Foreword: 'The architecture of justice:
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the ARCHITECTURE of JUSTICE

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This Foreword takes a rather circuitous route to its central theme of the law court building, by way of the Bartlett's architectural design studios and the prison as a building type, but there is an underpinning logic to the narrative that I hope will become apparent as the story unfolds. In the 1980s, I ran the second year design studio at the Bartlett, during the last throes of the Modernist programme for architectural education. The educational philosophy of the day was that a student should advance steadily and incrementally from simple problems to more complex design challenges, as they progressed from the first year to the third year. First year was dedicated to 'firmness' (firmitas) in the Vitruvian triad, second year to 'commodity' (utilitas) and the third year to delight (venustas). I do not subscribe to the notion that architectural projects can be divided into simple and more complex design problems in this way; in my view there are only simplistic and sophisticated solutions to any design challenge. The creativity and imagination necessary to designing a perfect chair may approach that necessary for the design of an ideal city, as Aalto, Asplund, Eames, Foster, Gehry, Le Corbusier, Meier, Mies van der Rohe, Neutra, Niemeyer, Nouvel, Prouve, Rietveld, Saarinen and Wright (a truly impressive and international roll call of modern architects who have designed iconic chairs) have shown. However, given that I was a relatively junior member of staff with little influence on the Bartlett's design studio programme, I was more than happy to introduce my fledgling architecture students to the command of commodity, as this allowed me to share with them the relationship between the programmatic requirements contained in a design brief and their response, in the form of a proposal for a building expressed in a set of architectural drawings, and especially in the plan.

For, as Dunster (1985) has observed, the plan has occupied a privileged place in contemporary (i.e. modern) design discourse because, 'architecture looked at plans for descriptions of ways of life'.

Students arrived in second year with a firm grounding in building construction that included the design of small projects like a chair, pergola or artist's studio. Over the course of three terms, in the second year we tackled two large, single volume buildings, such as a factory, fire station or leisure pool, two cellular buildings that stacked and packed smaller regular rooms, like a student hostel, health centre or office block, and the final project of the year in the summer term was always a primary school, a building type that drew together volumes of many different shapes and sizes from an assembly hall to the head teacher's office, and gave a built form to a complex educational programme. This sequence of projects stretched talented and gifted students by taking them to a deeper level of understanding, and the success of the rich educational diet was perhaps demonstrated by the fact that many of my students chose to exhibit their second year design work at their third year degree show.

The significance of all this is that as year coordinator, responsible for about sixty students and a team of six tutors, I had to become familiar with a wide variety of building types and their organisational requirements, and the way I chose to interpret my own brief as a design studio coordinator was to shine a spotlight on the ordinary buildings that most students would already have come across in their everyday lives. Since I believe that everybody deserves great architecture, I seized the opportunity to demonstrate to my students that the architecture of the ordinary is as important to a just and equitable society as the cultural icons (like art galleries or

museums) that they would encounter in their third year under the rubric of 'delight'.

I was helped in this task by the teams of experts that I assembled to contribute to each design project, which comprised leading UK architects with an established track record in the building type, expert clients who were the leaders of the various organisations we were designing for, and academic architect-researchers with first hand experience of strategic briefing and design evaluation for the building types we engaged with. All this 'research by design' fed directly into the M.Sc. in Advanced Architectural Studies, and for several years during the 1980s I taught the 'Complex Buildings' module on that course, largely on the basis of these design studio explorations. Eventually I had to admit defeat, in the sense that, in a fast-moving policy driven climate, it is extraordinarily difficult to keep pace with research and design across a wide range of building types, but the intellectual challenge was certainly exciting whilst it lasted. In this respect, syntactic analysis of buildings is arguably more challenging than settlement analysis. It is relatively easy to grasp the history of one building type and to keep pace with its evolution, but to do this for many different types of building, each with their different organisations, functional requirements, ideologies and spatial practices, requires enormous dedication, especially as new building types are constantly evolving to meet the needs of a rapidly changing society. If my experience is anything to go by, it may require a team approach to make significant progress on a 'general theory of buildings' that has an equivalent explanatory power to our current syntactic understanding of settlement morphology.

One of the building types that piqued my interest, even though I never set it as a second year studio project, was the prison. The antithesis of the open and permeable city, a prison is the archetypal institutional building and the paradigm for a Goffmanesque 'total institution' (Goffman, 1961). The

contrast between the prison and the city continues to intrigue. Minds as diverse as Ackroyd (1982), Evans (1978) and Foucault (1975) have grappled with the conundrum, so I am in good company in admitting to my curiosity about this subject. It is an interest that eventually led to the paper on law court design.

Up to the end of the eighteenth century in England, most lawbreakers were punished by execution, corporal punishment, transportation or fines. Prisons were only used to house suspects before their trial or until the punishment was actually carried out. Originally, imprisonment was prior to trial or execution, or for debt, but not for retribution. From the late middle ages, a few towns had gaols, attached to the city walls and defences, but imprisonment was normally in a building designed for other purposes, usually the town's castle, gate, bridge or town hall. The most common type of purpose-built prison built in this period was the lock-up; a small, secure, one room building to detain a disorderly individual or drunkard for a short period until they were fit for release. In the early prisons, prisoners were mixed together, so that first offenders lodged with recidivists, and debtors shared a cell with felons. Prisoners paid for their accommodation, so wealthy prisoners lived well whilst the rest suffered appalling living conditions. Gaolers even charged the public to view the inmates.

John Howard (1726-1790) is generally credited as the first penal reformer. The prisons Howard visited had no fresh water, sewers or fresh air. Prisoners were often kept many to a room, overcrowded almost to the point of suffocation, and in chains, although as escape was impossible there was no need for this. Howard suggested that as vice could spread like a disease, 'sanitary precautions' could be taken by classifying and separating the prisoners. Among the buildings that convinced Howard that prison reform was necessary was George Dance's remodelling of Newgate Gaol in 1770. Old

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Newgate Gaol was a twelfth century gatehouse of the City of London. It had a deep, tree-like layout, similar to many gatehouses of the period. Dance's design to replace it was an example of 'architecture parlante' intended to impress onlookers with the majesty of the law and discourage criminality through its grim facades. Spatially, the design comprised three separate courtyards or quadrangles for debtors, male felons and female felons. These were further subdivided into large 'wards' where the prisoners lived and slept. A Keeper's house and chapel were placed centrally at the entrance, which lay on the main geometric axis of the prison. Dance's design for Newgate was one of the first buildings that we translated into a justified access or permeability graph when we were developing space syntax in the mid 1970s, and the exercise immediately revealed that although the neoclassical building looked well-ordered, the layout was such that in practice the prisoners were able to organise themselves and run the building, while the gaolers simply acted as gatekeepers who ensured that the prisoners could not escape. This lack of discipline, combined with the promiscuous mixing together of prisoners and visitors to the gaol, convinced Howard that prison reform was needed.

It came in the proposition for a Panopticon (all seeing) prison, devised by Jeremy Bentham (sometimes described as the spiritual founder of University College London) in 1791. His solution was governed by a simple planning geometry, in which cells for individual prisoners were placed around the perimeter of a circle and lit by windows, so that each cell's inmate could be observed from a central inspection tower, but the gaze was unequal and not reciprocal because the prisoner could not see whether he or she was being watched. Bentham conceived of this model as an elementary surveillance building that could be adapted for schools, factories and hospitals as well as prisons, but it has survived as an idea rather than as a building

type as it was rarely implemented. England chose rather to adopt the 'separate system' where prisoners were kept in solitary confinement as opposed to being kept under continual surveillance. So the prison building is 'responsible' for the formulation of one of the most important binary oppositions in the spatial armoury of institutions, between surveillance (visibility) and separation (permeability).

The separate system was implemented at Pentonville, 1840-42, in a design by Sir Joshua Jebb, Surveyor General of Prisons. Pentonville was a model penitentiary with a radial, 'starfish' layout comprising four long wings ranged around a central hall; a fifth wing housed the administration block. Each of the three storey wings had cells on either side of a central open corridor on the ground floor, with galleries to provide access to the upper levels. Staff on the ground floor or in the central hall could oversee the galleries, but not the prisoners in their cells. The warders were supervised by the prison governor, who had his office at the centre of the building. Between 1842 and the end of the century, over fifty Pentonville-style radial prisons were built, including one in 1858 that updated Dance's outmoded design on what is now the site of London's Central Criminal Court, the Old Bailey. Radial prisons were praised for their 'airiness' by Henry Mayhew, the radical Victorian social reformer, but they became less common after 1900 as a new pattern for prisons emerged, comparable to the pavilion hospitals of the period. The twentieth century has seen several more radical, concept designs for a model prison.

The prison is not exempt from the general exercise of power in society and, as Foucault has pointed out (1975), its development charts a shift from spectacular torture and public execution of offenders in the open streets of the city (the exercise of sovereign power) to the hidden exercise of discipline and punishment (representing the power of the state) through incarceration in prison. The

thrust of Foucault's argument is that by creating a new class of offenders, delinquents, everyone is potentially criminalised, and by redirecting the punitive forces applied to the body through a new science of human conduct, bodies are disciplined, trained, made docile and rendered malleable in order to enter the labour force. Furthermore, if ideas about segregation and surveillance can be made to work in the prison setting to reform and rehabilitate, perhaps they can be applied to the design of society at large?

Given my interest in these issues, it is not surprising that I was tempted by an invitation to speak at an RIBA Symposium on Courthouse Design in the UK, Europe and USA, in October 1995. Since I had only about a month to prepare my contribution, I was drawn to the idea of placing the courtroom alongside the prison as two complementary buildings that, considered together as two faces of the same coin, embody the judicial system and its spatial practices, places where the trial takes place and judgement is dispensed, and where the sentence is then served out. My aim was to trace changes in the design and decoration of the English courthouse and courtroom in order to consider the proposition that the design of courtrooms seems to be becoming more user friendly over time. Posing the question as to whether the judicial system is becoming more liberal, I analysed three typical courts from different time periods to illustrate my account.

A major finding was that, whilst the appearance of the buildings undoubtedly changes and softens over time, the spatial and functional programme of the building remains constant. Analysis revealed a most peculiar building configuration, characterised by totally separate systems of access and circulation. The courthouses separate into three separate sub-complexes that correspond to three kinds of judicial space: normal social space, the space of the trial, and custodial space. Although the courtroom seems to bring people together, the justified access

graphs reveal that the positions of the various actors in the courtroom drama are at the ends of deep trees, so that the actors are maximally segregated from one another in the actual courtroom, whilst the back corridor integrates the building. This is because of the regulatory role that the law and justice plays within society as a mechanism for social control and the assertion of power and authority. Within this scheme of things, the courtroom is the place where power is enacted and judgment is 'seen to be done', whilst the corridors in the building are the hidden spaces where 'deals' are negotiated. This is why we need well-designed court buildings, but also why we should not hold trials in a virtual courtroom, as this move would eliminate the space where decisions can be negotiated.

Today, the UK is possibly the most watched country in the world. The numbers of CCTV cameras in existence is hotly contested, but one recent report (The Guardian, 03 March 2011) estimates that on average there is a CCTV camera for every thirty-two citizens in the country and another suggests that the City of London has 68.7 cameras per thousand residents (BBC Newsnight, 20 July 2009); whilst at home, telecare, a way of continuously and automatically monitoring older and disabled people in their own homes by installing a package of movement sensors and other devices to monitor their lifestyles, is already being adopted by many local authorities. Recent research into users' opinions on telecare (Percival and Hanson, 2006) suggests that many people believe that they already live in a culture of creeping surveillance. Surveillance is an issue for many older people living in supported housing settings, where even emergency call alarms can feel intrusive. One caregiver recalled how a friend living in sheltered housing, routinely whispers when communicating with visitors, thinking that the presence of the emergency alarm enables people to overhear general conversations. Professionals mentioned tenants who have a 'sense of being watched' and

resist this perceived passive surveillance, by refusing to have monitoring calls from wardens. Older people are even more suspicious of lifestyle monitoring devices, where private routines are open to public scrutiny. Modern technology would seem to afford unparalleled opportunities for remodelling everyday life into a 'panopticon society' throughout the public realm and a 'big brother society' indoors. My paper on courtrooms is not intended to be Luddite, against progress, but to warn the unwary that dispensing with real space in favour of apparently more convenient virtual spatial arrangements may have unintended social consequences.

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ABSTRACT

A series of changes is identified in the iconography of the English courtroom, which seems to indicate a gradual liberalisation in the architecture of justice. However, it is suggested that this masks a deeper continuity in the layout and space configuration of the law court building, which relates to the fundamental social programme which it has to fulfil. Configurationally speaking, the space of the courtroom, which appears so powerfully to integrate the actors in the courtroom drama, turns out to be 'virtual'. Although the actors can see and hear each other perfectly well, they actually inhabit separate and mutually-exclusive physical domains. The locus of spatial integration is to be found in the backstage corridors of the law court which, it is argued, is the place where legal negotiations take place. Thus, though it would be theoretically possible to reproduce the social programme of the law court in a virtual reality courtroom, this would be at the expense of a vital generative function served by the building, which is to ensure that specific legal conflicts are resolved in the interests of a wider social justice.

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