

ARTICLE

Investigating trial spaces: Thinking through legal spatiality beyond the court

Anna Schliehe¹  | Alex Jeffrey²

¹Geographisches Institut, Universität Bonn, Bonn, Germany

²The Department of Geography, University of Cambridge, Cambridge, UK

Correspondence

Anna Schliehe, Geographisches Institut, Universität Bonn, Bonn, Germany.
Email: anna.schliehe@uni-bonn.de

Funding information

H2020 European Research Council, Grant/Award Number: 648691

Abstract

This paper examines how the spaces through which legal trials take place shape attitudes towards justice. There has been a growing academic interest in the role of courts in configuring the relationships between trial participants and consequently reproducing pre-established hierarchies of power. This paper builds on this work to consider the spatiality of trials from the perspective of a particular group of court users: defendants. Drawing on qualitative data drawn from a longitudinal study conducted in prisons in England and Wales, the paper examines how defendants perceive trial spaces, exploring in particular how such insights expand beyond the narrow focus on the courtroom to draw in experiences of transportation, holding cells, bodily restrictions, and the provision of food. In doing so, we seek to contribute to debates concerning penal consciousness, whereby the subjectivity and embodiment of individual participants illuminate differential experiences of the material and legal nature of trial processes. The paper concludes by emphasising how a focus on penal consciousness can help to address perceptions of the injustice of trial outcomes while improving the accessibility of courts.

KEYWORDS

carceral geography, courts, justice, legal geography, penal consciousness, subjectivity

1 | INTRODUCTION

The geography of courts is changing. Increased use of technology, restricted government budgets, and the impact of the COVID-19 pandemic have all contributed to new, often more spatially dispersed, arrangements for criminal justice procedures across the world (Gacek, 2022; Godfrey et al., 2022; Schmitz, 2019). In the context of the England and Wales court system, the focus of this paper, these changes have been acutely felt because half of all courts have closed between 2010 and 2019, with a further 77 courts slated to close before the end of 2024 (Law Society, 2021). Her Majesty's Courts and Tribunal Service (HMCTS) proposed these changes in order to use technology 'to create a modern, more user-focused and efficient service' (Ministry of Justice and HMCTS, 2015, np). However, emerging research has documented

This is an open access article under the terms of the [Creative Commons Attribution-NonCommercial-NoDerivs](https://creativecommons.org/licenses/by-nc-nd/4.0/) License, which permits use and distribution in any medium, provided the original work is properly cited, the use is non-commercial and no modifications or adaptations are made.

The information, practices and views in this article are those of the author(s) and do not necessarily reflect the opinion of the Royal Geographical Society (with IBG).

© 2022 The Authors. *Transactions of the Institute of British Geographers* published by John Wiley & Sons Ltd on behalf of Royal Geographical Society (with The Institute of British Geographers).

the uneven effects of the closures, arguing that disadvantaged groups such as those without legal representation, those for whom English is not their first language, or older and younger defendants have been impacted disproportionately (Padfield, 2015, 2018). Consequently, there is a requirement to re-evaluate the role of court space to consider how the experience of being physically present in court shapes individual understandings of the purpose and fairness of the process of criminal justice. In doing so, there is a need to orientate attention to the experience of the defendant, the target of the punitive elements of the criminal justice process, in order to understand how space shapes their perception of justice.

Advancing this agenda, this paper is drawing together two fields of inquiry in order to explore how defendants experience – and constitute – the various spaces inhabited in the process of a criminal trial. The first is the wealth of established and emerging work that has sought to interrogate the spatial qualities of trial processes, work that has emphasised the role of architecture, internal furnishing, dress, and comportment in shaping perceptions of trial outcomes (Carlen, 1976; Gill et al., 2021; Jeffrey, 2019). The spatiality of courts has been seen to reflect prevailing social understandings of legal authority (Mulcahy, 2010), perform new sovereign arrangements (Hinton, 2018; Jeffrey, 2020a), or intervene in the very presumption of innocence (Rossner et al., 2017). One of the key contributions here is the historicisation of different legal architectures, exploring the ways in which they reflect wider social understandings of law and communicate authority through material and aesthetic arrangements. But while this work has emphasised space as a central component in the making of law, it often remains wedded to an architectural gaze that has prioritised the perspective of judicial authority and reproduced a somewhat static conceptualisation of space (Weizman, 2017).

As a remedy, work on trial spaces needs to be brought into dialogue with scholarship that has probed the nature and experience of sentencing and punishment. As we live through what Didier Fassin (2017) has referred to as a ‘punitive moment’, where the experience of punishment often precedes the act of judgement, scholars have interrogated how punishment is understood and embodied through the justice system. Reinvigorating a long lineage of criminological work that has focused on the extra-judicial nature of punishment (see, for example Feeley, 1979), this work has emphasised the consciousness of those subject to judgement, tracing how particular events, spaces, affects, and relationships are understood as punitive. Sexton (2012, 2015) has examined the punishment inherent in the prison experience and we draw extensively on her work on the concept of penal consciousness. Similarly, Schinkel (2014) found that while imprisonment was in itself seen as punitive overall, many day-to-day features were additionally experienced as punishment, such as broken amenities, pettiness and inconsistent rules, and the many ways in which life in prison differed from life outside, to name but a few.

Drawing on qualitative data drawn from individuals sentenced through the England and Wales court system, this paper is bringing into conversation scholarship from criminology (Crewe et al., 2022; Hall, 2016; Schinkel, 2014; Sexton, 2015), socio-legal studies (Mulcahy, 2010), and legal (Gill & Hynes, 2021; Jeffrey, 2020a) and carceral (Fraser & Schliehe, 2021; Moran, 2015; Pallot, 2015; Turner, 2016) geography in order to explore how court spaces work on people who are on trial, how individual experiences in these spaces shape a wider experience of justice, and how we can understand legal (and court) geographies in the context of a lived experience of broader justice journeys (including prison life, life beyond prison, entering society after experiences with the justice system). Carceral geographic work, while initially focusing on the more ‘traditional’ institutional spaces (Dirsuweit, 1999; Moran, 2012), has since branched out to include other institutions that show carceral traits (Disney, 2015; Repo, 2019; Schliehe, 2014) and indeed tracing carceral elements into urban areas (Fraser & Schliehe, 2021) or exploring effects of surveillance into society at large (Gacek, 2022) and researching the spatiality of penalty (Pallot, 2015). However, distinct perspectives on carcerality within court spaces is curiously sparse (although some context here is provided by Klosterkamp, 2021). We hope that by linking carceral and legal geographic accounts, we can illuminate the spatiality of penal consciousness, how it is forged through experiences both within the court space but also traced with longer trajectories of experience that reach both back and forward in time and space from the moment of sentencing. We use the concept of space as a ‘trajectory’ as it is applied in human geographic scholarship, while also acknowledging the more contested use of the term in criminological scholarship where it is more often used to describe deterministic movements or life courses. This requires attention to the effect of a wider infrastructure of sites and experiences, including transportation, holding cells, remote connections, and waiting on the ability of defendants to understand and participate in processes in which they are enrolled.

The paper is divided into four sections. In the first, we assess how work on court spaces and the experience of sentencing can be brought together to study penal consciousness. As we show, this requires the integration of elements of each of these bodies of work to illustrate how the court needs to be held concurrently as a site of specific interest while setting it among other sites and events that comprise the process of sentencing. The second section outlines the methods used to gather the qualitative data concerning penal consciousness. The third section extends this analysis to consider how participants inserted the court space into a wider narrative of sites, events, and interactions that shaped the meaning

given to court interactions. Using the concept of space as a 'trajectory', we argue that it is through this more extended analysis of sentencing processes that the legal geography of the forging of penal consciousness can come to light. The final section explores how procedures within court space have been understood among the participants in the research, material that illustrates how the legal process was comprehended and the ways in which space, materials, and bodies shapes these processes.

2 | COURT SPACES AND PENAL CONSCIOUSNESS

Court spaces matter. Far from a neutral context within which legal deliberation may unfold, it has long been understood that the architecture, materials, and practices of court spaces both shape and reflect wider social understandings of justice (Evans, 1999; Haldar, 1994; Hanson, 1996; Rock, 1993). In the context of the court system of England and Wales, the historical work of Mulcahy (2010) has illuminated how the changing morphology of court spaces reflects the changing nature of democratic participation in legal processes. The journey from law being deliberated under a prominent oak tree, through to the total institutions of Victorian Britain reflects this shift, as architectural form seeks to remove the making of law from wider social, political or cultural forces. Such imagined legal closure has been critiqued from many different directions, whether through an exploration of the mechanisms within which racial, class, sexual, or gendered discrimination enter court deliberations (Blomley et al., 2020; Delaney, 2016), or through an engagement with the social and material practices through which law is 'made' (Latour, 2010).

There are three risks posed by adopting a focus on court spaces. The first is that it can privilege the architect's gaze, reading off hierarchies and exclusions on the basis of the physical properties of the court space. This approach, we argue, underplays the significance of individual interpretation in creating meaning in court space. The second is that the court is severed from wider spatial frameworks, where its distinction as a site of law-making detaches its presence from the more mundane aspects of the urban landscape. Unquestionably courts carry symbolic meaning as artefacts which convey ideas of legal authority, but such interpretation takes place within frames of reference that draw in aspects of the journey to court, the security barriers to entry, the distance from home, or the availability of refreshment. Finally, there is a risk that studying space facilitates certain forms of analysis orientated towards observation while relegating or overlooking approaches that enrol human subjects. One of the interdisciplinary challenges in this field is the shift in much human geographical work towards a more object-orientated or materialist perspective, while the role of trial participants in making court space has been somewhat overlooked. While we are influenced by this work, we also seek to refocus attention on issues of subjectivity in order to think through the role of the defendant's consciousness in producing accounts of law.

Coming from a criminological perspective, Hall (2016) writes that the position of the accused or their experiences in court are rarely examined (although see Ericson & Barnanek, 1982). Quoting Indemauro (1994), she describes how the accused often have 'a very different understanding of the reasons for their predicament' (Hall, 2016, p. 92). She ascertains that the sentencing process is a powerful public expression and confirmation of the norms and boundaries of society. A range of literature points to the fact that defendants often feel treated unfairly and disrespectfully during the court process (Casper, 1972; Sunshine & Taylor, 2003; Tyler, 1990, 2003). Indemauro (1994) underlines that this is connected to perceptions of inconsistency. These feelings of unfairness, missing respect, and inconsistency also feature in our own data below, where these emotional responses to the trial culminate in issues of breakdowns in communication in court space.

By focusing not only on what happens in court space itself, but also on how this is connected to wider experiences of justice, we are able to trace how defendants make sense of their sentencing and how their view of court process is intimately linked to the handing out of the sentence, experiences of imprisonment (as the result of the sentence), and their own aims and hopes for the future (Ashkar & Kenny, 2008; Comfort, 2008). Effectively, our focus on the experiences of justice journeys allows us to open up legal geographies to take into account how this moment in court affects people far beyond the court room itself. Our unique perspective of prisoners' views on their trials allows us to examine how the time in court reverberates during the sentence itself. Schinkel writes that despite criminal punishment being 'the state's most serious intrusion upon the human rights of its citizens' (2014, p. 1), there is little research on how prisoners interpret their sentence or sentencing. In her book, she examines how prisoners make sense of their time in prison, touching on the legitimacy of imprisonment, connecting these to wider issues of justice. Studies on prisoners' perceptions of the sentence imposed, according to Schinkel (2014), are scarce, but understanding legitimacy and fairness in prison is much better explored (e.g., Crewe, 2009; Halsey, 2007; Liebling, 2004).

To include prisoners' perspectives further allows us to put the initial experience of court into a view that allows to see 'court' not as a single event, but as a process. This can feature at the beginning of a person's justice journey (e.g., for a

first offence where the sentencing takes place before an entry into prison), but much more often features somewhere in the middle of someone's justice journey (e.g., for someone who first enters prison 'on remand' and has to wait months for sentencing, or someone who has been in prison and in court before) or indeed reappears at the end of someone's prison sentence. Hall (2016), for example, writes about the lived sentence, detailing in the introduction a prisoner facing the same judge who sentenced him when he first came into prison again for the parole consideration. Her perspectives brings to light some sense of continuity which helps to uncover that 'it is as if the prisoner disappears from the bright lights of the sentencing court into the black hole of imprisonment' (2016, p. 2). Hall conceptualises the sentencing as an ongoing process and as an embodied experience in which the sentenced create their own meaning and imagine their punishment, their journey through the system, and the fairness of legitimacy of the sentence. Importantly, she emphasises the relationship between the process of sentencing and the serving of the sentence that is being handed out. Reflecting the findings of other prison researchers, Hall highlights the importance of relational aspects of imprisonment (Crewe, 2009; Crewe et al., 2022; Liebling, 2004) – here we want to extend this relational dimension to what happens in the court space. Rather than describing the sentencing process as 'brightly lit' and clear, for most of our interviewees the experience is one of major confusion, muddled encounters, exhaustion, and dehumanisation.

By focusing on subjectivities we are keen to explore consciousness, and legal or penal consciousness in particular. Thinking through the subjective experience of consciousness has a long history in the geographical discipline, from humanistic geographies – grounded in phenomenological and existential philosophies – that flourished over half a century ago through to more recent more-than-human perspectives that challenge the coherence of thinking through the lens of an individual human subject. By foregrounding consciousness we adopt a phenomenological perspective that 'puts out of play our everyday or natural-scientific preconceptions about consciousness and the world and describes the structural features of our consciousness of the world' (Jacobs, 1998, n.p.). Lormand (1998) further describes phenomenally conscious experiences as 'subjective' and 'non-physical' that cannot be captured by physical science alone as that would omit what it is like to have a particular experience. Sexton's (2012, 2015) work on penal consciousness is illuminating when we explore consciousness in the courtroom. While she did not specifically draw on court experiences, her concept of penal consciousness is based on the work of Ewick and Silbey (1998) and legal consciousness relying "upon the ways in which people 'interpret and make sense of law'" (Sexton, 2015, p. 117).

While in Ewick and Silbey's (1998) original work on legal consciousness the focus lies heavily on legality and law, Sexton connects this to concepts of penalty which she relates to, but sees as distinct from, common understandings of punishment. Centring her theory on penalty rather than legality allows her to open up a wider realm of justice experiences. Penalty in her work is understood as 'that which is experienced as punishment and perceived to be imparted by the criminal justice system or its actors, regardless of whether it is intended as punishment and/or is approved or acknowledged by the penal system' (2015, p. 118). Her focus on the subjectivity of those who are punished thus goes beyond a legalistic understanding of the design or intentions of punishment. She explains that this bridges the gap between 'punishment on the books' and 'punishment in action' (2015, p. 118).

The focus on subjectivity, so central to an account of penal consciousness, orientates our attention to the ways in which court space is understood and contextualised by defendants. Rather than a detached site whose meaning stems from its internal properties alone, a focus on penal consciousness encourages us to position court space as one of a number of interconnected sites through which perceptions of justice and punishment are forged. Here, again, we connect with criminological work that has emphasised the lived experience of penal processes, where first-hand accounts of trial process and sentencing diverge from legal or philosophical expectations (Hall, 2016). Certainly, studies of the architecture of law have illustrated the distinction of court space as a privileged arena for the deliberation of law and the passing of judgement (Mulcahy, 2010; Mulcahy & Rowden, 2020). But in the accounts of the interviewees, the court often appeared as a brief moment within a wider timeline of arrest, police incarceration, court case, and prison. Space, in these terms, is less a container of meaning than a 'trajectory' (Amin, 2002, p. 391) where the different sites within the judicial process need to be interconnected in order to understand individual perception (see also Darling, 2009). Though the concept of 'trajectories' has a longer history within criminological work studying life course and behaviour (see Erosheva & Matsueda, 2014), here we use the term to think through the psychological connections made between the purportedly distinct spaces experienced through the pre-trial, trial, and sentencing processes.

Foregrounding trajectories requires a more relational understanding of space (Massey, 2004), where sites are not simply surfaces where characteristics and properties are fixed and pre-given; instead, meaning is an embodied and subjective outcome of individual and shared experience. Appreciating space in these terms allows a broader empirical lens on the formation of penal consciousness, where experiences of transportation, waiting, sustenance, and rest are considered significant in constituting the spatial characteristics of law.

3 | TRACING PENAL CONSCIOUSNESS

Understanding criminal justice from the perspective of either law makers (legal professionals or politicians) or external observers (court watchers or the wider public) readily inserts legal processes into pre-existing normative frameworks concerning the purpose and utility of law and incarceration. The field of socio-legal studies has sought, over many decades, to challenge the imagined separation of law from wider social contexts, and in doing so has advocated the use of qualitative and ethnographic approaches to grasp the experiential qualities of law (Coutin & Fortin, 2015). This has been a productive turn, as criminologists, anthropologists and geographers have sought to move beyond an imagination of law operating 'within' particular contexts, to focus instead on the co-constitution of what are understood as 'law' and 'society' through the operation of regimes of power and knowledge (Bennett & Layard, 2015; Braverman, 2014; Delaney, 2015; Moran et al., 2018). But even within this work, there has been a privileging of understanding law through the eyes of law makers or public observers (see Gill & Hynes, 2021; Jeffrey, 2020a; Latour, 2010) and rather less emphasis has been placed on the attitudes and perspectives of those who have been the focus of criminal justice procedures: those who are found guilty of crime and sentenced to custodial punishment (with exceptions: see, for example, Hall, 2016).

By foregrounding penal consciousness we need to draw on techniques that can illuminate subjective experience of judicial processes from those actually receiving – and living – a sentence. In doing so, two aspects of methodological consideration come to the fore. The first is the focus on the body, or more properly how the experience of criminal justice and sentencing is understood as an embodied process (Hyde, 1997; Jeffrey, 2020b; Klosterkamp, 2021). The body has a key concern for scholars of legal process, work that highlights how law creates and sustains gendered, racial, and sexual inequalities, but also illuminates how the body operates as a site of resistance and self-care (Brickell & Cuomo, 2019). The concept of penal consciousness, encapsulated as it is within neurological and existential concerns, highlights the material and immaterial assemblages within which bodies experience and produce the sentencing process. The second, and related, methodological consideration is a desire to focus on the processual nature of the criminal justice procedures, in doing so entwining concerns with space and time (see Moran, 2012). The enrolment of participants who have been convicted and sentenced, coupled with the technique of repeat interviewing, allows time for respondents to set their experiences into the context of the wider array of sites and events that comprised their participation in the criminal justice system.

In this paper we draw on the perspectives of people who were convicted in criminal courts in England and Wales and interviewed in prisons. The qualitative data presented here are from one sub-study focused on entry, exit, and post-release of a larger ERC-funded project on COMPEN: Penal Policy and the Prisoner Experience in England & Wales and Norway (see Crewe et al., 2022; Mjåland et al., 2022; Schliehe & Crewe, 2021). The qualitative data used here were collected by Anna Schliehe, alongside her colleagues from the COMPEN team. There were five 'core' fieldwork prisons in each country. In England and Wales, these were local (Category B) prisons, usually located in inner-city areas. Three prisons were initially selected, one for women and two for men (see also Ievins & Mjåland, 2021). We added extra prisons to our original sample where we interviewed prisoners just before their release, with the aim of interviewing them again post-release. In England and Wales, the additional research sites were a closed training prison (Category C) and an open prison (Category D).

We had a sample of 455 interviews overall. Participants were interviewed at up to three time points: entry, just before release, and post-release into the community.¹ Our sample took into account three population groups: 'mainstream' male prisoners, female prisoners, and men convicted of sexual offences. The length of time between each interview depended on sentence length; most were serving sentences of <2 years. We purposely included prisoners at stages 2 and 3 who served longer sentences. Some post-release interviews were conducted in prison due to people being recalled, remanded, or sentenced in new cases. This gave us an insight into varying experiences of court and trials. While the overall research project had a comparative approach, here we only focus on data from England and Wales. Much of the overall research did not focus on court experiences per se, but they came up frequently and seemed to matter a great deal in the earlier stages of the sentence, also when it came to making sense of journeys through the justice system and a sense of penal consciousness (Schinkel, 2014; Sexton, 2015).

Interviews were generally conducted in offices on prison wings, lasted between one and three hours, and were recorded and subsequently transcribed verbatim, with a pseudonym assigned to each participant. Data were coded using NVivo software, drawing on a conceptual framework deriving from established work on the nature and experience of confinement (see Crewe, 2011, 2015) and on themes emerging from the study. Entry into custody and with it experiences of arrest and court, as well as potential previous experiences with the criminal justice system, were relevant to a range of matters that related to our core research questions, including how the justice system affects prisoners in different ways

and how they understand their sentence overall. As a result, one of the coding nodes that we established on undertaking the analysis was 'Court' (within the node 'Pre-prison'), including the sub-node 'Court Messages'. This included 248 files with 700 data points on different aspects of court experiences. We want to underline here that the experiences of court which we are referring to are particular in the sense that they refer only to experiences of remanded or sentenced people who experienced prison. As a matter of fact, often prison entry preceded the experience of trial as remanded prisoners were waiting in prison for their court date. Much of the experience of court is therefore decidedly affected by transport to and from court, material deprivations during times of trial, including lack of a shower, losing one's cell and belongings in prison, being locked out of prison due to arriving too late after a day in court, and more. These matter, we argue, as they set the tone for experiencing court and making sense of this highly important societal tool for judgement and punishment, conveying the status and (un)importance afforded to the charged party.

Articulating the formation of penal consciousness can be analysed through different (though intersecting) aspects of being in court space. Reflecting the conceptual perspective of the paper – drawing together work on the geographies of court spaces with the formation of penal consciousness – we explore this process in two ways in the remainder of the paper. The first traces the trajectories through which penal consciousness is forged, examining how defendants insert court space into a wider set of spaces through which they receive judgement and, ultimately, punishment. We argue that to understand court spaces and their function in producing understanding of law, we need to grasp the trajectories through which defendants pass, and the obstructions, inertias, and humiliations that shape participation in the criminal justice system. The second empirical section extends this discussion by how the defendant's position within court space shapes the possibility for – and perception of – participation in legal proceedings. In particular, we focus on the defendant's interpretation of legal sites and procedures. Where much of the architectural work has focused on the static morphology of the court space, in these accounts we start to grasp the embodied processes of interpretation and experience in the process of formulating penal consciousness.

4 | COURT SPACE WITHIN TRAJECTORIES

While it has long been understood that the penal process is not a 'singular coherent unit' (Garland & Young, 1984, p. 15), previous work has often emphasised the fragmentation of security, courts, and prison functions (see Hall, 2016). Here, we are more interested in the quotidian sites that may technically be part of a single institution (for example, a court) but in the experience of the defendant were fragmented into a number of different spaces, each with differing qualities. Crucially respondents were keen to vocalise the challenges and barriers that disrupted these trajectories, to the point where the interstitial sites and experiences were often the most prominent in accounts of the trial process. For example, Nathan explained the process of his first court hearing:

Yeah, it was horrible. [...] they told me to get there early, the place opens at nine, which it wasn't too sure about, but I got there at eight. And I had a bit of a cold as well, which did not help, and it was a freezing cold morning, and I was there like an hour before I had to be, so I was waiting outside in the cold. They finally let us in, and then like ... There's no real order it seems to how you get seen, they just see you whenever they see you, and I got seen after lunch. So you know, I'd been there since eight in the morning, did not get seen until 2 o'clock. They spent like an ... only a few minutes talking to me. My lawyer was useless as well, the solicitor was completely useless, the legal aid. She could not even hold a conversation as well as I can. You know, she'd forget what she was saying, she'd go [errr] erm ... you know, with what she was saying and stuff. It was a joke.

(Nathan)

There are two intersecting aspects of significance to Nathan's account of attending court. The first is the connection made between bodily discomfort and the overall organisation of the court process. The experience of being cold is not incidental, in procedural terms it points to a lack of accommodation for those waiting for a court hearing (see Mulcahy & Rowden, 2020), but in psychological terms it could also be said to illuminate an enduring lack of empathy for trial participants. It certainly shaped Nathan's consciousness concerning his role within the legal proceedings. The second is the delay in being heard in court, and the lack of clear information as to why this was the case, which fed into a sense of poor organisation and a lack of purpose to attendance. With Hall's (2016) account in mind, confusion over one's own role then powerfully relates to and produces a deeper meaning when the court process stands for a powerful public expression and confirmation of the norms and boundaries of society.

While arriving at court on your own comes with its own challenges, as Nathan described, many of our participants enter court from prison after having been placed there 'on remand'. For many prisoners the journey to court comes with many additional challenges, including having to get up very early (often without access to a shower or breakfast), being held in holding cells in the prison waiting for the van to take them to prison, having to pick up other defendants on their way, arriving in court to be searched and put into another holding cell. They may face uncertainty about how long they would spend there, and be concerned about the trial and their situation after the trial, where they might face being 'locked out' of 'their' prison and having to enter another one without any of their belongings. Access to baseline amenities such as toilets, food, water, presentable clothes, and more are not a given during 'court days'. While it has long been understood that materials and practices of court spaces reflect wider understandings of justice, this shows how a lack thereof is also a significant indicator of worth and a wider sense of social standing.

While the trajectories of defendants in pre-trial detention differed in the nature of transportation and the use of holding cells, the concerns regarding hardships of transitioning to and from court were still brought to the fore. In particular, issues related to waiting and transportation, as set out in the accounts by Alex and Jacob:

Oh just going to reception, changing from this into my suit, and then going to one room sitting there for ages and then going to another room sitting there for ages. And then one getting called to the van, and then you sit on the van for a while. And then the five minute journey they you get out, and then you sit in the cell in the court and then you get called up. And at the end when it is all finished you are back in the cell at the court, then you put you in the van. The van parks out here and you sit on the van for ages, because they take one off at a time. But it is not just one, and then you are waiting ages while they process that person. So you come off and then you have to wait in those two rooms again for another hour or so, and I ended up getting to my cell at half eight, quarter to nine.

(Alex)

The only thing I'm really, really not looking forward to is going in the transfer bus. It's horrible. It's a plastic seat that you sit on. You sit up dead straight like this for about an hour and a half to the courtroom. Then you wait in the holding cell where it's literally just a bench. It's a concrete bench with a couple of newspapers. There's a couple of guys on each one and you have got to wait there till you are called up for court. Then if you get released, you walk out the courtroom there and then, but if you get kept in prison, you go back down to that court cell, you sit in there till about 8:00 at night, then you get on the bus and you go to prison. That's the only thing I'm not looking forward to: that bus transfer!

(Jacob)

These accounts orientate attention to the material and infrastructural elements of attending court, where the transportation and delays in returning to prison shape perceptions of the event. These trajectories are organised around security requirements, either in the processing of returning prisoners or the incarceration with holding cells, concerns that contribute to the gruelling nature of attending court. In so doing, it encourages us to consider the considerable friction and inertia within the concept of spatial trajectories, where the movement through spaces is constrained by the bureaucratic, legal, and penal requirements at any given stage.

This sense of inertia and friction is further evident in cases where the court experience is extended over multiple sites. In a number of cases the requirement to move court proceedings, often at short notice, exacerbated the sense of detachment and inconvenience. Held in pre-trial detention, Ibrahim's court experience resulted in an impromptu prison relocation:

I get up in the morning to go for the sentencing, which would have been a couple of hours here, I leave the prison, as I was leaving they said well the judge is not at [place] today he's been moved to [place2], so we are moving your sentence hearing to [place2], so I said well I'm not really prepared to go ... well you have not got any choice. So they load me on the van, I spend 2 hours going to ... on the van to [place2]. As I get near to [place2] they say oh, the judge has not even turned up at [place2] so we are returning you to High Down, so they drove me all the way back to High Down, remember I've left High Down at 8 o'clock, it's now 12 o'clock, I've spend 4 hours in the van already, then the judge turns up again and says no, bring him back, so in the end I ended up spending 5½ hours on the van driving around London. I end up in [place2], all my belongings are

still in High Down, the judge comes and sees me for an hour in the dock, gives me a sentence, I come back down and they say well, there's no transport back to High Down so we are sending you to the nearest local prison, Pentonville. So I arrive at Pentonville with nothing, I explained what's gone on to the officer, they said well it's Friday, there's nothing we can do right now.

(Ibrahim)

Mobility through the spatial trajectory of criminal law conveys as sense of the defendant as a passive recipient of the trial process, expected to absorb inconveniences and face hardships with the acknowledgement that this is a consequence of their subject position within the trial schema. Of course, this in many ways sits uneasily with the fundamental assumption of innocence, so central to the judicial system in England and Wales. It also runs contrary to the desire to 'democratise' the court experience through new architecture requirements (see Mulcahy & Rowden, 2020). In many respects the focus on spatial trajectories forces us to question whether punishment begins at the moment of sentencing, or can be traced back further to initial contact with the criminal justice procedure, such as the moment of arrest. The punitive nature of the criminal justice process is not restricted to the formal sites of the court and sentencing processes, but forged through penal consciousness established through multiple interactions, deprivations, and exclusions experienced through the criminal justice journey.

5 | PROCEDURE IN COURT SPACE

While the trajectory through the criminal justice process shaped the establishment of penal consciousness, the respondent placed specific emphasis on events within court space. As we have discussed, far from a neutral experience, court architecture, materials, and procedural practices of court spaces all shape and reflect wider social understandings of justice (Evans, 1999; Haldar, 1994; Hanson, 1996). The procedures at work, much like Sexton's categorisation for punishment in prison, fall into the two categories of concrete (material items and conditions) and symbolic (loss and deprivation related to larger issues) and are often experienced by the accused before they are found guilty. Archie described how the material conditions affected his sense of self and worth:

Pretty bad. You know, you are kind of pushed into the room, wooden bench, you know, the pre-court experience, being held in the cell, not offered anything to drink, but they did give me some food at one point. [...] But I would not describe it as lenient in any way or particularly humane, you know, it just kind of felt scummy, you know, it felt like you were made to feel quite low.

The material conditions in court directly impacted his sense of the role he was assigned as an individual accused of a crime. The punitive nature of court space extends to the bodies that exist around the defendant. Nathan further pointed to the importance of representation as part of the material conditions that affected his sense of punishment:

Oh they seemed like rich people pushing about the poor people. There's not one person from like the gutter there. Because, like I said, I come from a long line of gamblers and alcoholics and people that were not really highly educated. Everybody at the court has a fancy accent, and they are highly educated, just dishing out sentences to like lower class people that were committing crimes.

Schinkel (2014, p. 13) mentions the research of Casper, who analysed the different stages of the criminal justice process in relation to perceptions on fairness, including what happens in court. He found that court is seen as a "production ethic", with legal representation pursuing their own interests rather than the defendants". In our group of interviewees, we could identify an overwhelming sense of confusion and lack of clarity over the way communication worked in court spaces. Largely experienced as a form of symbolic punishment, issues with communication affected the sense of autonomy, self, and humanity as well as representation:

I did not have any input. I just had to stand there saying guilty, guilty, guilty, and the poor barrister stood in front of me, in front of the glass sort of say ... guilty ... to make sure I said guilty, because he knew I was angry, I did not feel happy at saying I was guilty to things ... the things I had done fine, but the things I had not done

I was not happy at having to say I was guilty of those things. And this ridiculous thing that, you know, if you say you are guilty and you'll get this time off, to me it's just appalling, it's awful.

(Isabelle)

I had to listen them say all the bad stuff about me, like what's not true, most of it, and just take it on the chin, I could not even ... when I wanted to go that ain't true, it does not mean nothing you know, so I had to listen to that and then just got remanded.

(Louie)

Isabelle above referred to 'prescribed scripts' that seemingly have to be followed – a notion shared by many interviewees who we asked on pleading guilty in particular – these scripts led to defendants doubting the existence of justice and altered their sense of fairness. Similarly, Louie related being described out of character by someone who appeared not to have the facts, leading to similar doubts in the justice system and in a way that is felt on a very personal level. These instances led to the defendant's confusion over the whole process – something that is further exacerbated by certain use of language and no true engagement with the people being sentenced:

As someone who's not studied court law or anything like that you do not ... I do not understand what they are talking about. It's very ... for someone who does not know anything to do with law and stuff like that when you are in court ... I mean you do not have to speak, your barrister does that on behalf of you. I suppose that's why you have someone representing you. But you do not understand what they are talking about, even when the judge read my sentence I still did not actually know the amount of time that I'd got ...

(Reuben)

No. How things went back then was ... it was wrong. I got found guilty of murder, at the time I went to trial erm [...] and that was it, then I was sent out. And then it took me I do not know, a year, eighteen months to find out exactly how long my tariff was going to be. So for like, just say eighteen months I did not have a clue how long I was going to have to do.

(Rhys)

The penal harshness that emerges from court spaces in these examples is intimately linked with a sense of injustice, unfairness, and most of all confusion. These experiences of penal consciousness formed during the trial do not end when defendants are found guilty and are 'sent down'. The effects of the confusion and under-representation, essentially experiences of penalty in the court process, are long term and follow defendants through their time in prison and beyond.

In a further study of fairness, Tyler (2003, p. 298) writes that interpersonal treatment in court is perceived as positive when people feel treated with dignity and respect. Schinkel takes Bottoms and Tankebe (2012) into account when suggesting that the sentencing outcome might be more important than previously thought. In many descriptions by our interviewees, the severity and salience of the experience in court (Frederique & Sexton, 2014; Sexton, 2012, 2015) is affected by the inability to participate in the legal process even before the sentence is handed out:

And did you feel like you could actually talk to the judge or you had any involvement directly?

No. You're behind that glass barrier there.

So you cannot really even hear what's going on properly?

Well no, not with all the coughing and that, that goes on as well. But if you want to talk to your solicitor, you just tap the window and say 'Come here.'

(Cloe)

No, wasn't allowed to talk, I literally had to just put my hand up when they said my name and that's it, they talk among themselves.

(Lucie)

Like many other interviewees, both Cloe and Lucie describe being cut off from legal process by physical and relational dynamics. They feel existentially silenced literally and metaphorically. This sense of being silenced recalls Sexton's approach to understanding the subjectivity of defendants. As measures of penal consciousness, Sexton distinguishes between severity and salience of punishment. While severity describes the intensity ('penal harshness') with which punishment is experienced by individuals, this measure is not absolute but sits on a continuum from low to high. So, severity does not describe what a punishment is supposed to do or achieve, but instead how punishing it feels: 'assessments of severity exist independent of the punitive referent itself, but highly dependent on the level of abstraction at which punishment is experienced' (Sexton, 2015, p. 126). Similarly, salience describes how much the punishment reaches into people's everyday life; while this is related to severity, these measures are not equal. The outcomes depend on people's expectations of punishment: the salience of punishment is shaped largely by the distance between the punishment that a prisoner expects and the punishment she experiences—a distance that Sexton refers to as 'the punishment gap' (2015, p. 128).

Sexton essentially describes 'processes from which penalty emerges by simultaneously privileging the subjective consciousness of individual prisoners and locating this consciousness within the structure of the larger carceral system' (2015, p. 131). By applying her construct of penal consciousness to the experiences of court spaces and processes, we aim to contribute unique insights to legal geographies through describing court not as a singular event but instead as an event that stretches and morphs into other areas of the criminal justice system. We also want to introduce penal consciousness as a viable tool to further our understanding of carcerality (Moran et al., 2018). Schinkel (2014) links sentencing and the perceived fairness of the sentence to their impact on potentially many years of imprisonment and beyond. The acceptance of the sentence is thus carried from the courtroom experience to the prison landings and the need to cope in the penal reality of life inside while also affecting defendant's long-term experiences of justice in society as a whole.

Both severity and salience of the court experience are thus severely affected by this emotional realm that is involved in both the symbolic and concrete punishment of being cut off. Importantly, while 'being cut off' from the legal process unfolding in front of them is one important aspect, many interviewees describe having to negotiate several sites of public display, what could be understood in the sociological language of Erving Goffman (2022 [1956]) as 'front stages', at the same time. They are aware of the legal negotiations, but also have to manage potential encounters with witnesses, potential victims, their families, their own families, and the press.

So when you have ... when you are sitting in the dock ... I was sitting there for a lot of it thinking the only reason all these people in this room are here because of me. You know, my family, friends, the police and reporter, prosecution, defence, the judge, the clerks and all the jury: the only reason they are here is because of me, because of what I did years ago when I was very young and stupid and immature. And you have this feeling all the time of shame and embarrassment. You know? You have to really try to control your emotions as well, you really do.

(Arthur)

Rather than just being focused on the legal process and procedure, the defendants often find themselves in an emotional entanglement involving their own self, the legal team, and judge and/or jury, as well as visitors and particularly family members:

I went completely blank. My mind went ... [...] I just looked at my girlfriend, see her start crying; my mum and dad, see them crying, and I just went ... I was just trying to look at my girlfriend, her to look at me to say it's okay, it's fine. Because obviously you cannot shout because you are in court, so I was just looking at her like it's fine, it's fine.

(Tim)

When you get sentenced, you have a different body ... something happens to your body. I was shaking. It wasn't because I was scared. I was overcome with emotions.

(Harris)

it happened so fast that it was like ... I just could not breathe, yeah, so...

So what went through your mind when they said you are going to ...?

I just looked at my mum.

And saw her...

Yeah, you could see she was about to break down crying, and I just broke...

(Lily)

While what happens in court is often only the beginning of their experience of penal consciousness for defendants who are sentenced to prison, it provides a powerful marker for the interpretation of the experiences of punishment. Making sense of what is imposed on them is intimately bound up with the legal process, from its materiality to the symbolic weight. What comes out of these last quotes by Tim, Harris, and Lily is the embodied nature of court experiences that greatly define defendants' sense of the justice process, which is too often omitted when research focuses on materiality alone.

6 | CONCLUSION

This paper has contributed to interdisciplinary debates concerning the significance of space in shaping attitudes to criminal justice. By focusing on the formation of penal consciousness we are seeking to draw attention to the wide array of experiences, sites, and events through which understandings of the punitive nature of the criminal justice system are forged. Essentially, we want to foreground experiences of court as elemental in shaping a wider sense of justice. This emphasis on the subjectivity of individual defendants who had all experienced the sentencing process and served custodial sentences refocuses attention on the interpretation of court space beyond architectural accounts of their design and arrangement. While the physical characteristics of the court are clearly significant, and can be seen to directly influence the outcome of trials (see Rossner et al., 2017), we are keen to trouble an understanding of space that is either fixed, shared, or detached from wider experiences and histories. The focus on penal consciousness (Sexton, 2015) encourages a subjective account of space that pays attention to its relational characteristics, taking seriously prior experiences and relationships in the interpretation of legal spaces. Assessing court spaces and processes through this lens allows us to understand court proceedings as part of a punitive nature that runs through the criminal justice system, rather than court presenting as a 'neutral' experience/delivery of justice. It also allows us to underline how what is done and said in court reverberates in defendants' minds for sometimes years to come, thus shaping their sense of justice. Here, elements of severe confusion and lack of communication and direct connections with defendants are of particular significance. This process of interpretation is particularly significant in the research design, where participants were interviewed up to a number of years after their court procedures, allowing their experience to be reassessed and placed within the wider context of their experience within the criminal justice system. The focus on the expanded sites, rhythms and routines of the judicial system brings to the fore the relational nature of the production of space.

Our approach also encourages us to reflect on the ways in which penal consciousness relates experience across these different sites in order to establish the judicial and punitive meanings of the justice system. The implications of this argument are, at least, twofold. First, in order to understand the implications of the morphology and arrangement of court spaces we need to insert these into the wider array of sites that are experienced within the judicial process. By conceptualising space as a trajectory, the interpretation of distinct activities – be that transportation, waiting in cells or holding areas, being in court space, or remote participation – becomes understood as entwined in the making of penal consciousness. Second, it requires a close attention to these wider sets of spaces and experiences when considering reform of court sites and infrastructures. The increased use of remote video technology to access courts could be interpreted as space losing significance as court procedures are decentralised and dispersed across disparate sites. While such innovations afford benefits in terms of less transportation demands and quicker participation in court procedures, remote access will create new trajectories where the micro-level issues regarding spatial arrangements and technological capabilities will shape penal consciousness. It is not then the erasure of spatial trajectories, but a more complex and multifaceted set of

arrangements. All of this is brought into sharp focus by the very political nature of the current changes to the criminal justice system in England and Wales, where courts are closed and the government has pledged to seriously increase prison capacity (Prison Reform Trust, 2021).

ACKNOWLEDGEMENTS

We would like to thank the COMPEN Team (Ben Crewe, Alice Levins, Julie Laursen, and Kristian Mjåland) for their great work during the project and their helpful comments on a draft of this paper. We would also like to thank the participants of the study who gave us such in-depth insights into their experiences of the legal system. Finally, we would like to thank our anonymous reviewers and the editors. Open Access funding enabled and organized by Projekt DEAL.

FUNDING INFORMATION

European Commission > Horizon 2020 Framework Programme > H2020 Excellent Science > H2020 European Research Council [Grant number: 648691].

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request. The data are not publicly available due to privacy/ethical restrictions and would only be shared if a case could be made that anonymity can be guaranteed.

ORCID

Anna Schliehe  <https://orcid.org/0000-0003-1993-149X>

ENDNOTE

¹ Interviews just before release took place in prisons other than our initial 'core field sites', depending on where prisoners had been moved to.

REFERENCES

- Amin, A. (2002) Spatialities of globalisation. *Environment and Planning A*, 34, 385–399. Available from: <https://doi.org/10.1068/a3439>
- Ashkar, P.J. & Kenny, D.T. (2008) Views from the inside: Young offenders' subjective experiences of incarceration. *International Journal of Offender Therapy and Comparative Criminology*, 52(5), 584–597. Available from: <https://doi.org/10.1177/0306624X08314181>
- Bennett, L. & Layard, A. (2015) Legal geography: Becoming spatial detectives. *Geography Compass*, 9(7), 406–422. Available from: <https://doi.org/10.1111/gec3.12209>
- Blomley, N., Flynn, A. & Sylvestre, M.E. (2020) Governing the belongings of the precariously housed: A critical legal geography. *Annual Review of Law and Social Science*, 16, 165–181. Available from: <https://doi.org/10.1146/annurev-lawsocsci-021020-105357>
- Bottoms, A. & Tankebe, J. (2012) Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *The Journal of Criminal Law and Criminology*, 102(119), 101–150.
- Braverman, I. (2014) Who's afraid of methodology? Advocating a methodological turn in legal geography. In: Braverman, I., Blomley, N., Delaney, D. & Kedar, A. (Eds.) *The expanding spaces of law: A timely legal geography*. Stanford, CA: Stanford University Press, pp. 120–141.
- Brickell, K. & Cuomo, D. (2019) Feminist geolegality. *Progress in Human Geography*, 43(1), 104–122. Available from: <https://doi.org/10.1177/0309132517735706>
- Carlen, P. (1976) The staging of magistrates' justice. *The British Journal of Criminology*, 16(1), 48–55. Available from: <http://www.jstor.org/stable/23636252>
- Casper, J.D. (1972) *American criminal justice: The defendant's perspective*. Englewood Cliffs, NJ: Prentice Hall.
- Comfort, M. (2008) 'The best seven years I could'a done' The reconstruction of imprisonment as rehabilitation. In: Carlen, P. (Ed.) *Imaginary penalties*. Cullompton, UK: Willan Publishing, pp. 252–274.
- Coutin, S.B. & Fortin, V. (2015) Legal ethnographies and ethnographic law. In: Sarat, A. & Ewick, P. (Eds.) *The handbook of Law and Society*. Chichester, UK: Wiley & Sons, pp. 71–84.
- Crewe, B. (2009) *The prisoner society: Power, adaptation and social life in an English prison*. Oxford, UK: Oxford University Press.
- Crewe, B. (2011) Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment and Society*, 13(5), 509–529. Available from: <https://doi.org/10.1177/1462474511422172>
- Crewe, B. (2015) Inside the belly of the penal beast: Understanding the experience of imprisonment. *International Journal for Crime, Justice and Social Democracy*, 4(1), 50–65. Available from: <https://doi.org/10.3316/informit.252178651634931>
- Crewe, B., Ievins, A., Larmour, S., Laursen, J., Mjåland, K. & Schliehe, A. (2022) Nordic penal exceptionalism: A comparative, empirical analysis. *British Journal of Criminology*, 1–20. Available from: <https://doi.org/10.1093/bjc/azac013>

- Darling, J. (2009) Thinking beyond place: The responsibilities of a relational spatial politics. *Geography Compass*, 3(5), 1938–1954. Available from: <https://doi.org/10.1111/j.1749-8198.2009.00262.x>
- Delaney, D. (2015) Legal geography I: Constitutivities, complexities, and contingencies. *Progress in Human Geography*, 39(1), 96–102. Available from: <https://doi.org/10.1177/0309132514527035>
- Delaney, D. (2016) Legal geography II: Discerning injustice. *Progress in Human Geography*, 40(2), 267–274. Available from: <https://doi.org/10.1177/0309132515571725>
- Dirsuweit, T. (1999) Carceral spaces in South Africa: A case study of institutional power, sexuality and transgression in a women's prison. *Geoforum*, 30, 71–83. Available from: [https://doi.org/10.1016/S0016-7185\(98\)00030-X](https://doi.org/10.1016/S0016-7185(98)00030-X)
- Disney, T. (2015) Complex spaces of orphan care – A Russian Therapeutic Children's Community. *Children's Geographies*, 13(1), 30–43. Available from: <https://doi.org/10.1080/14733285.2013.827874>
- Ericson, R.V. & Barnanek, P. (1982) *The ordering of justice: A study of accused persons as dependants in the criminal process*. Toronto, ON: University of Toronto Press.
- Erosheva, E.A. & Matsueda, D.T. (2014) Breaking bad: Two decades of life-course data analysis in criminology, developmental psychology, and beyond. *Annual Review of Statistics and Its Application*, 1(1), 301–332. Available from: <https://doi.org/10.1146/annurev-statistics-022513-115701>
- Evans, D. (1999) Theatre of deferral: The image of the law and the architecture of the inns of court. *Law and Critique*, 10(1), 1–25. Available from: <https://doi.org/10.1023/A:1008834110997>
- Ewick, P. & Silbey, S.S. (1998) *The common place of law: Stories from everyday life*. Chicago, IL: University of Chicago Press.
- Fassin, D. (2017) *Prison worlds: An ethnography of the carceral condition*. Oxford, UK: John Wiley & Sons.
- Feeley, M. (1979) *The process is the punishment handling cases in a lower criminal court*. New York, NY: Russell Sage Foundation.
- Fraser, A. & Schliehe, A.K. (2021) The carceral city: Confinement and order in Hong Kong's forbidden enclave. *British Journal of Criminology*, 61(3), 587–606. Available from: <https://doi.org/10.1093/bjc/azaa087>
- Frederique, N. & Sexton, L. (2014) Through their eyes: How prisoners make sense of their incarceration. *National Institute of Justice Journal*, 273, 60–65.
- Gacek, J. (2022) *Portable prisons: Electronic monitoring and the creation of carceral territory*. Montreal, QC; Kingston, ON: McGill-Queen's University Press.
- Garland, D. & Young, P. (1984) *The power to punish*. Aldershot, UK: Ashgate.
- Gill, N. & Hynes, J. (2021) Courtwatching: Visibility, publicness, witnessing, and embodiment in legal activism. *Area*, 53(4), 569–576. Available from: <https://doi.org/10.1111/area.12690>
- Gill, N., Allsopp, J., Burridge, A., Fisher, D., Griffiths, M., Paszkiewicz, N. et al. (2021) The tribunal atmosphere: On qualitative barriers to access to justice. *Geoforum*, 119, 61–66. Available from: <https://doi.org/10.1016/j.geoforum.2020.11.002>
- Godfrey, B., Richardson, J.C. & Walklate, S. (2022) The crisis in the courts: Before and beyond COVID. *The British Journal of Criminology*, 62(4), 1036–1053. Available from: <https://doi.org/10.1093/bjc/azab110>
- Goffman, E. (2022 [1956]) *The presentation of self in everyday life*. London, UK: Penguin Classics.
- Haldar, P. (1994) In and out of court: On topographies of law and the architecture of court buildings. *Revue Internationale de Semiotique Juridique*, 7(2), 185–200. Available from: <https://doi.org/10.1007/BF01816606>
- Hall, M. (2016) *The lived sentence: Rethinking sentencing, risk and rehabilitation*. Cham, Switzerland: Palgrave.
- Halsey, M. (2007) On confinement: Resident and inmates' perspectives on secure care and imprisonment. *Probation Journal*, 54(4), 338–367. Available from: <https://doi.org/10.1177/0264550507083535>
- Hanson, J. (1996) The architecture of justice: Iconography and space configuration in the English law court building. *Architectural Research Quarterly*, 1(4), 50–59. Available from: <https://doi.org/10.1017/S1359135500003079>
- Hinton, A.L. (2018) *The justice façade: Trials of transition in Cambodia*. Oxford, UK: Oxford University Press.
- Hyde, A. (1997) *Bodies of law*. Princeton, NJ: Princeton University Press.
- Ievins, A. & Mjåland, K. (2021) Authoritarian exclusion and laissez-faire inclusion: Comparing the punishment of men convicted of sex offenses in England & Wales and Norway. *Criminology*, 59, 454–479. Available from: <https://doi.org/10.1111/1745-9125.12276>
- Indemaur, D. (1994) Offenders' perceptions of sentencing. *Australian Psychologist*, 29(2), 140–144. Available from: <https://doi.org/10.1080/0005069408257338>
- Jacobs, H. (1998) Phenomenology of consciousness. In: Hopkins, B.C., Majolino, C. & De Santis, D. (Eds.) *Routledge encyclopaedia of philosophy*. London, UK: Routledge. Available from: <https://doi.org/10.4324/9780415249126-DD102-1>
- Jeffrey, A. (2019) Legal geography I: Court materiality. *Progress in Human Geography*, 43(3), 565–573.
- Jeffrey, A. (2020a) *The edge of law: Legal geographies of a war crimes court*. Cambridge, UK: Cambridge University Press. Available from: <https://doi.org/10.1017/9781108186018>
- Jeffrey, A. (2020b) Legal geography II: Bodies and law. *Progress in Human Geography*, 44(5), 1004–1016. Available from: <https://doi.org/10.1177/0309132519888681>
- Klosterkamp, S. (2021) Geographien des Ein- und Ausschlusses: Strafvollzug und Prozesse im Kontext der Aufarbeitung von Beteiligungshandlungen im syrischen Bürgerkrieg. *Geographica Helvetica*, 76(2), 205–219. Available from: <https://doi.org/10.5194/gh-76-205-2021>
- Latour, B. (2010) *The making of law: An ethnography of the Conseil d'Etat*. Cambridge, UK: Polity.
- Law Society. (2021) *Court closures*. Available from: <https://www.lawsociety.org.uk/en/campaigns/court-reform/whats-changing/court-closures> [Accessed 17th February 2022].
- Liebling, A. (assisted by Arnold, H.). (2004) *Prisons and their moral performance: A study of values, quality, and prison life*. Oxford, UK: OUP Clarendon.

- Lormand, E. (1998) Consciousness. In: Craig, E. & Floridi, L. (Eds.) *Routledge encyclopaedia of philosophy*. London, UK: Routledge. Available from: <https://doi.org/10.4324/9780415249126-W011-1>
- Massey, D. (2004) The political challenge of relational space: Introduction to the Vega symposium. *Geografiska Annaler*, 86B(1), 3. Available from: <https://doi.org/10.1111/j.0435-3684.2004.00149.x>
- Ministry of Justice and HMCTS. (2015) *Proposal on the provision of court and tribunal estate in England and Wales*. Available from: https://consult.justice.gov.uk/digital-communications/proposal-on-the-provision-of-court-and-tribunal-es/user_uploads/reform-estates-national-consultation_official-sensitive_final_050815.pdf [Accessed 17th February 2022].
- Mjåland, K., Laursen, J., Schliehe, A. & Larmour, S. (2022) Contrasts in freedom: Comparing open and closed prisons in England & Wales and Norway. *European Journal of Criminology*, 1–22. Available from: <https://doi.org/10.1177/14773708211065905>
- Moran, D. (2012) 'Doing time' in carceral space: Timespace and carceral geography. *Geografiska Annaler: Series B, Human Geography*, 94(4), 305–316. Available from: <https://doi.org/10.1111/geob.12000>
- Moran, D. (2015) *Carceral geography: Spaces and practices of incarceration*. London, UK: Routledge.
- Moran, D., Turner, J. & Schliehe, A.K. (2018) Conceptualizing the carceral in carceral geography. *Progress in Human Geography*, 42(5), 666–686. Available from: <https://doi.org/10.1177/0309132517710352>
- Mulcahy, L. (2010) *Legal architecture: Justice, due process and the place of law*. London, UK: Routledge.
- Mulcahy, L. & Rowden, E. (2020) *The democratic courthouse: A modern history of design, due process and dignity*. Abingdon, UK: Routledge.
- Padfield, N. (2015) Yet more court closures. *Criminal Law Review*, 11, 843–844.
- Padfield, N. (2018) Even more court closures. *Criminal Law Review*, 5, 351–353.
- Pallot, J. (2015) The topography of incarceration: The spatial continuity of penalty and the legacy of the Gulag in twentieth- and twenty-first-century Russia. *Laboratorium*, 7(1), 80–92.
- Prison Reform Trust [PRT]. (2021). *Prison: The facts*. Summer 2021 briefing web FINAL.pdf. Available from: prisonreformtrust.org.uk [Accessed 6th July 2022].
- Repo, V. (2019) Spatial control and care in Finnish nursing homes. *Area*, 51(2), 233–240. Available from: <https://doi.org/10.1111/area.12443>
- Rock, P. (1993) *The social world of an English Crown Court*. Oxford, UK: Clarendon.
- Rossner, M., Tait, D., McKimmie, B. & Sarre, R. (2017) The dock on trial: Courtroom design and the presumption of innocence. *Journal of Law and Society*, 44(3), 317–344. Available from: <https://doi.org/10.1111/jols.12033>
- Schinkel, M. (2014) *Being imprisoned: Punishment, adaptation and desistance*. New York, NY: Palgrave MacMillan.
- Schliehe, A.K. (2014) Inside 'the carceral': Girls and young women in the Scottish Criminal Justice System. *Scottish Geographical Journal*, 130(2), 71–85. Available from: <https://doi.org/10.1080/14702541.2013.838639>
- Schliehe, A. & Crewe, B. (2021) Top-bunk, bottom-bunk: The experience of cell-sharing in prisons. *British Journal of Criminology*, 62, 484–500. Available from: <https://doi.org/10.1093/bjc/azab053>
- Schmitz, A.J. (2019) Expanding access to remedies through E-court initiatives. *Buffalo Law Review*, 67(1), 89–164.
- Sexton, L. (2012) *Under the penal gaze: An empirical examination of penal consciousness among prison inmates*. PhD Thesis. Irvine, CA: University of California.
- Sexton, L. (2015) Penal subjectivities: Developing a theoretical framework for penal consciousness. *Punishment and Society*, 17(1), 114–136. Available from: <https://doi.org/10.1177/1462474514548790>
- Sunshine, J. & Taylor, T.R. (2003) The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society*, 37(3), 513–548. Available from: <https://doi.org/10.1111/1540-5893.3703002>
- Turner, J. (2016) *The prison boundary: Between society and carceral space*. Palgrave studies in prisons and penology. London, UK: Palgrave.
- Tyler, T.R. (1990) *Why people obey the law: Procedural justice, legitimacy and compliance*. New Haven, CT: Yale University Press.
- Tyler, T.R. (2003) Procedural justice, legitimacy and the effective rule of law. *Crime & Criminal Justice*, 30, 283–357. Available from: <https://doi.org/10.1086/652233>
- Weizman, E. (2017) *Forensic architecture: Violence at the threshold of detectability*. Princeton, NJ: Princeton University Press.

How to cite this article: Schliehe, A. & Jeffrey, A. (2022) Investigating trial spaces: Thinking through legal spatiality beyond the court. *Transactions of the Institute of British Geographers*, 00, 1–14. Available from: <https://doi.org/10.1111/tran.12568>