

EXPRESSIVENESS AND SYMBOLISM IN ARCHITECTURE INTENDED FOR JUSTICE

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Abstract

The article has the goal to underline the importance of the expressiveness and symbolism of an architecture designed for justice and to demonstrate the thesis according to which the expressiveness of the architecture designed for justice is likely to influence the quality of the act of justice (juridical process). As a particular form of civic architecture program, courts of justice had in the past a condition on the border between metaphysics and functionality, a condition that has currently migrated excessively towards the functional and bureaucratic dimension, more or less obviously neglecting the expressivity. Human activity exercised through processes of representation, in which the human subject has access to reality through abstractions and models, justice can be viewed and analysed as a phenomenon related to human subjectivity. Different historical moments attest the existence of a specific vision regarding the law and its spaces, in the wider context of the human subject, capturing one aspect or another of the reality regarding the act of justice. The modes of expression differ from one era to another, but each era considered it necessary to use expressiveness when constructing its spaces designed for justice. Conceived to enforce the notion of justice, the expressiveness of justice buildings is claimed as their fundamental characteristic.

Keywords: *architecture, designed for justice, space for justice, design, expression.*

1. Introduction

Frequently evoked in contemporaneity, Justice is an important component of social life, the judicial system being the one that gives structure to the rule of law.

Whether we are talking about county courts, tribunals, palaces of justice or penitentiaries, the buildings intended for justice are those elements that create the infrastructure of the judicial system. Characterised by a certain form of architectural prominence, a characteristic from which only the architecture of penitentiaries is an exception, these buildings are often invested in the more general framework of the city, with a symbolic importance.

The purpose of this article is to emphasize the importance of the expressiveness and implicitly the symbolism of the architecture intended for justice, considering that these attributes are able to influence the quality of the act of justice.

Located at the intersection of the study of architecture, law, arts and social sciences, the analysis of the architecture of buildings intended for justice raises, from a certain perspective, questions related to the existence of an interdependent relationship between the quality of the act of justice and the architectural quality of the space in which it takes place? Some authors even wonder if „The legitimacy of the process derives from the quality of the space where it takes place?“.

Linda Mulcahy, a British researcher who explores the interface between law and architecture from the perspective of a lawyer who, in addition to studies in Law and Sociology, has a specialization in the history of art, demonstrates in the conclusions of the work *The democratic courthouse: A modern history of design, due process and dignity*¹, that the improvement of the judicial act can also be done through the design of the courts. Moreover, the researcher points out that it would be desirable for political decision-makers to focus on the idea of defining sets of principles intended to guide design decision-making, principles that guide how the space can frame the experience of the act of justice. From another perspective, using empirical evidence, based in particular on the experience of Australian courts, her collaborator, researcher Emma Rowden, highlights the danger of using virtual courts, the use of which, it is shown in an article², ignores the importance of the symbolic value of the court of justice that over time, had the function of „house of law“.

This statement implicitly supports the thesis that the symbolic value of a court of justice is a relevant aspect. In the spirit of the work hypotheses mentioned above, we observe different concerns assumed in order to obtain

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¹ L. Mulcahy, E. Rowden, *The democratic courthouse: A modern history of design, due process and dignity*, Routledge, 2019.

² E. Rowden, *Distributed Courts and Legitimacy: What do we Lose When we Lose the Courthouse?*, in *Law, Culture and the Humanities*, 14 (2), 2018, pp. 263-281; <https://doi.org/10.1177/1743872115612966> [trad. ns. *Tribunale descentralizate și legitimitate: ce pierdem când pierdem curtea de justiție?*]; <https://journals.sagepub.com/doi/abs/10.1177/1743872115612966?journalCode=lcha>

the appropriate architectural expressiveness for the architecture of some recently built Palaces of Justice in the world. For example, on the occasion of the development of the project for the new Palace of Justice in Paris (2015), the design team led by Renzo Piano benefited from the collaboration of a group of specialists from the legal field, organized within the so-called "Reflection Group on the Symbolism of the Future Paris court". The group was established at the request of the French Institute of Advanced Legal Studies. The result of this collaboration materialized through the elaboration of a document known as the *Rapport du Groupe de réflexion sur la symbolique du futur Tribunal de Paris*,³ a document that contains two parts, one of which refers specifically to the project of the Paris Tribunal and the second details general elements applicable to judicial architecture of the 21st century.

2. Expressiveness in architecture for justice

Considering relevant the analysis of the hypothesis according to which the expressiveness of the architecture of a space intended for justice has the ability to transform it into a place that inspires or even drives a deep and at the same time more assumed reporting of users to the concepts of Law and Justice, we will further define the aspects related to expressiveness.

As a working definition, we consider the expressiveness of an architectural object as the quality resulting from the relationship between the unit of form characteristic of that object and its content, its ability to particularly attract attention, in the direction of the message with which it was invested. Expressiveness is likely to determine an aesthetic reaction of the receiver.

On the occasion of the symposium with the theme "Art, aesthetics and International Courts of Justice", a hypothesis was recently launched that proposed deepening the understanding of the connection between art and international justice. The launched thesis starts from the premise that international justice can find support in the development of a new, experimental methodology, based on aesthetic experience. In this sense, art and architecture were considered useful tools in order to support the quality of the act of justice. Having at the same time the quality of responding to some functional requirements, but also that of generating aesthetic experiences, architecture in general and that intended for justice in particular can create through expressiveness the possibility of experiencing the idea of justice in a direct way, meant to overcome conventional methods⁴.

Different historical eras constructed various spatial forms intended to house acts of justice, capturing specific visions of the law and its spaces within the larger context of how the human subject related to them. Having in the past a condition on the border between the metaphysical and the functional, the architecture of the courts of justice has nowadays excessively migrated to the functional and bureaucratic dimension, more or less obviously neglecting the expressive component. Schematically dividing the history of justice acts into two great periods, a period that extends to the beginning of the modern era, in which the sacred character of justice was exacerbated, and a second period, which begins with the modern era and amplifies after the First World War, in which the act of justice becomes more and more technical, we observe the fact that these attitudes towards the Law are also reflected in the architecture of the spaces that were intended for it. Each of these historical moments captures the existence of a specific vision regarding the law and its spaces, offering us models of expressiveness.⁵

Perceived in certain moments, as order, justice was seen in others as the possibility of freedom from a tyrannical order, but always these forms of reporting to the Law will identify specific ways of expression through architecture. Depending on the importance of the court, the need for the expressiveness of the space where the act of justice is to be carried out increases significantly in intensity. Directly proportional to the purpose of the court, expressiveness becomes a major criterion in the case of higher courts, as it follows from the experience of the International Courts of Justice.

3. Symbolism in architecture for justice

The symbolic component of the architecture intended for justice is an important factor supporting the act of justice, but also one of structuring the urban identity.

In an urban space, the presence of a building intended for justice is, from a symbolic point of view, a reflection of how the Law is perceived in that community, facilitating the connection between the law and the

³ Published by the *L'Institut des Hautes Études sur la Justice*.

⁴ *Introduction to the Symposium on Art, Aesthetics, and International Courts*, published online by Cambridge University Press: 30 March 2020, https://scholar.google.ro/scholar?hl=ro&as_sdt=0%2C5&q=Introduction+to+the+Symposium+on+Art%2C+Aesthetics%2C+and+International+Courts%2C+published+online+by+Cambridge+University+Press%3A++30+March+2020&btnG=

⁵ A.-M. Butnaru, *Clădiri destinate Justiției (Teză de Doctorat)*, UAUIM Bucharest, 2022, p. 285.

community not only from a practical or functional point of view, but also symbolic. The directions of symbolism used in such cases refer both to the importance and grandeur of the Law, as well as to the symbolism of the identity of the community served by the respective building. By means of the expressiveness of the buildings intended for justice, the creation of a field of manifestation for the issue of moral educability and that regarding the act of justice can be considered. Numerous ethical philosophers believe that art, architecture and literature can provide an important moral and ethical foundation for a foundational society that will prove more effective from the perspective of educability than even the ethical theories themselves.

Unanimously recognised, the connection between law and ethics resides in the fact that law is not reduced to a collection of propositions, but lives in symbiosis with its spirit, which is moral in nature. Starting from the reality of the existence of an unavoidable tension between ethics and aesthetics, "between the search for good and the aspiration to beauty"⁶, corroborated with the existence of a relationship between morality and law, the indisputable relationship between the ethics of a society and the aesthetics of buildings intended for justice results. As Professor Emanuel Socaciu pointed out in a conference⁷, a fair and just society is not obtained through edicts, because there is a spirit of the law, which is not contained in the law, but which can be evoked through affect.

Therefore, we can consider the existence of a causal relationship between the ethics of a society, the aesthetics of a building intended for justice and the educational contribution of this aesthetics.

4. The symbolism of the position of justice buildings within the urban fabric - The issue of the central or peripheral locations of the buildings intended for justice from a symbolic perspective

In my opinion, even the location of the justice buildings within the urban fabric can be considered a factor that contributes to the expressiveness of these types of spaces. Antiquity dedicated the central spaces to the act of judgment. Analysing the examples of sites intended for courts documented from antiquity, whether we refer to those of the agoras of Greek Antiquity, or later to the Roman and Byzantine forums, we find the use of central sites without exception. To a certain extent, the Middle Ages decentralized the position of the court premises which, in the case of feudal justice, were generally dispersed in the territory, but central locations were often used for commercial disputes that were settled in the market area, reflecting a fluid exchange between law and commerce. The use of the town centre returns in the Renaissance, through the use of administrative-town buildings or guild houses for the administration of justice.

In the modern period, the tradition of central positioning of the act of justice continues, so that in the postmodern era peripheral locations are inaugurated. In the sixth decade of the 20th century, the architect Mies Van de Rohe will exemplify in Chicago a new formula for a court of justice, which will mark the break with the classic vision, proposing the absolute withdrawal of the court from the external context, expressing a strong aspiration for the autonomy of the construction and implicitly of the law in relation to the city.

In contemporaneity, the practice of using peripheral locations to house the judicial infrastructure appeared. From a strictly pragmatic point of view, peripheral locations offer the advantage of obtaining conveniently larger plots, able to meet the growing needs from the perspective of the proposed built-up areas. Thus, the practice of peripheral location of judicial infrastructure buildings is becoming a common reality these days. From a symbolic point of view, however, in my opinion, the peripheral locations do not seem to bring any service to the act of justice. This, in turn, will be perceived as an equally peripheral activity, because the city centre is not only a geometric place, but also the intersection of political, social, cultural, economic and other routes and interests. Having a semiotic value, the center is a geometric place that only reflects a hierarchy of importance of values. The presence of the Palace of Justice in the geometric center of the city affirms the importance that the community attaches to the presence of the law in its citadel.

The peripheral location of the building of the new Palace of Justice in Paris offers the author, in the second decade of the 21st century (2015), the opportunity to propose a new form of valorisation of the periphery⁸. The architect Renzo Piano states, in this sense, that if in the era of designing the Pompidou Center his effort was to reinterpret the historical centre, the Palace of Justice project instead required him to be able to provide value to the periphery.

From the perspective of other traditions, however, the use of locations other than the central ones may have a symbolic motivation.

The peripheral location of the Supreme Court in Jerusalem is motivated by reference to the Jewish tradition

⁶ C. Iftode, *Introducere în estetică (curs)*, University of Bucharest, Faculty of Philosophy, Bucharest, p. 1.

⁷ E. Socaciu, *Centrul de Cercetare în etică aplicată*, podcast <https://www.youtube.com/watch?v=dUR-ZAuO6uc>, accessed on July 2022.

⁸ NUOVO PALAZZO DI GIUSTIZIA - RPBW/ RENZO PIANO Building Workshop Parigi (FRANCIA) ~ karmArchitettura. Posted in: Architettura Invia tramite email Postalo sul blog Condividi su Twitter Condividi su Facebook.

in which judgments, according to biblical writings, were carried out at the gates of the city.

Recently, as an effect of the phenomenon of the dematerialisation of the courts of justice under the impact of video technologies and digitisation, the very physical location of the court of justice building seems that it will no longer have much relevance. Will the Courts of Justice absolutely move into virtual space? Does the path of justice from the centre of the community to virtual space pass through the periphery?

5. The use of historical sites in order to emphasize the symbolism and expressiveness in the case of buildings intended for justice

The immaterial feature of a space, the spirit of the place, complemented and supported by its history, was a factor that influenced many times the choice of a site intended for justice, giving these buildings, in my opinion, an increased presence.

In the 19th century Paris, the continuity of the use of the space called Court du Mai was maintained, when it was decided to build the new court of justice, respectively - Dendera Wing in 1868. The place had prestige and a well-grounded symbolic connotation due to the acts of justice carried out here over time. In London, the Courts of Justice (Royal Courts and Old Bailey) are arranged on a predetermined axis, collinear with St. Paul's Cathedral, resulting in the creation of a strong link between royal powers, justice and the Church.

In Brussels, the Palace of Justice, the Parliament and the Royal Palace are compactly located on the city's highest hill, evoking the Athenian Acropolis.

In Rome, the Palace of Justice is built on the site of the Pontifical Prisons, being called, in the founding speech, "temple of justice".

In France, in Angers, the Court of Appeal of Angers and the Court of Saumur, Place Saint-Michel, newly built buildings, were attached to the Castle of the Counts of Saumur⁹, an old medieval administrative centre, where acts of justice took place.

In Romania, at Râmnicul Vâlcea, the two justice buildings (the tribunal and the courthouse) are located face to face, on one side and the other of the central boulevard, forming a triangle with Capela Hill, the core of the medieval city.

In Bucharest, with the proclamation of the Kingdom on May 10, 1881, as part of the modernization process of the young state, the construction of a series of buildings intended for justice continued. In 1882, the design of the Palace of Justice building, the current Court of Appeal of Bucharest began, a building whose foundation stone was laid in 1890.

The new building was erected on the site where the former *Judicial Divan* had functioned during the time of the Organic Regulation. This location on the right bank of the Dâmbovița was chosen opposite the *Curtea Veche Voivodship Palace*, the residence of the Lords of Wallachia between the 14th and 18th centuries, thus evoking the continuity of the tradition of holding important trials around the Royal Court.

At the end of World War II, a series of trials of important members of the military and political leadership of Nazi Germany took place for the first time in history. The choice of Nuremberg as the site of the trials had a symbolic connotation, as it had been the city of the Nazi party congresses ("Reichsparteitag").

The examples can go on, confirming that the positioning of the court was most often done in correlation with the symbolic geography of the cities.

6. The symbolism of the neighbourhood relationship between the location of buildings intended for Justice and that of other public buildings

The existence of a relevant relationship between the locations of the buildings intended for justice and the locations of other public buildings, political-administrative headquarters or religious edifices, is, in my opinion, a factor of expressiveness. The phenomenon of association of these locations is manifested starting from the ancient period and continues until the modern era. The postmodern era does not fully confirm this urbanistic approach.

A political power that is not supported by justice is considered undemocratic, and justice that is not supported by political power is meaningless. This is why the architecture designed to house the buildings of the rule of law seeks various forms of expression of this cooperation.

Emphasizing the connection between the creators of the law and its judges is symbolically expressed, for example in Washington, by the location of the Supreme Court in the vicinity of the Capitol, but also of the White House. The geometric relationships between the three sites symbolically reflect the collaboration between these institutions. In Brussels, aiming to express the omnipotence of the recently created Belgian state in the second

⁹ Tribunaux de Saumur | Cour d'appel d'Angers (justice.fr).

half of the 19th century, the Royal Palace building, the Parliament Palace building and the Justice Palace building were united on the highest plateau of the city.

In Chandigarh, the Court of Justice is placed in a special relationship "through a learned plasticity"¹⁰ with the Parliament Building and the Governor's Residence.

7. The symbolism of the courtroom

The process itself, over time, had a symbolic component, representing the gesture of exercising justice in a state. Its perception as a ritualized event was followed. As a venue for the process, the courtroom was treated from an architectural point of view in order to create an adequate framework from a functional point of view but also symbolic of the process. It is noticeable in the contemporary period, the tendency to give up this transfigured vision of the act of justice and to bring it into the perception zone of a simple bureaucratic gesture. Norman Spaulding draws attention to the symbolic death of this process metaphor in the article "The Enclosure of Justice: Court House Architecture, Due Process and The Dead Metaphor of Trial"¹¹. However, efforts are still being made to bring certain elements of its nature to support the expressiveness of the architecture of these spaces either through the rhetoric of some elements of the architectural decor or through spatial means related to the field of architecture. The flattening of the topography of the courtrooms and the minimalism of the decorations, however, reflect in aesthetics the conceptions of contemporary ethical minimalism.

8. Political power and architecture for justice

The political ideology of the regimes that command the investments in the judicial infrastructure is reflected in the architecture of the buildings intended for justice. Katherina Fischer Taylor published a book¹² about the historical, social and architectural significance of the Palace of Justice in Paris, identifying the existence of a link between the architecture of this building and the political ideology of the French post-revolution era, arguing that the analysis of the architecture of the courts of justice can be a means of mapping the political ideologies that build them.

This is why the architecture of justice is in a position to combine in expression the notion of "majesty of the law" with that of the power of the rule of law.

The phrase "*form follows finance*"¹³, launched by Rowan Moore, plastically describes this phenomenon also in the case of buildings intended for justice.

9. Conclusions

Undoubtedly, the Court is a "place of power", and the architecture of the buildings intended for justice is part of the "architecture of power".

A court, a tribunal, a palace of justice are buildings that, perhaps more than others, express the vision of a certain community, of a certain historical period, of a certain spiritual and cultural orientation.

Is it good to invest them with cultural, historical, traditional or even spiritual meanings, or can we design them today as simple office buildings that correspond impeccably to the function, but which will not express any form of identity?

To what extent will the location of specific symbols of Justice, an image of the Archangel Michael or the Goddess of Justice, the blindfolded one, contribute to the decisions taken by the magistrates reflecting universal and spiritual principles?

Can architecture transform a space dedicated to Justice into a place that inspires an ideal relationship to the concepts of law and justice?

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¹¹ N.W. Spaulding, *The enclosure of justice: Courthouse architecture, due process, and the dead metaphor of trial*, in Yale JL & Human, 24, 2012, p. 311.

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