings take the form of theatrical conflicts that reveal truth. However, few Americans have stopped to assess where these basic ideas of courtrooms and courthouses originated. According to Edelman, architecture and spaces “contribute to social order and to social and political support for established hierarchies of status and power” (90); the American court is no exception. The extravagant design, formal setting, layout, and symbols of the American court represent the “drama” that is expected to take place, as well as the hierarchy of power that exists between the judge, jury, prosecutor, defense attorney, defendants, and the public.

Famous American architect Allan Greenberg argues that “In other countries, where social organization and judicial procedures are very different from ours, these differences are often directly reflected in their courtroom designs” (210). For example, following World War II, the United States helped to rebuild the Japanese legal system and based judicial proceedings in Japan on the American system of justice (Yokoyama 244). Thus, the post-WWII Japanese justice system was designed to mirror the American legal system. Yet, as the country grew and developed, so did its legal system. As a result, the current architecture and setting of Japanese courtrooms and courthouses appear much different than typical American courts of today. The plain setting and exterior of the Japanese buildings reject the drama of justice that is common in American courts, and the layout of the Japanese courtrooms emphasizes the administrative role of the courtroom workgroup, rather than the hierarchy of power and the constitutional rights of the defendants (Benjamin 134). To the Japanese citizen, courts are little more than buildings designed to punish defendants for their wrongdoings and integrate them quickly back into society (Yokoyama 244). In this sense, Japanese courtrooms and courthouses are not built to reflect symbols of justice, nor are they designed to mirror a theatrical performance that bolsters public support for the system through dramatic proceedings and symbolic architecture. Rather, Japanese

courts represent a much simpler design that emphasizes the oversight and maintenance of defendants; thus their design deemphasizes dramatic proceedings that focus on the hierarchy and status of the courtroom participants.

While some people may argue that the differences in the architecture of Japanese and American courtrooms stems solely from the idea that Japanese courts are newer and thus more modern, whereas American courts are older and therefore more extravagant, it is important to recognize that even recently-built American courthouses still exemplify these architectural differences. Contrasting the legal systems and architecture of the American courts with the Japanese courts not only creates more awareness and understanding of these differences, but it also awakens attentiveness to the sub-conscious political influence of architecture. By examining the architecture of the court as a symbol of power, the layout of the court as a dramatic conflict to find truth and justice, and the manipulation of symbols in the court to support the idea of justice, citizens can develop a greater appreciation for the differing American and Japanese justice systems, as well as understand how the architecture of the courts reflects these justice systems and influences public perception of the politics of the court.

Literature Review

Contrasting Systems of Justice

To understand the differences in the layout and architecture of American and Japanese courts, it is first important to examine the differences in the legal systems of these two countries. According to scholar David Neubauer, the American system of justice is known as an adversarial system; it emphasizes due process, defendants' constitutional rights, and finding the truth through jury trials. As scholarly literature reveals, the adversary system was established to initiate a "battle" between prosecutors and defense attorneys in order to uncover the truth about the guilt or innocence of a particular defendant. In this system, prosecutors and defense attorneys are considered "enemies" who are overseen by a neutral arbitrator, the judge, in order to "win" the battle through a favorable decision by the jury. Neubauer argues that the reason for this type of system is to create a safeguard against constitutional violations by distributing power among several different courtroom actors (32). Additionally, scholars claim that these constitutional safeguards are important to ensure that each defendant remains "innocent until proven guilty" and to provide each accused person with the option of exercising his/her constitutional right to a trial by jury to determine guilt or innocence in a fair and impartial manner (Neubauer 36).

In contrast to the American legal system, several scholars have recently examined the current problems faced by the Japanese legal system. According to scholar Melissa Clack, although the Japanese system of justice was based on the American legal system after WWII, Japan does not afford many of the same rights to its criminal defendants that America does, such as the right to bail, the right against self incrimination, and the right to a jury trial (526). She also argues that Japan is noted for gaining coerced confessions from defendants in order to quickly dispose of the cases and to ensure that punishment is administered swiftly (542). While many people automatically assume that this is a violation of human rights, Clack argues that many of the differences in the legal systems stem from the differing customs and cultures of these two countries. Specifically, scholarly literature reveals that while America's system is focused on the individual, Japanese people are more likely to have close community ties, and therefore, their system of justice emphasizes humiliation of the defendant in order to foster a sense of repentance for his/her crime as the first step towards achieving rehabilitation (Clack 537-538).

As a result of these different cultures and customs, Roger Benjamin, in his study of Japanese and American conflict resolution, argues that the Japanese legal system rejects a due process emphasis and instead focuses on the "administrative and maintenance" role of the criminally accused (133). He defines this "administrative and maintenance role" as the attorney's responsibility to counsel the defendant to meet the behavioral standards accepted by society, and points out the passive role of the defendant in criminal proceedings (131). In other words, Benjamin argues that the administrative model emphasizes social order, deterrence, efficiency, finality, and a presumption of guilt. Moreover, justice in the Japanese system is not seen as a result of the battle between prosecution and defense in order to find the truth, but instead, defendants who enter the legal system in Japan are assumed to be guilty and are punished quickly by the courtroom members without a guarantee of constitutional rights (Benjamin 129). Consequently, the rights of the defendant, including due process and innocence, are often overlooked by the Japanese legal system. Rather, scholars claim that the legal system in Japan rejects the adversarial system and the American standard of justice and instead emphasizes informal

control of criminals through coerced confessions, community standards, and an oversight role of the courtroom workgroup.

Function of Civic Spaces

While knowledge of the differing legal systems is extremely important, it is also vital to understand how architecture and civic spaces reflect these differences. Edelman argues that architecture is politically powerful, although much of its influence is often subconscious (77). Specifically, Edelman believes that architecture can draw attention to the idea of the hierarchy of status, and cites the example of a welfare office where the office employees typically have a much more powerful status than the welfare recipients, and this hierarchy of status is reflected in the exterior of the building as well as the offices of the employees and waiting areas for the clients (78). He draws the conclusion that architecture and its setting can create multiple realities for different people, all of which draw attention to beliefs and perceptions that already exist (86). Political scientist Charles Goodsell narrows this analysis of architecture to a study of city halls, in which he gives extensive attention to the symbols that are used on and throughout these architectural spaces. In his analysis, he argues that the manipulation of symbols in civic spaces is an extremely powerful influence on the thoughts and ideas of the public (Goodsell 12). In other words, these scholars agree that architecture, and by extension its symbols, are extremely powerful and often create subconscious realities for people that mirror already existing beliefs and ideas.

American and Japanese Courts

Symbols of Status and Power

As mentioned earlier, the American court is familiar to citizens, and almost every American recognizes the importance of the typical American court. However, what many American citizens often do not readily recognize is the underlying message of hierarchy and power that is embedded in the layout and architecture of American courts. Edelman argues that “It is the monumentality of great public buildings...that most conspicuously distinguishes them from the rest of the environment...The grand scale of the setting in which [the court officers] make decisions emphasizes their power and their distinction as a class from those who are subject to their decisions” (76). Although many American citizens may not realize that the exterior of a building can directly impact the way they feel about the people who work inside it, the truth is that most Americans feel some degree of inferiority towards judges because of the magnificence of the buildings they work in. Likewise, many American judges probably feel more powerful or more influential than the defendants they sentence in part because of their majestic setting and surroundings.

The Supreme Court of the United States epitomizes hierarchy and social power, although most people do not necessarily make this connection by simply looking at the Supreme Court building. However, studying the architectural style of the Supreme Court building reveals messages of power and status that are directly derived from the architecture of this building. For example, the front of the building is lined with large pillars and several sets of stairs that lead up to the entrance of the Supreme Court, giving the building a larger-than-life feel (see Appendix, Fig. 1). In other words, the average American citizens who approach the Supreme Court feel as though they must walk “upwards” to get close to the people who work in this building. As a result, the Justices who work here are held in almost “godlike” esteem and are considered very powerful, because they are seen as being “above” the normal American citizen, including those defendants who argue their cases at the Supreme Court level. In this sense, the exterior of the Supreme Court building exemplifies the idea of hierarchy of power by literally and figuratively placing the average citizen “beneath” the Justices and the clerks who work in the building.

Additionally, the building is ceremoniously lined with great statutes and magnificent sculptures and is made out of stone and marble, which are both naturally strong materials. According to Goodsell, a ceremonial building such as the Supreme Court building “possesses also the sacred aura of a great public activity [that is] being conducted in behalf of the entire society” (12). In other words, through the use of classical sculptures and extravagant architecture and layout, the Supreme Court building creates a powerful political image of the important status of its employees in comparison with the average American citizen.

In contrast, the Japanese Supreme Court has a much plainer architectural style and lacks the extravagance and mystique of the United States Supreme Court (see Fig. 2). The front of the Japanese

Supreme Court building resembles a typical American business or government office that lacks flair or ornamentation. Additionally, unlike the U.S. Supreme Court building that has two large sets of stairs leading up to it, there are no stairs leading up to the Court, giving the average citizen a greater feeling of connectedness with the Justices and clerks who work in the Supreme Court. Due to its ordinary appearance and plain exterior, the Japanese Supreme Court lacks the emphasis on status and power that is typified by the U.S. Supreme Court building. Consequently, the political implications of the architecture of this building somewhat equalize the roles of the Justices and the typical Japanese citizen by physically placing them on a similar level and by removing awe and spectacle from the exterior of the Supreme Court building.

The interior of American courtrooms also emphasizes the status and power of the courtroom workgroup, while the interior of Japanese courtrooms lacks this same emphasis. Edelman notes that “In the [American] courtroom the trial judge enjoys virtually absolute authority and an exalted status that traditional rituals underline” (93). For instance, the placement of the judge’s bench in an American courtroom reflects the power of the American judge in comparison with the public. In a typical courtroom, the judge’s bench is placed at the head of the room and is raised on a pedestal to symbolize the authority of the judge to determine the fate of the defendants who stand before him (see Fig. 3). In contrast, the public is located outside of the proceedings behind a barrier, and sometimes even in a balcony, to show their relatively limited power in affecting the outcome of the cases, while still emphasizing their moral authority in acting as an outside force to ensure that justice is being done. In this sense, the layout of the American courtroom emphasizes the hierarchy of status by accentuating the power of the judge and the relative powerlessness of the public.

On the other hand, the Japanese courtroom does not emphasize power and hierarchy of status; thus it lacks the design emphasis on the authority and superiority of the judge. For instance, the typical Japanese courtroom places the judge on a slightly raised platform (modeled after the American judge’s bench), but closer inspection shows that the judge is somewhat divorced from the actual proceedings, giving the impression that the judge has relatively little influence over the outcome of the case (see Fig. 4). Instead, the attorneys are positioned so they face each other rather than the judge, to show that they are primarily responsible for reaching a decision about the defendant’s fate. In fact, recent studies of the Japanese justice system conclude that there is only a “small degree of control exercised by the judges” (Clack 541), demonstrating that the layout of the Japanese courtroom strongly reflects the reality of the diminished power of the Japanese judges in affecting the ultimate outcome of the cases.

Dramatic Conflict of Truth and Justice

In addition to the architectural emphasis on status and power, the interior of American courtrooms is also designed to facilitate a political drama where one party always “loses” and one party always “wins.” In other words, the layout of an American courtroom follows the adversary system of justice, whose “guiding premise is that a battle between two opposing parties will uncover more of the truth than will a single official,” and where “the judge serves as a neutral arbitrator who stands above the fight as a disinterested party” (Neubauer 32). As a result, the American courtroom is designed to dramatize this “battle” between the prosecution and defense in order to find the truth and ensure that justice is achieved. In this sense, the American public expects the trial to mirror a dramatic play or theatrical conflict, which is reinforced by the layout of the American courtroom.

For example, the typical layout of an American courtroom places the judge (the impartial arbitrator) at the focal point of the room, with the prosecution and defense attorneys (adversaries) at equally positioned tables facing the judge (see Fig. 5). The jury is located to the side of the judge, facing the prosecution and defense as they present their evidence. The jury is somewhat disconnected from the other courtroom actors, but it is still situated on a raised platform, symbolizing their important role in the criminal justice process. Spectators and the public sit behind the prosecution and defense tables, separated by a bar so they are disconnected from the actual proceedings. In this sense, the layout and design of the American courtroom bolster the image of a political “drama” by pitting the defense and prosecution against each other with equal roles of trying to “win” their case by gaining support from the jury and the judge who sit before them (Greenberg 209). Additionally, the public is divorced from the actual proceedings, and instead acts as silent onlookers, watching the drama unfold and waiting for the climax and the eventual conflict resolution through the rendering of the verdict (Greenberg 210). This depiction directly mirrors a group of movie-goers who sit detached from the screen, watching the plot develop in thrill and excitement.

Interestingly, however, the barrier that separates the public from the attorneys typically has

a small opening which is used dramatically in film versions of trials to allow someone from the audience to enter the proceedings with the pivotal piece of evidence that saves the defendant's case at the last moment. In this sense, the opening in the barrier, which allows the public to become part of the proceedings if necessary, also contributes to the idea of justice being served through a theatrical conflict in the courtroom. This dramatic sequence and its political impact on how the public perceives court proceedings would be impossible if not for the layout and architectural construction of the interior of the American courtroom.

In contrast, although the Japanese justice system is based on the American legal system, “the Japanese appear to have rejected the extreme or full implications of the adversary system, particularly in the terms of the notion of due process” (Benjamin 135). Rather, the Japanese system of justice focuses on an “administrative and maintenance” role, and as a result, their courtrooms reflect this political difference. This means that the courtrooms in Japan are not designed to facilitate a dramatic sequence of events, but instead to promote the quick processing of cases in order to punish and rehabilitate the defendants as the state sees fit.

When examining the typical Japanese courtroom, the first noticeable difference is the lack of a jury (see Fig. 6). Because the Japanese system presumes guilt rather than due process and innocence, the layout of their courtrooms focuses no attention on the drama of a jury trial to determine the guilt or innocence of the defendant. Instead, the Japanese legal system and courtroom architecture allow the prosecuting and defense attorneys to act as administrators of punishment by humiliating the defendant, instead of battling with each other to discover truth and facilitate justice. Additionally, although the public is allowed to watch the proceedings take place, they are physically distanced from the attorneys and defendant, promoting the idea that the public is not there to witness a theatrical conflict between the prosecution and defense that is supported by the jury through a climatic verdict. As a result, the politics of the Japanese justice system reject the idea of a courtroom drama to bolster the truth-finding process. Instead, the Japanese criminal courtroom supports the political role of the attorneys as administrators of punishment through the oversight and maintenance of the defendants, while the public acts as passive witnesses who observe the administrative decisions but provide little insight or moral authority.

Manipulation of Courtroom Symbols

While the power and the theatrical conflict that is brought about by the architecture of the courtroom is extremely influential on public perception of the courts, the symbols in courtrooms, or lack thereof, can also have a direct effect on public perception of the political power and justice of the courtroom. In other words, “Ceremonial ritual achieves its power over the human mind and heart through the manipulation of symbols” (Goodsell 12). For instance, many American courthouses display the scales of justice either on the outside of the building or somewhere inside the courtroom (see Fig. 7). The scales of justice feature a blindfolded woman holding a scale in one hand and a sword in the other, symbolizing that justice is blind and that justice will be served in the court through the weighing of facts. American courthouses often display this symbol in order to foster an impression of the court's impartial exercise of power.

Many American courthouses also display the American flag and a state flag either on the exterior of the building or inside the courtroom, not only to show pride in the country and state, but also to instill a sense of democratic values, which help the public recognize that American courts are providing defendants with their constitutional rights, such as the right to a jury trial (see Fig. 8). Finally, many American courtrooms also display a gavel on the judge's bench, which provides a powerful image of the judge's authority to oversee the trial process and ensure that justice is being carried out, even though many judges rarely ever use the gavel (see Fig. 8). In other words, through the use of powerful symbols, the American courthouse reinforces citizens' pre-existing notions that justice is being served and constitutional rights are being guaranteed, regardless of whether this always reflects the truth.

In contrast to the American use of symbols throughout the courtroom, Japanese courts reject the use of symbols. In fact, many Japanese courtrooms and courthouses are almost completely void of any symbols whatsoever. Most Japanese courthouses do not display symbols of justice anywhere on the outside, nor do they display any similar type of symbols such as a national flag. In fact, most Japanese courthouses look very plain from the outside and would be hard to even distinguish as a courthouse by simply looking at them (see Fig. 9). The interior of Japanese courtrooms is also very plain and the walls are void of any decorative elements or lavish symbols that display the power and justice of the court (see Fig. 10). One can conclude that little emphasis is placed on justice and rights guaranteed to defendants, but rather, more focus is placed on overseeing defendants and punishing their wrongdoings.

Clack notes that “the Japanese system is criticized for both ‘the insufficient guarantee of due process and the risk of violations of the rights and freedoms of suspects’” (541). In other words, the Japanese courts’ lack of symbolic ornamentation creates a subconscious political ideal that mirrors the reality that the Japanese legal system is not primarily focused on providing justice or guaranteeing democratic rights to its defendants.

Conclusion

When American citizens enter an American courtroom, they expect a certain architectural construct – a layout that supports a powerful jury backed by an even more powerful judge, a dramatic adversarial battle between prosecution and defense, an extravagant building with symbols of justice, and most importantly, that justice will be served through a theatrical conflict. However, if American citizens took a trip to Japan and spent some time in a Japanese courthouse, they would be shocked by what they saw. Rather than extravagance and majesty, they would witness a lack of ornamentation and spectacle. Instead of an adversarial battle between prosecution and defense that is overseen by a powerful judge, they would observe an almost forgotten judge who concedes to the decision that is reached by the prosecuting and defense attorney. And in place of powerful political symbols of justice and power, such as the scales of justice, a national flag, and a gavel, they would notice no decorations symbolizing that justice is being done. In the end, just a simple look at the American and Japanese courts can leave lasting impressions of the way people perceive the political power and authority of the system, as well as the role of justice in the court proceedings. Goodsell argues that architecture “is clearly capable of telling us much about the nature of the rules and the rulers of a given political order...In fact, it can give us occasional insights that are even more penetrating than what we can glean from the written and spoken record” (9). This is certainly true of the American and Japanese courts.

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Appendix



Fig. 1. U.S. Supreme Court; *About the Supreme Court*; 2010; Web; 27 Nov. 2010.



Fig. 2. Japan Supreme Court; *Supreme Court of Japan*; 2010; Web; 2010.



Fig. 3. Freehold County Courthouse, NJ; Christian Brothers Academy; “Mock Trial”; *CBA Home*, 2010; Web; 2010.



Fig. 4. Tokyo Courthouse, Japan; “Will Japanese Citizens”; *Amputan: Japan from the Inside Out*; Word Press, 2007; Web; 2010.

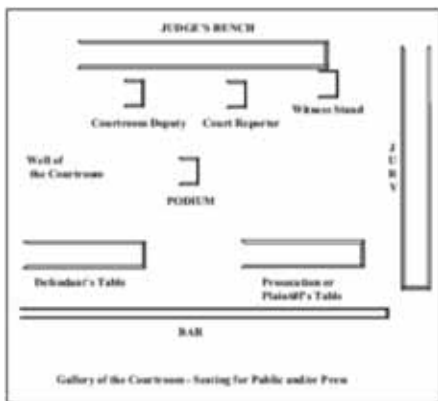


Fig. 5. Courtroom Layout. United States; United States District Court for the District of Utah; *Courtroom Layout*; 2010; Web; 17 Nov. 2010.



Fig. 6. Japanese Criminal Courtroom; Japan Supreme Court; *Supreme Court of Japan*; 2005; Web; 21 Nov. 2010.

- a. The numbers in the photo correspond to the following:
 1. Judges 2. Court clerk 3. Court stenographer 4. Court secretary
 5. Public prosecutor 6. Defense counsel 7. The accused



Fig. 7. Dallas County Courthouse, Adel, Iowa; M. Hegstrom; "Scales of Justice"; *Iowa Courthouses*; 3 June 2009; Web; 28 Nov. 2010.



Fig. 8. Manhattan Criminal Court; "Manhattan Criminal Courts Visit"; *Race and Justice: Writing II, Spring 2010*; Word Press, 28 Apr. 2010; Web; 28 Nov. 2010.



Fig. 9. Japanese District Court in Tokyo; "Prison in Japan: Part 9, 'Light at the End of the Tunnel'"; *Japan Life*; Stippy.com, 2010; Web; 28 Nov. 2010.



Fig. 10. Japanese Courtroom; *Japanese Courtroom*; Photobucket.com, 2010. Web. 28 Nov. 2010.