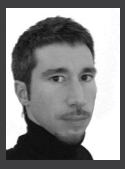


Martin Peschken

TU Braunschweig

Martin Peschken studied History of Art and Literature in Berlin and Madrid. In 2005 he completed his doctoral studies in comparative literature at Freie Universität Berlin. He worked then as a curator of the gallery "Laden V-17" in Berlin. In 2005 he joined the project-team of International Building Exhibition "Stadtumbau 2010" in Saxony-Anhalt based at Stiftung Bauhaus Dessau, where he curated several exhibitions and urban projects. He currently works as Scientific Assistant at Technische Universität Braunschweig in the department of "History and Theory of Architecture and Urbanism".

WORLD STAGES FOR LADY JUSTICE

Some Notes on the Architectural Representation of International Criminal Courts

In February 2008 an architectural competition was launched to design the permanent premises of the International Criminal Court (ICC) in The Hague, thus adding another cornerstone for the city to become "the legal capital of the world".[1] The call for tenders notably stresses the prestige of the assignment:

"The International Criminal Court premises and buildings should immediately be perceived as reflecting the Court's identity. The Court's main facade should serve as a timeless image symbolizing its principal mission: to bring to justice the perpetrators of the most serious crimes of concern to the international community as a whole."[2]

This demand for an architectural component of its corporate identity also reflects the intent to express the legitimacy of the ICC as a supranational institution. It is, first of all, an ethical legitimacy. The crimes of global concern, namely genocide, crimes against humanity, war crimes and the crime of aggression are defined in the Rome-Statute, the treaty which established the Court and was negotiated at a diplomatic conference held in Rome 1998.[3] The idea of setting up

1 Cf. website of the City of The Hague www.denhaag.com, passim.

2 *Informal summary of design requirements*, Public Affairs Unit of the International Criminal Court, February 2009, p. 6.

3 For full text of the Rome-Statute of the International Criminal Court see http://untreaty.un.org/cod/icc/statute/romefra.htm [2009-07-01].

such an institution gained momentum through demands by the General Assembly of the United Nations in 1947 and was reconsidered constantly ever since; the ICC, however, was not set up as an organ of the UN but as an independent organisation with an independent budget, sustained by contributions of the about 100 states that signed and ratified the treaty.[4]

In its Preamble the state parties declare their consciousness "that all peoples are united by common bonds, their cultures pieced together in a shared heritage" and that they are "concerned that this delicate mosaic may be shattered at any time."[5] This statement implies that the aforementioned crimes violate 'essential values of justice' and therefore affect the global community, no matter where they take place. That is why the call for tenders demands the design of the permanent premises to "also reflect the fact that the International Criminal Court is an international Court with a universal vocation, and seeks well-balanced representation of the entire international community and a place at the heart of that community."[6]

The explicit mentioning of a 'universal' vocation touches on yet another and much more problematic aspect of the Court's legitimacy: its political significance. In the international criminal justice system individuals, not states are accused of violations of international law.[7] But since those individuals are citizens of nation states, and therefore legally responsible to their national authorities as well as protected by them, the state parties of the Rome-Statute are obliged to hand over part of their sovereign rights to a supranational institution. Otherwise the ICC would hardly get hold of the accused and thus would not be able to operate. Obviously the ICC interferes deeply with the concept of national sovereignty, which is widely considered as the main reason why some of the most powerful nations, such as Russia, China, the United States or India, have not signed or ratified the Statute.[8] As a result, the ICC does not yet have the authority of a universally supported institution. And yet, the claim for it does nonetheless persist.

4 See Antonio Cassese: "From Nuremberg to Rome. International Military Tribunals to the International Criminal Court." In: Antonio Cassese / Paola Gaeta / John R. W. D. Jones (eds.): *The Rome Statute of The International Criminal Court. A Commentary*, vol. I, Oxford 2002, pp. 3–22.

5 See note 3, Preamble.

6 See note 2, p. 6.

7 This was implemented for the first time in the Nuremberg Trial after World War II. It meant a milestone in the process not only of accepting human rights as one of the foundations of international law but also of implementing them as a legal reality.

8 U.S. signature was suspended from the treaty by former president George W. Bush shortly after the ICC began its work. The Obama administration indicates a new approach towards the ICC, but has not yet taken any respective formal policy steps.

As a consequence, the ICC could be seen as a symptom or even an instrument of passage to Empire's sovereignty, as described in Hardt's and Negri's book. The Court's principal mission coincides with some of the central qualities these authors attribute to 'Empire': „The arsenal of legitimate force for imperial intervention is […] vast, and should include not only military intervention but also other forms such as moral intervention and juridical intervention. In fact, the Empire's powers of intervention might be best understood as beginning not directly with its weapons of lethal force but rather with its moral instruments."[9]

In their conception of Empire there can also be found a parallel to the 'universal vocation' stated in the guidelines for the ICC competition: "Empire is characterized fundamentally by a lack of boundaries: Empire's rule has no limits. […] Empire posits a regime that effectively encompasses the spatial totality, or really that rules over the entire 'civilized' world."[10] This lack of boundaries does not only apply to space but also to time: "although the practice of Empire is continually bathed in blood, the concept of Empire is always dedicated to peace—a perpetual and universal peace outside of history."[11] I cannot discuss here in detail Hardt's and Negri's criticism of the instruments of 'imperial intervention', which is aimed mainly at non-governmental organisations. Although the International Criminal Court is not explicitly mentioned in "Empire", it is clear that the authors would consider this supranational institution as a means of establishing a new world order.[12] What part the international criminal justice system takes in the emerging of this order is a matter of discussion in social and legal sciences.[13]

However, a brief look at the design requirements for the permanent premises of the ICC reveals that the organization is determined to have its new seat become part of the global political iconography. Debating the role of 'architecture

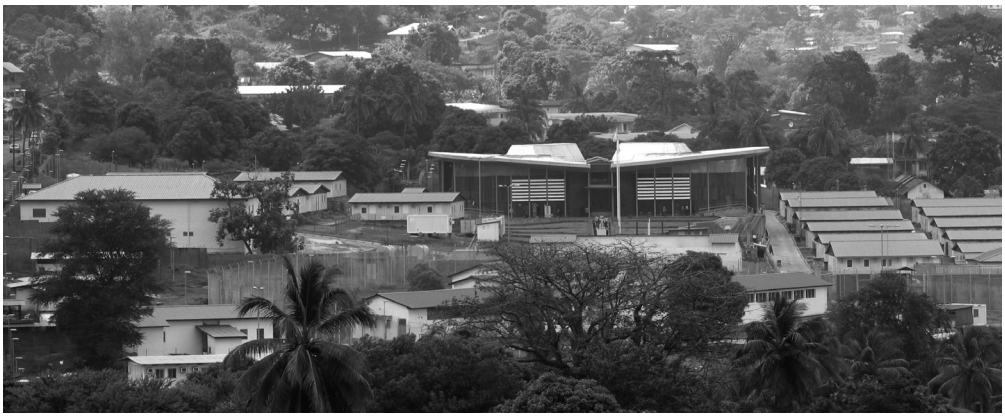
9 Michael Hardt / Antonio Negri: *Empire*, Cambridge (Mass.)/London 2000, p. 35.

10 Ibid., p. xiv.

11 Ibid., p. xv.

12 Cf. ibid., p. 38: "The active parties supporting the imperial constitution are confident that when the construction of Empire is sufficiently advanced, the [international or supranational] courts will be able to assume their leading role in the definition of justice. For now, however, although international courts do not have much power, public displays of their activities are still very important. […] Courts will have to be transformed gradually from an organ that simply decrees sentences against the vanquished to a judicial body or system of bodies that dictate and sanction the interrelation among the moral order, the exercise of police action, and the mechanism legitimating imperial sovereignty."

13 See for example, Steven C. Roach: *Politicizing the International Criminal Court. The Convergence of Politics, Ethics, and Law*, Lanham 2006; Anne-Marie Slaughter: *A New World Order*, Princeton/ London 2004.



in the age of Empire', a closer examination of this process might therefore be of interest.

The ICC is not the first international criminal tribunal for which a building was specifically designed. Since the Nuremberg Trial, which started in 1945, several similar tribunals have preceded the ICC. However, each of them was established *ad hoc* with a temporally and geographically limited jurisdiction, as for instance the International Criminal Tribunal for Rwanda or the former Yugoslavia. All of them were installed in already existing facilities (such as local courts of law, military academies, conference centres, office complexes), which were adapted to the needs of international criminal trials.

When the civil war of Sierra Leone ended in 2002, an agreement was made between the United Nations and the local government to launch a Special Court for Sierra Leone (SCSL).[14] The tribunal is a so-called 'hybrid' international court, for it will not only apply international criminal law but also the national law of Sierra Leone (unlike e.g. the tribunals for Rwanda or former Yugoslavia). Creating the tribunal in the place where the crimes had occurred was an experiment in some respect, as was the involvement of local institutions. It was an attempt to integrate criminal justice into the process of coping with the most recent traumatic history, thus making it part of the mental and moral restoration of the nation. The former president of the SCSL, Geoffrey Robertson, described this as the chance "of delivering justice when and where it matters—where it can be seen to be done by those who need it", because the "presence of the court in Freetown symbolises the nation's emergence from the moral and physical degradation of the war: the process of prosecution and punishment of any who can be proved […] to bear greatest responsibility will permit some sense of closure for all living victims and advance the broader goal of sustainable peace, through the nation's return to the rule of law."[15]

14 For full text of the Statute of the SCSL see www.sc-sl.org/ABOUT/tabid/70/Default.aspx [2009-07-01].

15 First Annual Report of the President of the Special Court for Sierra Leone (Dec 2002 – Dec

Opposite page:
fig. 1: Special Court for Sierra Leone, Freetown, aerial view.
Right: fig. 2: Special Court for Sierra Leone, Freetown, construction work.

In March 2004, only two years after the SCSL started its work in the capital of Sierra Leone, the tribunal was able to move into the courthouse designed by the London-based practice Norman & Dawbarn. [fig. 1 & 2]

The site of the SCSL really became a landmark, although one based on the process of building and running it, rather than through its visual impact alone.[16] Aesthetically the site seems rather peculiar: The courthouse stands on the side of a hill, overlooking its smooth and terraced slope. Stonewalls mark the different levels of the lawn and the garden design remotely recalls the drive-up to the Parliament of Sierra Leone on a nearby hill, which is an architectonical symbol for the national sovereignty since it was built (after plans by Dov and Ram Karmi) in 1961/62, as Sierra became independent from the United Kingdom.[17] The law court is a decidedly modern and, concerning its architectural surroundings, extravagant wing-roofed structure. The architects chose a mixture of concrete, glass and wooden panels as main materials. The latter seemingly manage, along with the porch-like effect of the protruding roof, to give the building a 'tropical' touch. It serves as a condign and memorable background for press photos showing the reunions of the judges or internationally renowned politicians who come here to visit the site and observe the work of the tribunal. The inside of the courtrooms however, from where most of the images of the SCSL are aired across

2003), p.3, see "Documents" on www.sc-sl.org [2009-07-01].

16 Robertson: The court "will provide a legacy for this recovering nation not merely by building and leaving behind an impressive, modern courthouse and by providing training and experience for local lawyers, investigators and administrators", ibid.

17 The following quote from the Parliament's website illustrates this symbolic significance of the building: "His Royal Highness, the Duke of Kent G.C.V.O. ceremonially opened the country's unicameral House of Parliament on 26th April 1961 and the ceremony of independence from monarchical rule was held in the oriental, dome-shaped Chamber of Parliament the following day 27th April. Parliament Building is a solid House built on a rock foundation, a House that towers on the crown of a hill to proclaim the values of democracy and good governance." See parliamentsl.org/overview.htm [2009-07-01].

the globe,[18] are of an introvert demure design. White walls prevail here over the glass and wood, foreclosing the outside completely. The shape of the building was announced as "reflecting the internationally-recognised image of the scales of justice".[19] Although the image of the scales may derive from the architects' concept sketches and very likely inspired the process of design, it can hardly be identified by those who are not familiar with the suggested association. More likely the aforementioned statement in turn reflects a longing for an immediately understandable 'architecture parlante'. Taken literally, this would have meant a burden on the architects, which would have been hard to accomplish without compromising the rigorous and complex spatial programme of the building. But even more revealing—concerning the symbolic quality of the SCSL's premises—may be the composition of the whole site. The prestigious courthouse is surrounded by pre-fabricated, container-sized structures, which house the offices of registry, chambers and prosecution—the "ramshackle huts", as they were once called by the press.[20] With their special blue roofs these huts gather around the courthouse as if they were UN soldiers wearing their blue helmets. The containers were made in Slovenia, shipped to Freetown and reassembled in very little time. The main goal must have been to set up simple and effective working places. The same priority was also applied in purchasing the equipment (e.g. furniture, books, computers) out of contributions from diverse countries and organizations. In the current situation of rebuilding Sierra Leone, this provisional arrangement and the obvious emphasis on the tribunal's legal work may well give a stronger image of justice than any 'representative' architecture could do. This concurs with the judicial constitution of the SCSL as a hybrid tribunal: joining the international criminal justice system with national law largely inhibits to associate the tribunal's work with unwelcome alien influence, in particular with 'victor's justice'. When the work of the court will be finished in 2010/11 the containers can be removed. They leave behind the courtroom building, which might continue to function as a national monument. At the moment, this symbolic legacy is also a heavy burden for Freetown, because the subsequent use of the building remains unclear and the maintenance costs are high.[21]

18 I.e. some of the trials can be observed via video transmission, cf. www.sc-sl.org/PRESSROOM/tabid/73/Default.aspx

19 SCSL Press Release Oct 3 2003, see "Pressroom" on www.sc-sl.org.

20 Tim Butcher: *Ramshackle huts in Africa offer clue to how justice may be done*, in: news.telegraph.co.uk [filed 2003-12-16].

21 The SCSL's 7th Annual Report (2009/2010, p. 48, see "Documents" on www.sc-sl.org [2010-10-04]) reports of plans for the future use of the site by the Government of Sierra Leone: "The pre-

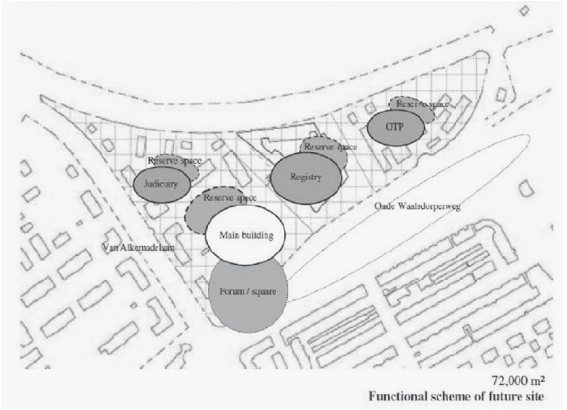


fig. 3: Future International Criminal Court, The Hague, functional scheme.

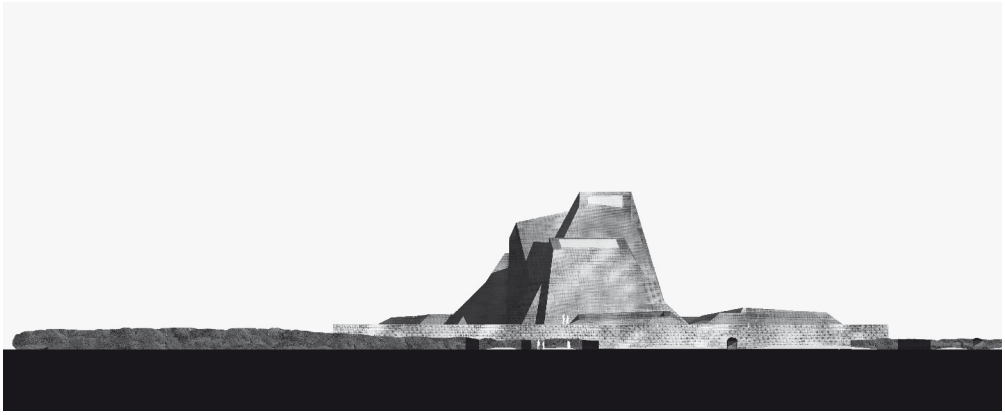
The realisation of the permanent premises for the International Criminal Court in The Hague runs in the opposite direction. Whereas the ICC started to work as of 2003 on preliminary premises it was only in 2008 when the architectural competition started. After a suitable site was found near the coast of the North Sea (a former military casern), 171 applications were submitted from all over the world. After pre-selections 19 proposals remained, among them David Chipperfield Architects, Sauerbruch Hutton, Moshe Safdie and Associates, and OMA. The winning practices were Düsseldorf-based Ingenhoven Architects, Schmidt Hammer & Lassen with Bosch & Fjord from Århus in Denmark and the Dutch practice Wiel Arets Architects.

The design requirements draft a spatial programme that separates "clearly and visibly" the workstations of chambers, registry and prosecution from the courtroom area and supplying facilities.[22] Naturally, special attention should be given to the placing and design of the courtrooms: two medium-sized courtrooms are needed for standard hearings plus one larger courtroom for trials of particular political and public interest. The site should be used economically, so that further extensions would be possible. [fig. 3]

Interestingly, the aesthetical and symbolical qualities demanded in the call for tenders seem to be much more challenging than to accommodate the spatial programme. As I pointed out at the beginning, these demands are even predominant in the requirements. „The ICC is expected to become a prestigious institution on the world stage. Its significance and status as an enduring symbol of international criminal justice will gradually increase. The permanent premises

ferences included using the Courthouse as the seat of a regional court or the Supreme Court of Sierra Leone, establishing an international/regional/national judicial training centre, a museum and a specialised prison. […]The Court is in the process of applying for a $165,700 grant from the Peacebuilding Fund to establish a Peace Museum on the Court's site that, alongside a memorial and exhibition, would house a public copy of the Court's archives."

22 The workstations of registry, chambers and prosecution would require about 18.200 qm²; public and semi-public areas 9.100 qm²; services, supplying facilities, equipment about 18.200 qm².



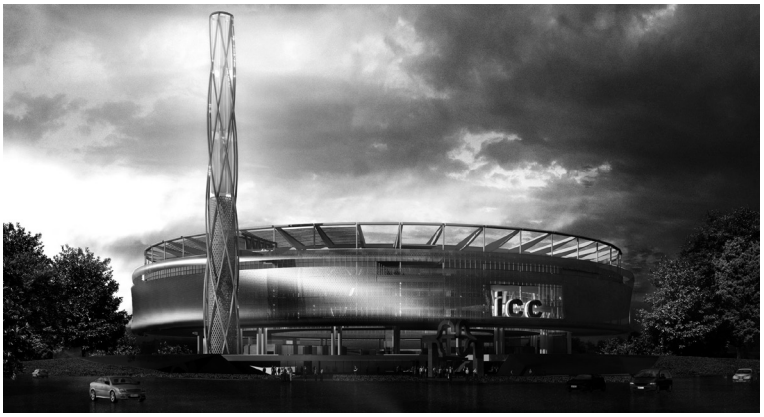
must reflect this stature and importance. The international media will add a visual dimension to the perception of the Court by the outside world by presenting images and pictures of both the exterior and interior […] The permanent premises will […] become the public face of the institution—an emblem of fairness and dignity and a symbol of justice and hope."[23] Dignity is an attribute that in the history of architectural iconography was mainly expressed by forms representing a religious order, or, more importantly, an order maintained by powers which ruled by physical force. In contrast, the paper explains the nature of the order that rules the ICC: "the premises must fully reflect the Court's character and identity as a *permanent, effective, functioning, independent and therefore credible*" institution.[24] The order of the rule of law is certainly something the design should evoke, but this rule is not to be perceived as brute force but, much more subtly, as the superior power of civilization, whose attributes are stated in the call for tenders as fairness, dignity, justice, hope. This really seemed to be the key to success in the competition. The jury clearly preferred designs that associate fairness, hope, and justice with effectiveness and transparent functionality to spectacular and easily recognizable architectural icons. [fig. 4 & 5]

For example of the winning designs Wiel Arets Architects convey the most inventive image. But the Jury seem to be almost uncomfortable with this "powerful statement",[25] as if there was a discrepancy between a strong image and the court's aim for openness and efficiency. The cones which mark the courtrooms and rise high above the connective structure appear "rather introvert". Whereas the architects wanted to create a contemplative working environment, the appearance of such an environment seems to interfere with the ubiquitous demand for transparency.

23 See note 2., p. 4.

24 Ibid., emphasis added.

25 www.icc-architectural-competition.com/pages/results/prize-winners/3rd.php [2009-07-01].



Opposite Page: fig. 4: Design for the ICC's Permanent Premises: Wiel Arets Architects. Right: fig. 5: Design for the ICC's Permanent Premises: Springall + Lira.

"The area of the ICC premises that is open to the public must be perceived as secure (but not as a fortress), people-friendly, comfortable and accessible to all."[26] Antithetical phrases like that are scattered throughout the text of the design requirements in numbers. Additionally, special security features such as extra accesses, detention rooms and other limitations clearly hinder the realisation of a transparent appearance. The boundaries within the site that separate the different areas have to be physically present and perceptible, but at the same time they should be made permeable for the mind: "The entrance cluster should make visitors feel welcome, despite the security checks. It should also serve as an educational space where the public can learn basic facts about the Court."[27] This aims not at a disintegration of boundaries, but at their recognition and acceptance. One could recognize this to be a facet of transparency, which is also a key concept in most of the contributions to the competition. In order to prevent the barriers from creating an atmosphere of intimidation, it is particularly stressed that "the premises must be unobtrusive and on a human scale, while at the same time symbolizing the eminence and authority of the Court."[28] How can this be achieved, when many people will experience eminence and authority as obtrusive?

In this regard it is not surprising that the jury preferred Ingenhoven's proposal to more iconic designs as for example Wiel Arets Dolomite range or Springall + Liras concept, which boldly allows to associate the tribunal with a sports arena.

The winner assembles all different sections and functions of the premises under one big roof which is an easily intelligible metaphor for the global community united by a universal understanding of justice. [fig. 6] Underneath, no part of the complex claims to be central or predominant. The biggest of the courtrooms stands somewhat aside from the agora-called square at the main entrance. But I think what really made the jury call the winning design a 'happy house' is the

26 See note 2, p. 4.
27 Ibid., p. 5.
28 Ibid., p. 6.

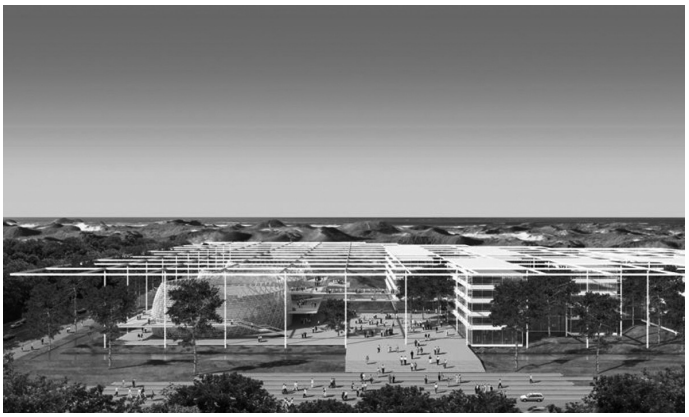


fig. 6: Winning design for the ICC's Permanent Premises: Ingenhoven Architects.

sublimation of the crudeness of matter, which is particularly highlighted in Ingenhoven's renderings. Here the stilt-like pillars and glassy facades produce spatial demarcations that seem to consist more of light than of matter.

The architect claims that he literally wanted to 'pull' the surrounding dunescape further towards the city so that "the new court building hovers above in a light and un-obtstructive manner".[29] One might think, as many critics do, that his design would be so un-obstructive that it simply would slip everybody's mind. Yet questioning the decision of the Jury is not my interest here, but rather to inquire the preconditions of this decision. It seems to me, that in order to win the battle of attention some of the competing designs invent architectural icons which inevitably drift towards monumentality. However, monumentality lost its moral credibility in the 20th century. A rather blatant iconography of power might still work as a trademark of finance, the hotel industry or serve the preposterous symbolism of totalitarian or half-democratic regimes, but setting up the corporate identity of the global community today would require a more sensitive handling of architectural representation. From this point of view Ingenhoven's unobtrusive composition and its careful inclusion of the landscape seems only appropriate. Without being transformed into gardens, nature - metaphorically speaking - may remain 'the other'. Thus the design interprets a quality of civilization which is implied in the call for tenders as well as in the Rome-Statute: that is, a culture of exchange on the basis of respect and preservation of the endangered.

To understand the intellectual or rather cultural conditions that affect the architect's invention as well as the decision of the jury, I will now briefly review the political iconography of this building type.

Court houses developed into an autonomous type of building during the late 18th and the 19th century, alongside the process of judicial reform after the separation

29 See Ingenhoven's English website, description of projects: www.ingenhovenarchitects.com [2009-07-01].

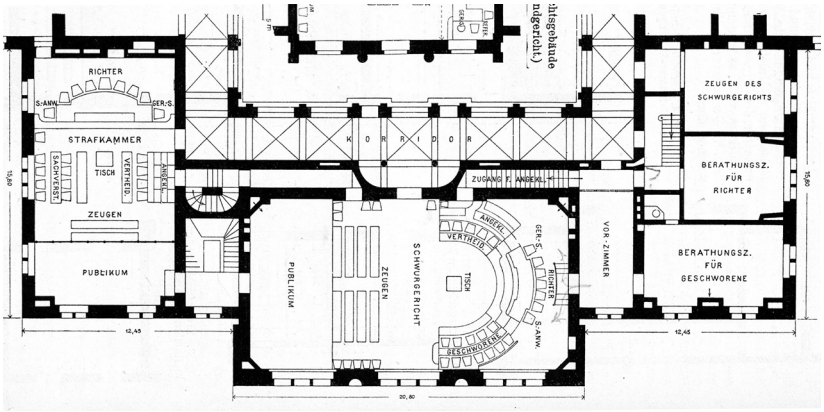


fig. 7: Exemplary floor plan of a jury court room and arbitrary court room, Higher Regional Court Cologne, 1896.

of powers was politically realized in the respective western countries.[30] Before that time most of the judicial proceedings were conducted in written form. As with many other activities of urban life before the social differentiation of the modern age, legal offices of the state were housed in the big-scale buildings of the community, mostly the local town halls or the palaces of the ruling nobility.[31] As it became necessary to attend criminal trials in person, a spatial structure was applied to the courtroom comparable to that of a theatre.[32]

This pattern of staging the trial continues up to this day, as does the general spatial programme that differentiates the distinctive areas: the areas of public access, i. e. the entrance hall, the stairways, vestibules, waiting rooms ("salles des pas perdus"); semi-public areas like the proper court room.[33] Their internal structure differs somewhat according to the type of the tribunal (e. g. a jury court or an arbitral court) as can be seen in figure 7. Then there are the non-public

30 Of course, history knows earlier examples of distinctive buildings for law courts like the Palais de Justice in Rouen (1499-1543), Rennes (1618-26) or Paris (which is in fact an architectural ensemble with its main parts deriving from the 18th to the 19th centuries). But as the other French term for denoting them – „parlement" – indicates, their function was to house the council of the King, thus connecting the notion of Justice still directly to the political sovereign and not as a sovereign power itself.

31 Cf. Nikolaus Pevsner, who treats town halls and law courts in the same chapter of his "A History of Building Types", London 1976, pp. 53–62.

32 Cf. Katherine Fischer Taylor: *In the Theater of Criminal Justice. The Palais de Justice in Second Empire,* Paris/ Princeton 1993. Piyel Haldar adds another derivation for this staging, which is yet, revealingly enough, related to the theatre: „from the seventeenth century onward English common law completely eliminates the medieval conceptualization of law as a form of ‚art'. Yet the image of law remains one of splendid environments within which the arcane and esoteric rituals of trial procedure are conducted." Haldar: "The Function of the Ornament in Quintilian, Alberti, and Court Architecture." In: Costas Douzinas /Lynda Nead (eds.): *Law and the Image. The Authority of Art and the Aesthetics of Law*, Chicago/London 1999, pp. 117–136, here p. 117.

33 Cf. Steven Flanders (ed.): *Celebrating the Courthouse. A Guide for Architects, Their Clients, and the Public,* New York/London 2006, pp. 81–109.

areas with the bureaus of prosecution, the judges, registry, protocol etc., and last but not least the detention units for the accused. In contrast to the stability of this spatial programme of court buildings, the means of symbolic representation changes remarkably throughout history. Although attempts to create a new building type have been made,[34] the majority of actually realized law courts lend their patterns of dignity on the representations of bygone authority, mostly on town halls, on castles or palaces like the Justizpalast in Munich (Friedrich von Thiersch, 1890–97) or the Palazzo di Giustizia (Guglielmo Calderini, 1886–1910) in Rome, even on monasteries like the Royal Courts of Justice in London (George Edmund Street, 1866–82). As has been said before, in this kind of buildings the institutions were formerly housed. Imitating their often-feudal archetypes, the design had mostly the effect to inform the individual of the sovereignty of the law equally reigning above all citizens. Lady Justice was thus visualized not only as the principle that one can rely on, but also as a power that has to be feared. In fact Boullée builds the solemn symbolism of his Law Courts design almost entirely from the combination of power and fear.[35] With very rare exceptions court house architecture follows this monumental iconography of intimidation throughout the first half of the twentieth century. Notorious is Brussels' Palace of Justice (Joseph Polaert, 1868-83) whose pompous appearance even Pevsner leaves to a poet to describe (Paul Verlaine): "There is something of the Tower of Babel, plus Michelangelo, with a bit of Piranesi, and a dash—one may say—of madness… Outside, it is a colossus, inside a monster. It wants to be immense, and it is."[36]

Comparable forms of representing the sovereignty of national law were also applied to the design of the first supranational institution, the Permanent Court of Arbitration, for which the so-called Peace Palace was built between 1907 and 1913 in The Hague. It later housed the Permanent International Court of Justice, a neutral place where the state parties could mediate the more serious conflicts of their foreign affairs. The architectural competition for this first International Court

34 Of which Boullée's design for a law court building might be the most ambitious. But despite its rigorous forms it is very hard to distinguish the 'caractère' of the Law Court from that of other buildings for public institutions which Boullée designed, as he points out himself. See Étienne-Louis Boullée: *Architecture. Essai sur l'art* (1793), Paris 1968, pp. 113–14.

35 „Il m'a semblé qu'en présentant cet auguste palais élevé sur l'antre ténébreux du crime, je pourrais non seulement faire valoir la noblesse de l'architecture par les oppositions qui en résulteraient, mais encore présenter d'une manière métaphorique le tableau imposant des vices accablés sous le poids de la justice," ibid., p. 113.

36 Verlaine translated by Nikolaus Pevsner, see note 30, p. 58.

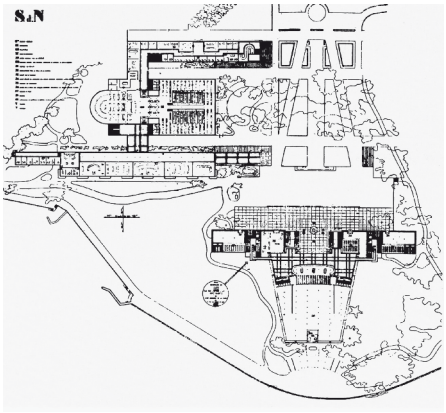


fig. 8: Design for the Palace of the League of Nations Geneva, Le Corbusier/Pierre Jeanneret, 1926.

produced designs that were immediately judged as being mediocre or as showing excessive pathos.[37] The more progressive architects of that time, such as Peter Behrens, Henry van de Velde, Auguste Perret or Adolf Loos did not participate in the competition. Of the more commonly renowned architects only Hendrik Petrus Berlage and Otto Wagner submitted designs. The winner of the competition was Louis Marie Cordonnier, an architect who worked mostly in the northern part of France. His design might have appealed to the jury because of its reminiscence of northern renaissance. With its two belfries it recalled the purlieus of European cities of the later Middle Ages and early modern period, thus bringing to mind an era when humanist ideas and 'modern' systems of trade and finance emerged. Despite its retrospective appearance it might have emanated some air of upheaval, of the onset of new times, but it failed to create a memorable and recognizable image fitting for the milestone the court truly was in the history of international law.

A similar and in some respect even increased pathos can be observed in the competition for the headquarters of the League of Nations in Geneva, which was held in 1926. Most of the submissions show variations on what Kenneth Frampton called crypto-classical monumentality.[38] What most of the entries have in common is the accumulation of masses towards the centre and how their decorum serves mainly to enhance this scheme of composition. Two designs stand out because of their radical modern appeal: that of Hannes Meyer with Hans Wittwer and the one of Le Corbusier and Pierre Jeanneret, for which the competition is now primarily remembered. [fig. 8] Le Corbusier's approach is far less overtly monumental and places the complex sensitively into the landscape, thus overcoming

37 Cf. Ids Haagsma / Hilde de Haan: *Architekten-Wettbewerbe. Internationale Konkurrenz der letzten 200 Jahre* (orig. Architecten als rivalen, Naarden 1988), Stuttgart 1988, pp. 104–113.
38 Cf. Kenneth Frampton: "Le Corbusier in Genf: Das Debakel des Völkerbunds." In: Haagsma / de Haan: see note 36, pp. 192–203; Sigfried Giedion: "Wer baut das Völkerbundgebäude? Teuere Stilarchitektur – neuzeitliche zweckmäßige Lösungen," in: *Bauwelt* Nr. 44 (1927), pp. 1093–98; Heidede Becker: *Geschichte der Architektur- und Städtebauwettbewerbe*, Stuttgart/Berlin/Köln 1992, pp. 237–41.

the quite alienating and empty monumentality of the competing designs. However, it is even more significant how Le Corbusier structured the space of the site. Colin Rowe and Robert Slutzky analyzed the different meanings of the concept of transparency on the basis of Le Corbusier's project for the palace of nations.[39] Transparency, as one might summarise their study dating from 1955, can be perceived as a translucent quality of matter, most apparently through the use of glass. Furthermore, there is a concept of transparency quite distinct from any physical quality of substance. Rowe and Slutzky call it a phenomenal or seeming transparency, which should be understood as spatial ambiguity, an interpenetration of different spatial layers, that allows for alternative readings of the structure of space. For Rowe and Slutzky this ambiguity displays a particular aesthetic quality of Le Corbusier's work. However, they miss to conclude that there is an eminent political dimension attached to the aesthetical: the suspension of a dominant centre. The authors' observation that the central area of the site is not a *cour d'honneur* to the Auditorium, as might seem at first, is therefore doubly true. After the visitor would have passed the line of trees that form a semi-permeable barrier at the entrance of the site, he would become successively aware of the complex spatial relationships in which the terrace is engaged. The "lack of focus compels his eye to slide along this facade, it is again irretrievably drawn sideways, to the view of the gardens and the lake beyond." [40]

As Rowe and Slutzky put it, the complex would have been "a monumental debate, an argument."[41] Its different parts do not subdue one another or the surrounding open space. This is quite the opposite of the hierarchical order displayed by the competing designs and thus would have given an appropriate architectural symbol for the multilateral formation of the League of Nations. It should be added, however, that this experience requests an ideal observer, one that would not only be extraordinarily receptive, but also fully conscious of his perceptions.

Although I would not subsume Ingenhoven's design for the ICC under this same understanding of transparency (here the 'literal' transparency of transparent materials is predominant, not a spatial ambiguity), we see an effort similar to Le Corbusier's design to implement a polyvalent and unobtrusive composition in order to develop a suitable design for a multi-national institution. In both cases

39 Colin Rowe / Robert Slutzky: *Transparency* (1955), Basel/Boston 1997.

40 Rowe / Slutzky: "Transparency. Literal and phenomenal." In: *Perspecta*, vol. 8 (1963), pp. 45–54, here p. 53.

41 Ibid.

this should be achieved through genuinely spatial experience rather than through imagery, and it is obvious that this experience is difficult to be captured in two-dimensional images. Since representation with the latter kind of imagery is predominant in our times, the adequacy of both compositions might be too subtle an aesthetic means to be communicated via global media.

Whereas in the realized palace for the League of Nations the traditional aesthetics of superelevation and intimidation are still present, more diverse interpretations of what the dignity of law shall look like evolve in the course of the 20th century. Here we can observe very clearly to what extend the answers to this challenge depend on the local and historical context. To state just one example: In West-Germany after World-War II, many court houses were built or re-built of decidedly humble designs. This was not entirely due to economical reasons. Their mere functionality and total lack of pathos was widely recognized as "lucid dignity",[42] a sort of purification after the climax of intimidating monumentality that Nazi-architecture stood for. In time the former palaces of Justice became "Justizzentren"—mere facilities for legal affairs, which in turn developed discouraging images eventually, namely that of bureaucracy and anonymity, as is the case e.g. in Hendrik Buschs Justizzentrum in Cologne (1977–81). Although it is self-evident it must be stated that building for justice never escapes the ebbs and tides of architectural styles. After all, this challenge continues to be an outstandingly prestigious task. "If justice needs to be seen to be done, if it has to be ostentatious, it is because law continues to demand faith. Law needs to stand out from the mundanity of other institutions and therefore needs an ornate architecture."[43] Whether justice should be emblematized through an iconic architectural sculpture or through a reserved and ‚functional' apparatus, whether it should allude traditional and regional forms or make a decidedly abstract or utopian gesture is a complex decision of a community and cannot always be linked as easily to a socio-historical realm as with the example of post-war Germany. With these rather simple oppositions in mind, Le Corbusier's High Court in Chandigarh (1950–57) opposes Mies' (et al.) Courthouse in Chicago (1964–73) or the Palais de Justice in Montréal (by Boulva/David, completed 1971); Jean Nouvel's classicist Palais de Justice in Nantes (completed 2000) stands against Richard Rogers futuristic Eu-

42 As local Berlin press described a county court building in Berlin by Walter Markschies (1953/54), which nowadays is widely regarded as a negative example of post-war-era's architecture.

43 Haldar, see note 31, p. 135.

fig. 9: Rendering of the design for the ICC's Permanent Premises: Ingenhoven Architects.

ropean Court of Human Rights in Strasbourg (1989–95); Ada Karmi-Melamede's and Ram Karmi's Supreme Court in Jerusalem (1986–92) opposes the European Court of Justice in Luxembourg (from Jamagne/Elst's first building of 1973 to Dominique Perrault's recently finished extensions).

Although these buildings and complexes are impressive monuments, a general tendency "to democratize the law, to flatten the hierarchical structure, and to disguise the alienating atmosphere of ‚super ordination' in the courtroom"[44] can be observed. In order to balance the desire for outstanding architectural icons with the demand for making the democratic anchoring of justice visible, Madrid's immense project for a "City of Justice" (in construction since 2008) chooses to assemble 15 distinct buildings on a campus, each one dedicated to a special area of law.[45] Madrid's master plan obliges the architects (among them world-leading practices like Foster, Hadid, Rogers) to use circular designs, thus basing the diverse elevation of the complex on what is possibly the most universal symbol of order.

The point of this very brief and incomplete historical (de)tour was to demonstrate to what extent the representation of justice depends on the context. Even though the basic concept of justice might be universal and timeless, it is not justice itself which becomes emblematic but rather its attributes, accentuated by the respective temporal and local situation—may they be the rule or power of the law (monumentality/intimidation), its neutrality and effectiveness (transparency, display of structures/functionality), multilateralism (decentralized composition), etc. Therefore it seems quite impossible to create a "timeless image" of Justice as was the ambition of the ICC according to the design guidelines for its permanent premises—at least if one does not want to fall back on Justice's most primal at-

44 Ibid., p. 131.

45 Cf. www.campusjusticia.com/index.php?option=com_content&task=section&id=4&Itemid=27 [2009-07-01].

tribute, namely order that also comes as the primal characteristic of architecture even in the most deconstructivist composition. Ingenhoven describes his winning design as an attempt towards a 'universal architectural language', one that might be understood by all peoples, and he decisively rejects the concept of monumentality in western tradition.[46] What makes most sense here are the words "an attempt towards", and that is already quite something to wish for. I doubt that there is an evolution towards the right architectural representation of justice, only a history of attempts to do so. Demonstration of the power of law has not simply ceased, but is nowadays replaced by something more subtle. Transparency, efficiency, fairness, intermediation even between humanity and nature—these are the attributes that become emblematic. At the same time, visual signs of firmness or physical power seem completely absent in Ingenhoven's renderings [fig. 9] and thus erase the last traces of revenge for the violation of the law, which were still quite perceptible in the prior palaces of justice and the more monumental designs such as Le Corbusier's High Court in Chandigarh. This refusal sketches an anticipation of a civilized world, where the essential values and the order of the Rome-Statute would be fully internalized in a Foucauldian sense. As it hauls the actors of the most dreadful imaginable crimes up into its own enlightened sphere, it demonstrates all the more the deep estrangement from the brutal nature of the deeds tried before the Court.

46 Cf. www.magazin-world-architects.com/de_09_03_onlinemagazin_podest_de.html [2009-07-01].