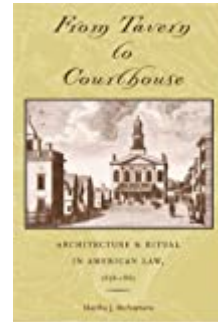




Martha J. McNamara. *From Tavern to Courthouse: Architecture and Ritual in American Law, 1658-1860.* Baltimore: Johns Hopkins University Press, 2004. xv + 162 pp. \$39.95 (cloth), ISBN 978-0-8018-7395-9.



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The Creation of a Judicial Landscape

This book will attract readers who appreciate interdisciplinary scholarship. In a highly original manner, it weaves together three separate themes: the early judicial history of Massachusetts, the emergence of the legal and architectural professions there, and the setting of important precedents for the United States in courthouse architecture and the design of urban public space.

Professor McNamara, who teaches history at the University of Maine, tells a most interesting story that extends from mid-seventeenth-century colonial Massachusetts to conditions in the Commonwealth just prior to the Civil War. Her argument is that as the much-maligned legal profession attempted to gain respect in colonial society, it encouraged the creation of specialized physical spaces that would serve this end. This step, in turn, aided the professionalization of architecture, in that those who created the spaces were individuals like Charles Bulfinch who were paid to design buildings but not build them.

Each one of the book's four principal chapters tells a piece of this story. In the first chapter, the author de-

scribes how initially the largely untrained legal fraternity conducted cases in structures built for other purposes, such as taverns and Congregational meeting houses. Eventually, in Boston and a few inland towns, the judicial function moved to multipurpose buildings known as townhouses. These provided a commercial marketplace at the street level and governmental and community rooms on a second floor. While merchants gathered to exchange goods, capital, and trade gossip below, judges, constables, lawyers, and local officials conducted public business above. This spatial integration of functions was patterned after English town halls, and Faneuil Hall (1740-42, 1805-06) in Boston stands as an extant example.

In her second chapter, McNamara recounts how the legal profession, known at the time for its deception, manipulation, and pettifoggery, sought to raise its standards and create a basis for respect. Legal training became required of judges and lawyers, predictable courtroom procedures were adopted, and a strict hierarchy of court officers was formed. As part of this campaign to further

its standing, the legal community successfully championed the creation of the first public building devoted entirely to the judicial function, the county courthouse. The first of these was constructed for Suffolk County in 1769. Its rooms included specialized chambers for trials, complete with a large chair for the chief justice and tables for exclusive use by lawyers. Overall, the most important achievement of the building type was to segregate, within the urban plan, the solemn judicial function from the profane environment of commerce, raising its status above the ordinary.

The book's third chapter describes how this basic concept was elaborated in the late-eighteenth and early-nineteenth centuries. Every county in Massachusetts built its courthouse. Typically it was clustered together with other structures concerned with the administration of justice, such as prisons, probate offices, and quarters for a registrar of deeds and records storage. This complex was enclosed, segregated from the mercantile center of town, and often set off by a grassy lawn or civic promenade. When a court session convened, a procession of judicial dignitaries paraded through town streets, ordered by hierarchical importance and clad in appropriate robes and wigs. An explicitly judicial landscape as setting for legal ritual had been created.

The author's final chapter gives added attention to the advancement of the architectural profession in connection with the emergence of the courthouse. These prominent community buildings were designed by paid architects. Their plans prescribed elements of furniture and fenestration that demonstrated taste, conferred status, and segregated the anointed from the unwashed. At

the same time, professional associations were created for architecture, comparable to bar associations. These two professions also created their own libraries. Law and architecture had emerged side-by-side as separate, identifiable, and exclusive professional monopolies in the new republic's social order.

Professor McNamara has produced a distinctive and thoughtful piece of historical scholarship. Even though originally developed as a dissertation, the narrative is unburdened with lengthy treatments of methodology or related literature. The argument is clear and exceedingly well researched. Her extensive use of original sources is evidenced by 42 pages of notes and bibliography to support 110 pages of text. Also made available to the reader are some fifty-two illustrations by which to understand and appreciate the argument's detail. They consist of maps, drawings, building elevations and plans, photographs, and book title pages, grouped in two places in the book.

The author enlivens the prose with historical anecdotes that bring to life the various stages in her story. The narrative, while full of fascinating examples, is disjointed at times, and the author has a habit of repeating herself. Yet the text stays focused with the exception of an epilogue that recounts how abolitionist anger over the return of fugitive slaves to the South prior to the Civil War temporarily diminished the standing of the legal profession. This modest digression does not really detract from the author's larger achievement, the offering of important new scholarly insights for the fields of history, law, architecture, and urban design in the United States.

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