

The Role of Architecture in International Law

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Turrets and spires tower over rich façades and stained-glass windows. Ornate vases sprout up from formal Versailles parterres made of shrubs and roses. All is reflected in a rectangular pond surrounded by maniacally manicured grass which would inspire envy in the most immaculate Oxbridge lawn. Instead of a royal residence or university quad, though, these grounds host an international court. The building is the Peace Palace, seat of the International Court of Justice (ICJ) in The Hague. As the principal judicial body of the United Nations, the ICJ settles disputes between states and gives opinions on contentious points of international law.

This sumptuous courthouse is a physical manifestation of certain abstract debates on the sources of legitimacy of the international legal system, and on the cultural unity of different societies. International organisations often fail to inspire the instinctive loyalty that citizens feel for their domestic institutions.¹ By manipulating our perception of what international organisations look like, grandiose buildings can, quite literally, construct their institutions' legitimacy.² Furthermore, multiple states must cooperate to establish international legal institutions. Therefore, their sites are designed to reflect shared cultural elements of multiple founder nations, even though those nations may vary greatly in social, political, and economic character. Designers of international courthouses must therefore explore what defines human culture and must physically immortalise it. This article will focus on the buildings not only of the ICJ but also of the International Criminal Court (ICC), which too is in The Hague, and of the Court of Justice of the European Union (CJEU), in Luxembourg.

The ICJ: A palace for peace

The Peace Palace was originally built to host inter-state arbitrations, which had been a popular means of dispute resolution since the late

1 See Nobuo Hayashi and Cecilia M Bailliet (eds), *The Legitimacy of International Criminal Tribunals* (Cambridge University Press 2017); Andrea Bianchi and Anne Peters (eds), *Transparency in International Law* (Cambridge University Press 2013).

2 Renske Vos and Sofia Stolk, 'Law in concrete: institutional architecture in Brussels and The Hague' (2020) 14(1) *Law and Humanities* 57.



Fig 1. The Peace Palace, which was designed by Louis Cordonnier in 1913.

nineteenth century. Arbitration was used in commercial disputes but also as an alternative to war, slowing down an increasingly costly European arms race. In 1905, 216 proposed designs for the new courthouse were submitted. The French architect Louis Cordonnier and British landscapist Thomas Mawson won the contract, and the building was inaugurated in 1913.

The court's interior, exterior, and gardens were intended to convey the legitimacy of its institution. Symbolism links the building to the universal ideal of peace.³ The vaults over the vestibule and ceremonial staircase depict Greek goddesses associated with peace and prosperity. The stained-glass windows along the corridors and in the Great Hall of Justice depict a series of stages in human life and history. They thus suggest the immortality of peace and, by extension, of the Court itself. Gifts from around the world were used as materials, strengthening the sense of international unity: marble from Italy, iron gates from Germany, stained glass from Britain, granite from Norway, jasper from Russia, wood from the Caribbean, and silk tapestry from Japan.

The gardens use symbolism to the same end. Wide terraces make the Palace visually prominent. Religious metaphors abound. The exedrae of the pond resemble the transept of an early Christian basilica. The radially expanding parterres that once spread out here recalled the apsidal chapels of Gothic cathedrals. Plants were chosen with care. Roses, a universal symbol of love, dominate the northern parterres. Small-leaved shrubs and trees create a sense of spaciousness meant to foster peace and intellectual reflection.

For all its symbolism, the Palace was heavily criticised upon its inauguration. Even in the early 1900s, when a few imperial powers dominated the globe through a mix of military coercion and pseudoscientific racism, critics chastised the cultural limitations of the design. Some thought that Cordonnier had taken too much inspiration from sixteenth-century Dutch architecture.⁴ Why would a palace meant to represent the universal ideal of peace adopt such a geographically limited style? Moreover, in the sixteenth and seventeenth century the Netherlands had fought the Eighty Years' War to gain independence from Spain. Some argued that this made Dutch architecture an odd source of inspiration for a palace of peace. Some of Cordonnier's contemporaries, though, believed that he was not influenced by Dutch architecture at all. The New York Times argued that he was inspired by the Sicilian Romanesque style, which contains elements of Norman and Arabic origin.⁵ Perhaps this confusion ultimately serves the institution's purposes, the lack of a clear architectural inspiration exemplifying the universal nature of the ICJ.

The ICC: Holding the fort

The sandy dunes and dry bushes between The Hague and the North Sea are very different from the glamorous belle époque neighbourhood surrounding the Peace Palace. However, the International Criminal Court chose this desolate location precisely because of its isolation. The ICC deals with persons accused of international crimes such as genocide and crimes against humanity. In 2010, therefore, it instructed the Danish firm Schmidt Hammer Lassen Architects to focus on security concerns when designing the building. The ICC also faced a crisis of legitimacy, as powerful non-

member countries such as the US and China hampered its work. The Court therefore wanted its new headquarters to assert its legitimacy by visually communicating its values of transparency and accountability.⁶ These instructions resulted in a building designed to both maximise security and embody the Court's values.

The building comprises six towers connected at ground level, and the courtrooms are located in the central tower, which is the tallest. The towers represent hope by ensuring good light and sea views, but they are also surrounded by a moat, which calls to mind a medieval castle. Glass is prominent in the exterior of five of the towers, stressing transparency, but the glass is opaque, obscuring the people working inside for their security. The trapezoidal windows are positioned at differing angles to reflect sunlight. This creates a feeling of glittering movement, but it also hinders snipers. The building has a neutral colour palette, evoking the impartiality of the judicial process and avoiding any colour emblematic of a particular country. However, since extensive whites would interfere with CCTV, the beiges and greys also aid surveillance. In addition, the building's desolate landscape prevents acts of terrorism: nearby dunes expose anyone scaling them and make it impossible for cars to get close.⁷ The design of the ICC building therefore manages to 'keep one step ahead of the terrorists'⁸ while also communicating values of openness and democracy.

The CJEU: Golden towers

The Court of Justice of the European Union in Luxembourg is far-removed, physically and stylistically, from the bleak dunes and muted tones of the ICC. Unlike the ICC, the CJEU is not a criminal court. It is the main judicial organ of the EU, and as such deals with a variety of civil matters including intellectual property, competition, and the single market. Dominique Perrault, the architect who oversaw the CJEU's major expansion between 1996 and 2019, wanted to underline the CJEU's twin roles: shaping the EU as a constitutional polity, and mediating between the EU's member states and its institutions.⁹ Accordingly, all design choices were made to create a grand building, the tallest in Luxembourg, that would reflect the might of the EU judicial order.

The CJEU building comprises three golden towers, which dominate the Kirchberg plateau and are easily spotted from Luxembourg's Old Town. They host the CJEU's translation services, in charge of ensuring that the CJEU's cases and documents are interpreted and translated into the 24 official languages of the EU. Placing the translators in the most prominent part of the building symbolises the CJEU's cultural diversity as well as the access to justice it promotes.

The CJEU's main courtroom might be the most grandiose space of all. It is accessed via a large, lugubrious entrance hall—the French term *salle des pas perdus*, 'hall of lost steps', is apt—and a staircase of black corten steel. Given this, one feels awed upon entering the courtroom. Inside, gold covers the walls, curtains, lecterns, and

6 Vos and Stolk (n 2) 61.

7 Christine Murray, 'Transparency, democracy, high-security: Schmidt Hammer Lassen's International Criminal Court' (*The Architectural Review*, 5 February 2016) <<https://www.architectural-review.com/buildings/transparency-democracy-high-security-schmidt-hammer-lassen-international-criminal-court>> accessed 10 February 2021.

8 Bjarne Hammer, co-founder of Schmidt Hammer Lassen (as quoted in Murray (n 7) para 20).

9 Jonathan Glancey, 'Let there be light' *Guardian* (2 December 2008) <<https://www.theguardian.com/artanddesign/2008/dec/02/eu-court-of-justice-architecture>> accessed 10 February 2021.

3 Johan Joor and Heikelina Verrijn Stuart, *The Building of Peace, A Hundred Years of Work on Peace Through Law: The Peace Palace 1913–2013* (Carnegie Foundation Press 2013) 33–46.

4 *ibid.*

5 Arthur Eyyfing, *Het Vredespaleis* (Sijthoff 1988) 57–59.



Fig 2. The International Criminal Court, which was designed by Schmidt Hammer Lassen Architects in 2010.

chairs. Although the courtroom is partially underground, sunlight floods in from above, filtered through a golden aluminium mesh resembling a blossoming flower. The CJEU building can be seen to represent a modern interpretation of the desire for prestige and grandiosity already embodied in the Peace Palace a century earlier.

Shared gardens and shared history

The three court buildings have common elements all intended to express legitimacy through architecture. For example, all three carefully chose their historical precedents. This is standard practice in architecture when it needs to send a message of authority and prestige: consider the neoclassicism of British imperial buildings and US federal buildings. The ICJ provides the most obvious example, incorporating Gothic, Dutch Renaissance, and Italian Baroque elements. The ICC also imitates the keep, gatehouse, and moat of a medieval castle. While the ICJ's use of history can be attributed to an early-twentieth-century taste for revivalism, that of the ICC is best attributed to a focus on security. The CJEU also looked to history in its quest for prestige. Its original 1973 building is wrapped like a Greek temple in a pronaos of 116 columns of ten metres each. As the Athenian Acropolis dominated the Attican valley, so the CJEU dominates Luxembourg from the Kirchberg plateau as a modern-day citadel of the EU's legal power.

Legitimacy can also be expressed through references to the cultures of member states. After all, citizens feel closer to organisations that are culturally familiar. This can be achieved by asking member states to loan or donate works of art, as was done for both the ICJ and CJEU buildings. Architects also consider the cultures of the member states at the planning stage. The features these courthouses share therefore embody what culturally unites disparate countries from every corner of the world.

All three courthouses have gardens. The ICC features five courtyard gardens and one vertical garden atop the courtroom tower.

Plants are included from each of the ICC's 124 member states to emphasise interdependence. The CJEU is planting a 'garden of multilingualism' to celebrate the cultural diversity of the EU. Water is another feature the three buildings have in common. The ICJ's long pool represents peace and harmony. The ICC's moat enhances security but also creates a tranquil space between the gatehouse and the main building.

While attending an academic conference a year ago, I sat on a bench under a vine-covered pergola at one end of the ICJ's pond. I was inspired by the idyllic setting to ponder international law and the role of the ICJ in international relations. I believe that mental exploration is one of the reasons prestigious buildings are erected for international legal institutions. The architecture of courthouses helps establish the cultural and legal status of their organisations by creating a visual and symbolic narrative which shapes interactions with the public.

Medieval peasants were encouraged to learn biblical stories by studying the stained-glass windows of gothic churches. Similarly, the grand headquarters of international courts invite the modern visitor to reflect on the role of international law in the world of today. In light of current affairs, such reflection is urgently needed.