



City/Courthouse Building: A Mirror Game. Examining Connections Between Courthouse Buildings and Location in the Urban Environment

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Abstract

Courthouses are one of the founding pillars of the modern rule of law, being a sovereign body. But courthouses are not just buildings where justice is applied, administered, and written. From Max Weber on, courts have been associated with the urban dimension and the place they occupy in the geography of the cities. As in a mirror game, both city and court building look at each other, both shape each other, they belong to one another. And yet, how often do we think of their intimate interactions? Having this in mind, and by examining a number of geographically disparate cases, I intend to discuss correlated variations of the mirror game between city and courthouse building, where variables such as ‘the proxemics of the courthouse’, the (dis)alignment amid centre and periphery, ‘the sense of loss’ and the significance of control/discipline will be central to comprehend the ‘court/city’ narratives involved. Such semiotic analysis aims to foster reflection on the socio-political weight the location of the court—the connections of the building (comprising its architecture) and the city—may express. I conclude by arguing that courthouse buildings must rediscover their place and legitimacy, not only in the community’s collective imagination, but also in the urban space, promoting a closer dialogue with the cities in which they operate, as essential axes of city life. Particularly at a time when the likely way forward suggests a digital trajectory, possibly without the need for buildings.

Keywords Courthouse buildings · City · The importance of location · Dialectics centre/periphery · Normative referential

I sometimes wonder if the people of a younger and more urban generation realize the way the courthouse bell, the county courthouse, shaped life and destiny through America some sixty years ago. For us in Libya Hill, at any rate, it was

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the center of the life of the entire community, the center of the community itself – for Libya Hill was first a county courthouse, then a town – a town that grew up round the courthouse, made a Square, and straggled out along the roads that led away to the four quarters of the earth.

Thomas Wolfe, *The Bell Remembered*

The Inns are (...) [a] haven of courtyards, labyrinths, passages and cloisters, they are like a mould from which the urban takes form – more city than city, *beyond* the city; but paradoxically, not the city.

David Evans, *Theatre of Deferral*

Un palais de justice est comme une petite ville avec beaucoup de choses différentes qui doivent se passer en harmonie.

Renzo Piano, on the Palais de Justice in Paris (Cf. https://www.radiocampusparis.org/wp-content/uploads/2017/04/2_brochure_futur_palais_justice_20120216.pdf. Accessed 07 May 2019).

1 Introduction

There is a common point in Wolfe's, Piano's and Evans' quotes above: they all refer to the connections between the city and the courthouse. The courthouse as a city, the courthouse as a builder of the city, stemming beyond the city, but unexpectedly never the city. As in a mirror game, both city and court building look at each other, both shape each other, they belong to one another. They reflect on each other, in a specular way. Nonetheless, they are independent entities. And yet, how often do we think of their intimate interactions?

Courthouses are one of the founding pillars of the modern rule of law, being a sovereign body. But courthouses are not just buildings where justice is applied, administered, and written. As rightly pointed out by Mohr [38], our courts are the combination of two important concepts: the concept of 'public' and that of 'place'—which make them a 'situated discourse'. The building, which today presents multiple architectures, serves to legitimize a certain structure and form of power: the judiciary. But it primarily intends to symbolize Law and Justice in its geographical and temporal contexts.

We have, on the one hand, the building and its location as the physical space, where the administration of justice takes place, its material dimension; and, on the other hand, we have the courthouse as an institution representing an authoritative symbolic system of social order and control, its immaterial dimension. According to Gephart and Leko [23], courthouse architecture serves to petrify legal culture, expressing a twofold purpose: to state the normative order of society and to reproduce the power of the law.

As such, the courthouse building, its location and its connections to the city, serves three main functions [9]: (1) an organisational function: it shapes civic life by resolving the citizen's conflicts; (2) a function of normative referential: it represents

the Law, the rule of law, the separation of powers and state's authority in the locale, which are rendered visible in the city via the courthouse building; and at the same time it represents the ideal of Justice as the ultimate aim of metropolitan sociability [42, 52]; and (3) it indicates changes: economic, political, cultural, architectural and urban—and particularly the shifts between historical centre, central zone and periphery.

Therefore, courthouses are historical places, but they are also living and dynamic buildings, containing both the history of the legal system, of legal culture, and that of the community,¹ comprising its architecture and urban planning—Thomas Wolfe's words tell us exactly this [63]. The courthouse thus grants identity to the city: it is a cultural and urban landmark, whose symbolic presence has historically served to lend cohesion to the town's community.²

Courthouses are, thus, important cultural and urban landmarks, conveying trends and changes in their relationship with the cities where they were built, or where they were closed, leaving an urban footprint. And this is perceived in many ways: from buildings that were once open and accessible to the public, courthouses became distant and secluded buildings; they have moved from the historical centres to the periphery of the cities, moulding the urban form. If once they were considered points of reference, courthouse buildings are now emblematic and eccentric creations, designed by renowned architects, but paradoxically they have turned out to be architecturally identical buildings (similar to shopping centres, museums or even other courthouses) in a context of cultural globalization and standardization of the cities. We can think here of the so-called Bilbao effect,³ by comparing the Guggenheim Museum⁴ in Bilbao (Spain) and the Federal Court in Eugene⁵ (United States of America).

From these readings a sort of paradox emerges: courthouse buildings today dwell between an undifferentiated, a homogeneous, an iconic and a functional architecture. And this is linked to their location in the city, and the shifts this location has seen, and produced. Initially aligned, then separated, court and city seem to perpetually search for some common understanding. However, and independently of courts being located in the city centres or in the suburbs of the towns, we seem to be left with the feeling of a certain fragmentation of the presence of justice in the city.

¹ The location of the South African's Constitutional Court is a good example in this context: the court's complex sits on the remnants of the Old Fort Prison, Johannesburg's notorious prison, where Nelson Mandela, and other Apartheid resisters, were imprisoned [49]. The court's location re-anchors this institution not only in a defined space but also in history.

² In the rural areas of the United States, the monthly court appointments, during the 18th, 19th and early 20th centuries, provided an opportunity for the local communities to meet, as the courthouse was generally located at the heart of the commercial centers of the towns, making attendance accessible both to town and countryside folks [53, 54]. More than any other building of that period, the courthouse represented civic life for the inhabitants of the city.

³ Cf. <https://www.theguardian.com/artanddesign/2017/oct/01/bilbao-effect-frank-gehry-guggenheim-global-craze>. Accessed 07 March 2019.

⁴ See https://it.wikipedia.org/wiki/Guggenheim_Museum_Bilbao. Accessed 07 March 2019.

⁵ See https://en.wikipedia.org/wiki/Wayne_Lyman_Morse_United_States_Courthouse. Accessed 07 March 2019.

Having this in mind, and by examining a number of geographically disparate cases, I intend to discuss correlated variations of the mirror game between city and courthouse building, where variables such as ‘the proxemics of the courthouse’ [35], the (dis)alignment amid centre and periphery, ‘the sense of loss’ [51] and the significance of control/discipline [18] will be central to comprehend the ‘court/city’ narratives involved. Such semiotic analysis aims to foster reflection on the socio-political weight the location of the court—the connections of the building (comprising its architecture) to the city—may express, in times of change for both. And particularly at a time when the likely way forward suggests a digital trajectory, possibly without the need for buildings.

2 Cities and Courthouses: Sustaining Social Order Within the Urban Form

From Max Weber on, courts have been associated with the urban dimension and the place they occupy in the geography of the cities [61]. Cities are political programs made visible [44]. In the city, the significance of projecting patterns of legitimization of the social order acquires greater importance, meaning that courthouses are one such political element of the visibility invoked by Nowak [44]. Hence, public buildings such as the city hall or the courthouse are, according to Van Belle and colleagues [56], major places in the city: they represent symbols, landmarks, linked to its institutional activities.

Hence, Justice, as incarnated in the courthouse building, is a constructor of the city: the building stretches along the city, onto the streets and the squares around it. In many situations, the court constituted, and still constitutes, a centre for and in the city, a referential point, even if nowadays its location may signal changes, for both justice and the city. Therefore, it is not surprising that the Guidelines on the Organization and Accessibility of Court Premises, adopted by the European Commission for the Efficiency of Justice (CEPEJ) in 2014,⁶ and particularly Guideline no. 50, established that courthouses “are generally built in an elevated position—a distinct, enclosed and sacrosanct place”.⁷ This connects perfectly to that axis extending from the centre of the courtroom towards the street outside the courthouse, and serving as an important and omnipresent signifier of power in urban planning, as aptly described by Mohr [38]. The building, and the alignment it forms upon the city’s streets, means to establish the authority of the law inside the city.

This can be pointed out in reference to the European Court of Justice,⁸ established in 1952, whose building stands on the plateau of Kirchberg above the city of

⁶ Cf. <https://rm.coe.int/16807482cb>. Accessed 19 February 2019.

⁷ The courthouse’s architectural program has ‘traveled’ with the colonial project as well, on the one hand. On the other hand, in present times, there is a global market for architecture and so architectural trends have globalized. Furthermore, there is this notion, as Ahl and Tiebsen have described for the Chinese context [1, p. 620], that using western, and particularly European, architectural elements makes courts “appear to comply with international models of influential and independent judicial institutions”.

⁸ See https://curia.europa.eu/jcms/jcms/Jo2_25536/en/. Accessed 19 February 2019.

Luxembourg,⁹ requiring a special trip to get there since the Plateau is actually outside of the city [49]. The combination of precise architectural and urbanism actions, like the Court's position raised above the ordinary city level, gives the impression that the city of Luxembourg, and (metaphorically speaking) the Member States of the European Union, are thus subordinated to an order that is trying to represent itself, judicially and politically, as a court with supranational powers implementing the Union's constitutional values. We cannot forget that Luxembourg was given official status as one of the capitals of the European Union (alongside Brussels and Strasbourg) by the Treaty of Maastricht (1992): thus this political arrangement is symbolically remarkable of the link between court and city.

Like Tait [55] has argued, there is a deep connection between the physical presence of courthouses, comprising both the building and its location, and the desire or need the governments have of signalling political and judicial principles and ideals. Consequently, the act of choosing to locate the supreme and/or constitutional courts in the urban capitals creates a particular regime of semiotic relations that can only arise in the capital metropolis [38], where the other branches of power are also located.

Brazil is an important example in this context: the capital city, Brasilia, is a clear political project, in which President Kubischek's ideal of a new Brazilian society was institutionalized and made visible through Oscar Niemeyer's design (thus giving concretion to Nowak's *supra* referred argument). Brasilia is a capital city entirely planned and built *ex novo* in the late 1950s, and where the eloquent toponymy of *Praça dos Três Poderes*, or Square of the Three Powers,¹⁰ was politically created and designed to stand as a large open space between the three massive buildings representing the three branches of power: the Planalto Palace (the Executive), the Federal Supreme Court (the Judiciary) and the National Congress (the Legislative). As Lauande stated, the perception one has is that the open plan of the square follows without interruption from one building to the other, thus accentuating the intimate relation between law and politics [33]. Thinking about the Israeli's Supreme Court building¹¹ is also important in this framework: as Ram Kardi, one of its architects, wrote [30], the relationship of the Supreme Court with the city of Jerusalem is significant—actually, this complex is comparable to Brasilia [49]. The building, completed in 1992, is in close proximity with the city, it is part of Jerusalem, it connects to it [26]. According to Ada Karmi-Melamede, the other architect responsible for the design of the Supreme Court edifice, one of the key-factors that influenced the building's design was, in fact, the location itself, its vistas and structure of the city [30]. Ram Kardi, like Piano did some decades later for the Parisian courthouse, argued that “in it we can see a small city, a miniature of Jerusalem”, where the

⁹ The same can be said of Strasbourg and of this city's ties to the European Court of Human Rights, designed by Richard Rogers in 1994, a building well-known around the world. See https://en.wikipedia.org/wiki/European_Court_of_Human_Rights_building#/media/File:14-02-06-Parlement-europ%C3%A9en-Strasbourg-RalfR-003.jpg. Accessed 28 February 2019.

¹⁰ See <http://www.df.gov.br/supremo-tribunal-federal/>. Accessed 19 February 2019.

¹¹ See https://en.wikipedia.org/wiki/Supreme_Court_of_Israel#/media/File:Israel_Supreme_Court.jpg. Accessed 19 February 2019.

internal division of the Court in four autonomous parts (library, judges' chambers, courtrooms and registry, and parking arrangement) takes on the division of the city itself from Roman military times, into the four axis of *cardo* and *decumanus*, hence establishing a line from the court to the Knesset, the Parliament (South), and to the National Square (North), and situating the court at the entry of the National District, the capital and ruling centre of Israel, in the west part of Jerusalem [30].

The courthouse buildings thus establishes a certain social order within the urban form [29], like Evans expressed for the Inns of Court [15]. Consequently, the court building is both a concrete and a symbolic display of the Law's authority and legitimacy inside the city.

3 The 'Proxemics' of the Courthouse Building

Leone [35] describes the proxemics of the courthouse as the interface between two important elements: a) the architecture of the courthouse building and its location in the urban setting; and b) the way it relates to citizens, and vice versa. Buildings are, for Goodrich, the materiality of the social, the most visible form of collective presence, its most evident or demonstrative meaning [24]. The courthouse is, in most cases, a building with certain external (and internal) characteristics, and so architecture is the medium that serves to enforce the law by sacralising it within space and place [26]. The building hence communicates *vis-à-vis* the relations it establishes with its urban location, being a referential point in the symbolic and institutional scenery of the city [29, 43].

For Garapon [20], the first act of justice is to define a place, to circumscribe an area to conduct its operation. However, the construction of buildings intended for the administration of justice is a modern phenomenon, of circa three hundred years.¹² For a long time, Justice had no buildings of its own, which does not mean it did not demarcate its space of performance. Therefore, for many centuries judicial hearings took place in open air, next to a circle of sacred stones (Mulcahy [41] reports that in some parts of the United Kingdom this practice continued until the nineteenth century) or under a tree—the tree of Justice, as portrayed by Hieronymus Bosch in his painting 'the Seven Deadly Sins' (c.1500–1525)—in an enclosed space where, under the foliage of the trees (such as oak trees), the demands of the citizens were heard [20, 29]. Thus, circles of stones, trees, sacred places or gates of the city—public sites important for the community—have been used as significant places in which justice has been administered in the metropolises, since time immemorial. Decisions, pronouncements of sentences and punishments took place in communal territory, where even those who were not part in the disputes were granted access

¹² The notion of justice without walls, however, is not a revolutionary or original one. Actually, when we think of the courthouse building, we tend to think of it from a Western point of view, in terms of buildings designed and constructed according to an architectural project and functional program. But we must also consider other latitudes where the spaces of justice are not made of buildings. This is what is still happening in many places in the Amazonia region, for example, where justice is itinerant and uses boats to reach the more distanced populations [16].

[49, 52]. These places were chosen according to practical criteria, such as their easy accessibility and proximity, but mostly because they were considered to be revered and important places for the community and therefore suitable for the administration of justice, since they made it possible to perform the law under public scrutiny [41, 52]. Court and city were thus aligned, their proxemics was fundamental to establish the intertwined nature of justice and the city.

In the late Middle Ages, European leaders began to build civic spaces—the town-halls—different from churches, cathedrals or other public buildings of the time, intended to express, by means of the architecture and decoration, the economic prosperity of the governors and to legitimize their political power. Resnik and Curtis [49] underline the cases of Siena, Bruges, Amsterdam and Geneva as paradigmatic examples of this shift. The rulers hence expressed the wealth of their towns via the construction of such edifices, and placed them in a context of urban programming and planning. The wave of constructions began from the moment urban centres started evolving, in the aftermath of migration waves towards the cities, which, subsequently, gave rise to an increase in litigation, and had enormous implications in terms of the ways of looking at the spaces of justice within the city: from multifunctional and itinerant spaces, amply connected to the community and easily accessible, to purposely-built edifices in fixed locations. Nonetheless, there was a regular transition between the house of justice and the city, for the courthouse was immersed in the social and urban fabric, and so a relational flow between the two was constant. On the other hand, the fact that the building was located in the main square of the town, near the castle and the church, gave it a symbolic and communicative proximity to the political powers of the time [29]. The court thus began to separate from the city, demanding an authoritative and hierarchical location, and slowly turned into a city within the city. Their proxemics was still vital, though, as the court needed the city, and the city needed the court, in order to perform the organisational function, on the one hand, and the that of normative referential, on the other hand. Perfectly mirroring each other.

With the end of the Middle Ages and beginning of the modern period, the existing medieval European court buildings gradually began to be reconfigured, gaining massive entrances and façades, consisting of large staircases and porticoes with columns, employing the noblest materials. Thus, the medieval structure gave way to the temple, creating distance, monumentality, specific characteristics that reflect a certain idea of justice inside the city. Firstly, the autonomy of the building: it stands alone in a prominent location (this has later informed the CEPEJ's Guidelines, thus attesting the importance of this feature). According to Badinter [6], this dominant position, which puts justice above the disorder of the city, shows that the court not only mastered people's passions, but it mostly decided the conflicts in/of the city, transforming disorder into order. Secondly, it must operate a series of exclusions, closing outwards in order to gain legitimacy and authority before the city in which its rulings will be acted [29, 54]. Concomitantly, and moving towards the South Pacific (as in New South Wales, Australia), authors have shown that the construction and dissemination of courthouse buildings, as part of an urban planning model, were also integral to the colonisation process [27].

Take the example of the *Palais de Justice* (Fig. 1) in Brussels (Belgium): when it was built, between 1860 and 1883 (designed by Joseph Poelaert), on an elevated zone right in the middle of a popular neighbourhood, the intention was to symbolically impose a powerful model of social order, a new judicial mandate, particularly intended towards social categories considered at risk [12]. Actually, the acquisition of the property, and related expropriations, involved the destruction of part of the Marolles' quarter, leaving a bitter memory amongst the population during the following years [14]. The memory becomes even sour if we are to recall that the construction was funded with the profits of the Belgian Congo [62]. Additionally, this courthouse building became an architectural avant-garde symbol, as one of the highest buildings in Europe, at the time.

At this stage, the court had become an impermeable citadel; the volume of the building no longer merged with the urban environment around it, but instead it stood out on it, and dominated the city. The court had become external to the city, so that its dissuasive power could be amplified, and thus sustain social stratification [11, 60]. The proxemics of the court was vital in this process: the court's building, architecture and location, materialised the credence in the unconditional power, stability and authority of the law in the city [60]. Moreover, more than just helping create the city, it also materialised the empire as part of the colonial project, by imposing a new legal system and political order on foreign (and Indigenously sovereign) territory [2].

4 Locating the Court, Knowing the City: Referential Points

Having a courthouse is seen as fundamental to the city's affirmation as a city [61]. To deny this is to deny the meaning of the city, argues Van Belle [56]. For this reason, the courthouse, not only as a place and space of justice, but as a structuring space of society, is to be taken as a reference point, not only for what it stands for, but also in terms of our own knowledge of the cities we inhabit. The courthouse building thus confers meaning and significance to the city's status [12]: Wolfe's account of the fictional city of Libya Hill—a city that grew upon its court—perfectly highlights this view [63].

In Naples (Italy), the importance of the court in relation to how we know the city should also be considered. The old courthouse, near Porta Capuana, marks the toponymy of Naples since the sixteenth century (known as the 'Vicaria'), being located in the historical center, right at the end of one of the decumani: Via dei Tribunali—literally the Lane of the Courts, thus indicating the link between the city and justice (Fig. 2). In an article on the smells of Naples and the lessons we can get from them to build a sort of olfactory jurisprudence [10], Naples, in certain areas, was said to smell of the old, of ancient. And this ancient smell was explicitly associated with the old courthouse. Hence, the old courthouse continues to stand out in the Neapolitan judicial landscape (as the seat of the ceremonies for the opening of the judicial year); but more than this, its building still stands out in the urban landscape (Castel Capuano is, after Castel dell'Ovo, the oldest castle in Naples), marking the

city in terms of its streets, and even conferring a particular odor to that part of the town.

Also Coimbra (Portugal) is closely related to its Palace of Justice,¹³ located in one of the most famous streets of the city, Rua da Sofia, today a UNESCO world heritage site. Located in the lower part of the city, the so-called Baixa (downtown), it is a building that, because of its volume and decoration, not only marks the urban landscape, but serves too as a judicial symbol, an iconic point of reference for the city and its people. It was the first palace of justice to be designed during the dictatorship (even if it is a converted sixteenth century palace), and it launched the programmatic and aesthetic basis for the courts later built during the regime [45]. Particularly conscious of the importance of architecture to build a network of structures that would enforce the presence and power of the New State throughout the country, the ministries of public works and justice committed to the creation of technical committees to plan and build new courthouse buildings [40]. Thus, the conception of a detailed architectural plan had a strong impact in terms of the image that was created with respect to what the building of a courthouse should look like [39]. Furthermore, there was a preponderant option for the location of these buildings in the historical centers rather than in areas not yet urbanized. Like Boulad-Ayoub [9] has argued in relation to the old courthouse in Montreal (Canada), also in Portugal the location in the historical center conferred prestige to the institution, since it combined ancestry (the old part of the town) with tradition (local legal cultures) and institutionality (the administrative center of the city, since its foundation). There was thus a firm desire to situate justice inside the city.

But here too we can convene the example of the *Palazzo di Giustizia* in Milan¹⁴ (Italy) which, due to its volume, scale (its 38-m-high marble façade), architectural style, connection to the recent history of Italy (the political and social changes promoted by the fascist ideology, as was the case), and also its location, testifies to the centrality of the judicial function with respect to the city. The combination of these factors has helped transform this building into one of the city's landmarks [19]. Moreover, as Leone points out [35], the building of Milan's courthouse should be read as a 'memento' of the dictatorship and the commanding place it gave to law, in society and inside the city.

These examples are, again, quite illustrative of two of the functions indicated before: that of civic organisation, on the one hand, and that of normative referential, on the other, exerted by these courthouse buildings in their relation to each and respective city. Moreover, their image and what they stand for played a decisive role in the creation of a powerful and convincing image of the state, whose presence in the city is embodied in the palace of justice, as the place where the power of the Law—national and supranational—will be enforced.

The courthouse building thus shapes the political, ideological and cultural referents of its social context [9, 50]. At the same time, it also shapes its urban context.

¹³ See <https://www.trc.pt/index.php/o-palacio-da-justica>. Accessed 28 February 2019.

¹⁴ See <http://www.lombardiabeniculturali.it/architetture/schede/3m080-00054/>. Accessed 28 February 2019.

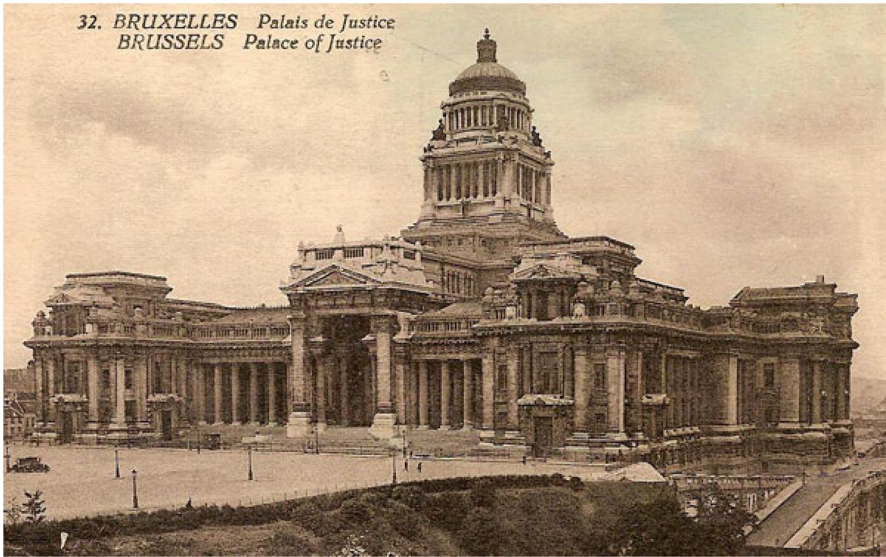


Fig. 1 Palais de Justice, Brussels. *Source:* https://commons.wikimedia.org/wiki/File:Palace_of_Justice_postcard.jpg



Fig. 2 Castel Capuano, Naples. *Source:* By Armando Mancini—Flickr: Napoli—Castel Capuano, CC BY-SA 2.0, <https://commons.wikimedia.org/w/index.php?curid=16286533>

Consequently, in some cases, the courthouse building still serves as a reference point in/of the city. Meaning that the location of the courthouse in the city's centre seems to increase the symbolic status of both city and court.

5 The Turbulent Relation Between Centre, Periphery and Courthouse Location

Therefore, as said, the courthouse was often a centre for the city. But as La Cecla [31] argues, places are never still. Cities have expanded, and the territory has been substantially urbanized with infrastructures that redesigned the urban and rural landscape. Furthermore, today's cities are polycentric, and have suffered from demographic and structural changes. This makes it difficult to find new locations for the courts in the central areas of the cities, given the needs of accessibility, means of transportation and other services, since city centers became, in many cases, congested and dysfunctional. At the same time, it should also be noted that court settlements in new urban areas may also allow for the urban development of those sites [3, 34]. This is signaled by the European Commission for the Efficiency of Justice¹⁵ (CEPEJ), which claims it is important to take into account the urban development prospects in the medium and long range (see guidelines no. 32 and no. 33). Nevertheless, in Van Belle's opinion [56], suburban agglomerations are often difficult to integrate into the city because they are physically disconnected from the city's original structure, away from its boulevards, from the remains of its fortified enclosures, or from railway stations and incoming routes. Besides urban revitalization, finding a location to the court implies, nowadays, a greater concern with security and environmental responsibility [25].

The location of the court is thus extremely important, either because of the socio-economic effects it produces, the urban planning impact it has on the urban form, or because it impacts on the citizens' geographic accessibility to this public service. Thus, the court benefits from its central location while the city, and the surrounding area in proximity to the courthouse, also benefits from the court's location by promoting the installation of complementary services (including law firms), supporting commercial dynamics and, ultimately, by generating a sense of vitality [34]. Furthermore, Greene argues [25], courts provide stability and security to the quarter.

Let us go back to Naples. In Naples, justice moved from Castel Capuano, in the historical centre, to the *Centro Direzionale* (CDN, 1994), a complex of tower buildings designed by the Japanese architect Kenzo Tange (and projects from other architects, such as Renzo Piano and Nicola Pagliara), while the new courthouse building was designed by a team coordinated by Neapolitan architect Corrado Beguinot. Although the CDN is not that far from the city's centre, it displays this movement of settlements in new urban areas. Actually, for the people who work and live in the CDN it is as if they are on an island separated from the city, which is accentuated by the complex's architecture (tower buildings, glazed façades), completely different

¹⁵ Cf. <https://rm.coe.int/16807482cb>. Accessed 19 February 2019.

from the city's other buildings around it [58] (Fig. 3). Moreover, and contrary to Greene's ideas of security mentioned above [25], the estrangement of the CDN in relation to the rest of the city magnifies instead a sense of insecurity and uneasiness [58].

The reasons for developing a business centre in that area of Naples were manifold: the first discourse implied the idea that the city of Naples, which grew immensely as a built environment during the 1950s and 1960s, needed to be modernized; the second idea was based on the need to withdraw the administrative and management functions from the city centre, overcrowded and invaded by automobile traffic; and a third reason was the need to regenerate an urban abandoned area [58]. However, as Vicari-Haddock emphasises, the main reason for the state's investment in the urbanization of that part of the town was, in point of fact, the decision to build new courts for the city. Which means that the *Centro Direzionale* is a product of the displacement of the courthouse from Porta Capuana to that part of Naples.

Also in Paris, the new courthouse building (inaugurated in April of 2018), designed by Renzo Piano's team (RPBW), came to replace the centennial *Palais de Justice* in the Île de la Cité.¹⁶ The new building was constructed not far from the peripheral avenue that marks the administrative limits of the capital in Clichy-Batignolles, the centre of the Grand Paris quarter. As was expressed,¹⁷ this is a courthouse in the heart of a changing neighbourhood, a symbolic building that stands as the emblematic project for the regeneration of the city's peripheries, the well-known *banlieues*. There was, nevertheless, a huge debate concerning this shift from the former Parisian judicial centre in the Île de la Cité to the periphery, fuelled by a lawyers' association lobbying («La Justice dans la Cité»¹⁸), mostly fearful of losing the 'privileges' offered by the location of the court in the 'coeur de la Cité'.

These examples allow me to identify three aspects marking this somewhat turbulent relation between centre, periphery and courthouse location. On the one hand, there are those who, like Garapon or Bifulco [8, 19], regard the shift towards the suburbs not as a change in the morphology of the cities, but rather as a confirmation of the distance that has long separated the court from the city, and that the isolation of the buildings is nothing but a sign of the law's transcendence. Interestingly, as de Sutter [13] argues, the new court's location in Paris is not that different from the one in the Île de la Cité. Actually, as the author points, Piano's team simply repeated the model on which the ancient Palais rested in regard to its connection to the city: that of insularity (this notion of the island was also highlighted by Vicari-Haddock [58] in relation to Naples and the CDN) and sacredness—the "sacrosanct place" the CEPEJ gives emphasis to in its Guidelines, thus perpetuating the notion of justice as a solemn and extraordinary activity [12, 51].

¹⁶ See <http://www.apij.justice.fr/nos-projets/les-operations-judiciaires/palais-de-justice-de-paris-ile-de-la-cite/>. Accessed 28 February 2019.

¹⁷ Cf. http://www.nouveaupalaisdejustice.fr/projet_zac_batignolles.php. Accessed 28 February 2019.

¹⁸ Denouncing what they considered to be the unjustifiable cost of the project, its futility, and the negative consequences for justice, the association promoted a number of appeals to the Paris Administrative Court. Cf. <http://www.cercle-du-barreau.org/archive/2008/11/26/transfert-du-palais-suite.html>. Accessed 28 February 2019.



Fig. 3 Centro Direzionale, Naples. *Source:* https://commons.wikimedia.org/wiki/File:Centro_Direzionale_di_Napoli.jpg

On the other hand, the shift towards the periphery is read as a loss of prestige, both to justice [28], that, in this new urban and legal landscape, moves away from the centres of power and loses its symbolism; and to the city: the displacement of a public building such as the courthouse, even if only a short distance away, can have a major impact on the economy and vitality of a city's downtown [32].

Finally, these shifts reveal that the city is constantly changing and the courts have undergone variations in their correlation with public and urban space, even if they continue to be important urban pieces, with a strong impact on the morphology of the cities.

The location of the courts is not therefore indifferent to the notion of exurbanization as a process of dispersion of the urban configuration toward a wider territorial expansion—which reminds us of that mutational function indicated by Boulad-Ayoub [9]. At the same time, we cannot forget that historically the space of justice has always been 'marked out as special', as Rowden reminds us [51], and this is linked to its location in the city centre. Thus, when the location of the courthouse moves away from the centre such shift is said to diminish the symbolic status of both courthouse and city.

6 Saving the Suburbs

There is, nevertheless, another issue to examine in this relation between centre, periphery and courthouse location, that these cases, and particularly the Parisian court, fittingly illustrates. More than trends, we can identify a pattern: the court's

location in Clichy-Batignolles, along with its architecture, more than regenerating the city and its periphery, materialises the imposition of the legal system, of a certain social order, and the continuation of social stratification [52] in that particular part of Paris. Much like Hogg [27] indicated in regard to New South Wales, where the presence of the courthouse building was seen as a key element in bringing ‘civilization to the wilderness’, the signifier of an imposed legal system [2]; or as was the case with the Palais de Justice in Brussels, in the nineteenth century, built on a neighbourhood considered socially at risk.

Renzo Piano himself has held: “These great buildings express urban planning and civilization. At the time of the Pompidou centre the debates concerned the historical centres; today we need to save the suburbs. To cancel the notion of periphery is our challenge for the next thirty years”.¹⁹ His words express a notion of civilization and salvation, that the court’s presence will bring to that part of the city, to its periphery. The new Palais de Justice, with its 160 metres’ glazed tower, is now the public building farthest from the centre of Paris, but visible from every part of the city,²⁰ making it omnipresent, just like the Law. Its purpose, more than mediating the relationship between these ‘difficult’ suburbs and the centre [21], is, as Foucault would claim, to operate discipline [18]. Piano seems to agree with this notion of discipline, since he argued that: “One of the reasons I think we won this contest is because we said to ourselves: “It must be (...) [a] strong [building]”.²¹

The new Parisian courthouse building’s axis (similarly to the Israeli’s case) is aligned with the north–south diagonal of the nearby park (named after Dr. Martin Luther King), double-facing Paris and Porte de Clichy.²² This north–south alignment is quite symbolic: the Portuguese word ‘desnortado’ (literally, that who has lost his/hers north) is illustrative of this notion of losing and finding the right way (of finding justice), that the axial alignment of the court indicates (the north).

Now, the double façade, made of glass, operates that mirror game I have invoked earlier: the building looks to the centre as the seat of social order and reflects that image onto the periphery, which needs to be ‘civilised’—we need to recall the riot episodes in 2005, right at Clichy-sous-Bois.²³ Just as Perulli [47] has argued, first the city moves the population and social conflicts from the centre to the suburbs, and then the centre moves towards the periphery its central functions (it is the notion of decentralization: creating a new centre), such as the resolution (and especially the neutralization) of conflicts. It is thus a powerful symbolic move to build the new Courthouse right in that area. Moreover, the *Palais de Justice* as a tower, made up

¹⁹ Cf. <http://www.karmarchitettura.it/2012/03/nuovo-palazzo-di-giustizia-rpbw-renzo.html>. This is the author’s translation. Accessed 28 February 2019.

²⁰ Cf. <http://www.skyscrapercenter.com/building/tribunal-de-paris/15851>. Accessed 28 February 2019.

²¹ Cf. https://www.lemonde.fr/culture/article/2012/02/17/renzo-piano-poete-civil_1644498_3246.html. Accessed 14 March 2019.

²² Cf. <http://www.rpbw.com/project/paris-courthouse>. Accessed 28 February 2019.

²³ Cf. https://en.wikipedia.org/wiki/2005_French_riots. Accessed 28 February 2019.

of three superimposed parallelepipeds, stands on a pedestal,²⁴ thus projecting this idea of subordinating the city down under to its authority and control, signalling that city life is dominated by the Law [43]. Like Piano said: “D’autant que tu montes en hauteur, tu es confronté à la rhétorique de la force, de la puissance”.²⁵ The rigid verticality of the building has a persuasive, normative, pedagogical effect. Unlike Garapon’s argument [21], stressing that the building communicates the horizontality of civility, the tower, once more, communicates, via its verticality, its height [52], an obedience to the superiority, the strength and the power of the Law, up there, on a pedestal, high in the sky.

Furthermore, where the architecture of the temple furnished the neoclassic courthouse building the grand staircase and columns, symbols of a distanced and transcendent justice, the new Parisian Palais de Justice seems to condense it both, as its outline brings to mind a towered stairway, difficult to climb (Fig. 4). As if the place of justice was cutting citizens off their city [13]. The new courthouse gives the impression of projecting a supreme city on the map of the real city below, filled with boundaries and exclusions.

It is, nonetheless, important to open space to an interesting argument, developed by Nitrato Izzo [43]: that, despite the interpretation one might assign to it, this is a building with huge social responsibility in the urban transformation of that specific territory, in a period characterized by enormous social and legal changes. The future will tell whether this was the right building for this kind of responsibility.

7 The Invisible Court

In the twenty first century, we notice a multiplicity of courthouse buildings, by means of a rather eclectic architecture, often based on the individual worldviews of the architects [39], quite fond of the eccentric nature of the building form. Moreover, courthouses are buildings integrated in the current architectural trends, and we cannot forget that there is also a process of global commoditisation of architecture [49], with numerous internationally renowned architects—the so-called ‘starchitects’—designing court buildings nowadays, both at the supranational and national levels (like Dominique Perrault, Richard Rogers, David Chipperfield, Jean Nouvel, Renzo Piano, among others). According to Woodlock [64, p. 275], courthouse architecture these days can be summed up to “a series of boxes—some of them quite elegant, most of them not—that are indistinguishable from other boxes encasing other activities that lack the drama, the liturgy, or the civic purpose of a courthouse”. This is linked as well to the use of materials such as glass and concrete in the façades (used in many other public buildings); and to the absence of a justice-related iconography.

This eclectic but indistinguishable architecture, paradoxically, goes hand in hand with another movement: a new public policy regarding the planning and

²⁴ Cf. <http://www.rpbw.com/project/paris-courthouse>. Accessed 28 February 2019.

²⁵ Cf. https://www.lemonde.fr/culture/article/2012/02/17/renzo-piano-poete-civil_1644498_3246.html. Accessed 14 March 2019.

management of the judicial infrastructures based on a leasing plan and/or the reuse of other buildings, mostly of a residential or commercial type (as has been happening in Portugal, for example), imposing meagre architectonic and urban requirements [46]. Such a trend emerges as a way of quickly solving the need to install new courts created by law, given demographic growth, increased litigation and the need for specialized courts. Moreover, these adapted courts of law are scattered around the city, making it hard to be acquainted with their precise location and how to reach them.

In this framework, we must also think of a type of courthouse building that has well combined, especially in terms of denomination, the two themes of which I speak, city and court—the so-called *cités judiciaires*, or cities of justice. These buildings, quite spread in France in the late 1980s and early 1990s, grouped the different judicial services in one location, and aimed at presenting a lesser monumental architecture, and a better integration in the urban context. However, these cities of justice, as a concept, have been the subject of a series of debates. They are regarded as buildings where it is difficult to distinguish the place of justice and the place where the administration offices operate, mostly because the buildings are considered banal, undifferentiated types, without any appeal of symbolic and civic significance, where the kind of activity occurring inside is impossible to recognize from the outside [7, 50]. Scott goes even further [52]: stemming from the city of justice in Barcelona²⁶ (designed by David Chipperfield), the author argues these cities of justice are indistinguishable from the financial building type [60], an argument corroborated by Rosenbloom, who claims that courthouses have been engulfed by the corporate order [50].

The combination of these features results in an invisibility of these buildings within the city, since it becomes impossible to tell the courthouse building apart from other types of buildings. The question we are left with is: where is the courthouse? It seems as if the city has misplaced its juridical points of reference.

8 Losing the Courthouse

In an article published recently, Rowden [51], stemming from a case-study in Australia, considers the sense of loss felt by legal participants when they no longer enter the courthouse, but the trials occur via videoconference. In this section, I will discuss the loss of the courthouse in the literal sense: because the courthouse was closed.

As we know, to consider the court in the territory implies speaking of jurisdiction. However, lately jurisdictions have changed, particularly in a context of austerity policies, in a process that manifests itself via the reforms of the judicial organization, especially through the concentration of courts in the territory and, subsequently, with a number of courts being closed (in the period 2006–2010, there was

²⁶ See <https://www.archdaily.com/61643/city-of-justice-barcelona-1%25e2%2580%2599hospiatet-de-lobregat-david-chipperfield-b720>. Accessed 13 March 2019.



Fig. 4 Palais de Justice, Paris (RPBW). *Source:* https://commons.wikimedia.org/wiki/File:Photo_du_Palais_de_Justice.jpg

a reduction, in some cases a very significant one, of the number of courts of first instance in 15 EU Member States). This actually is a topic that has become part of the policy agendas of many European countries [57].

Such reforms have strong geographic and socio-economic impacts, above all in the cities/municipalities where courts were closed. As Liccardo [36] claims, the courts of the third millennium are seen as special and valued places, called up to perform a connective relationship with the territory. To Oliveira [46], we thus need to examine the consequences the closure of courts have to the urban space, particularly the complexity of socio-economic relations established between these public buildings, the city and citizens, that suffers a severe slash: there is a sense of disconnection, contrary to what Liccardo claims. Many courthouses have a decades-long relation to the city and were structural to urban development, which means the decision to close it down is highly important, and contested, particularly to the smaller and more rural communities, who feel a sense of abandonment.

In this context, the debates around the plans to close a court emerge as particularly significant of the perception of the symbolic and socio-economic losses that

this entails for the respective city [12]. This was quite evident in 2013, in Italy, as was reported by the headline of a newspaper: «A thousand judicial seats were closed, cities rebel against it».²⁷ Consider the example of Lucera, a city in Puglia, and the words of the president of the Lawyers' Bar in this city, who said, in 2012, before the reform of the judicial organization was enforced in 2013, that: "If [the courthouse] were to be dismantled, it would be a serious blow to the entire local economy. We are not just fighting for the courthouse, we are fighting for our city".²⁸

There is, thus, this belief that the presence of a courthouse transmits the idea that the law is present and in operation [51]. The courthouse becomes the physical incarnation of the relationship between the citizens, the law, and their city, in its various dimensions: juridical, political, economical, institutional and cultural. So, if the courthouse disappears, the sense is that the city disappears with it, because the foundation of metropolitan cohabitation is lost. Symbolically, the closure of a court is seen as a loss of citizenship and as a loss of access to justice within the city. A critical cartography of the justice system thus spells out the impact that the presence or absence of a courthouse may have on the construction of social conflict, turning invisible a set of conflicts that ends up not being processed in the judiciary due, to a large extent, to its form of territorial organization [5].

The struggle for keeping the courthouse thus becomes a matter of fighting for the shared values the courthouse symbolizes to the city, not only as the presence of the law in the territory, but also as a guarantee of an effective protection of the citizens' rights. Hence, without the courthouse, the function of normative referential in the city seems to withdraw. Just as with the invisible court, the mirror game between city and court just does not work.

9 A Sense of Shame

Here I want to examine the recent episode involving the Criminal Law Court of Bari, in Italy, whose building was declared structurally unfit and at risk of collapse, in May of 2018 (Ordinanza 2018/01172). The building, rented by the municipality, is under judicial inquiry on grounds of urban abusiveness and speculation, suffering from severe structural deficiencies, cracks, and water infiltrations.

This first forced the normal functioning of the court, in that same month, to move into three tents (Aula 1, Aula 2 and Aula 3) assembled by the civil protection services in the parking lot right outside of the court building, in Via Hrand Nazariantz, as in a post-earthquake scenario: the mayor of Bari actually declared this was indeed a 'technical and administrative earthquake'.²⁹ In those three tents

²⁷ Cf. <https://www.direttanews.it/2013/09/13/chiusi-mille-sedi-giudiziarie-citta-in-rivolta/>. Accessed 07 March 2019.

²⁸ Cf. <https://www.tempi.it/i-funerali-della-capitanata-storia-del-tribunale-di-lucera/#.VsrjW33hDcs>. Accessed 07 March 2019.

²⁹ Cf. <https://bari.repubblica.it/cronaca/2018/05/28/foto/tribunale-197546063/1/#31>. Accessed 13 March 2019.

($200\text{m}^2 + 75\text{m}^2 + 75\text{m}^2$), for at least a month, the adjournment hearings of ordinary criminal trials took place, under high temperatures, heavy rainstorms (that flooded the tents and damaged hundreds of files), and where insects did not give relief³⁰ to the participants. Ironically, inside (as in any ordinary Italian courtroom) you could read, lubberly written on sheets of paper, that «The Law is the Same for Everyone» (*La Legge è Uguale per Tutti*). These adjournments were firstly made case-by-case, but confusion set in and the judges started adjourning blocks of cases, with lawyers and parties unaware of what was going on or which tent to look for. The sight of the tents in front of the courthouse building,³¹ named by many the ‘Tendopolis of Justice’, led the mayor, Antonio Decaro, to express his sense of shame: “I feel ashamed for the city”.

Given the emergency state of the situation, the recently appointed Minister of Justice, Alfonso Bonafede, considering that, before September 30th of 2018, it was not possible to identify a building to be used as the seat of the Court, emanated, by the end of June, a government decree suspending all criminal hearings except urgent measures or hearings concerning jailed defendants or under house arrest (Decreto Legge del 22.6.2018, no. 73). Consequently, the tents were dismantled in July of 2018. And justice, for the city of Bari, was interrupted, creating a sort of dystopia. The criminal court turned into a ‘non place’, not in Augé’s sense [4], but because it was suspended, in time and space. As was reported by a newspaper, Bari became «The city without a Courthouse». ³² The city lost, during that period in time, its connection to its referential—the law, and in particular to criminal law—in a territory marked by organized crime. In Roberto Rossi’s words (Adjunct Prosecutor in the Court of Bari): “the problem is to get justice back in Bari. Without justice there is no state”. Furthermore, the consequences of suspending the normative referential in Bari will be everlasting to the city.

In November of 2018, a temporary seat was found, and by January of 2019 the Court had moved to another building (the ex-Telecom offices).³³ It remains to see, however, how long this temporary building will serve justice in Bari—we need to recall that the penal seat of the Bari courthouse had been provisionally located in Via Hrand Nazariantz since 2001...

³⁰ For an accurate account of the situation, see the Italian TV news program *Presa Diretta* (RAI3), first aired on January 2019, titled “La vicenda del Palazzaccio di Bari”. <https://www.youtube.com/watch?v=D6gipfw79XA>. Accessed 13 March 2019.

³¹ Let us look at the Portuguese example, as well: following the implementation of the judicial organization in 2014, in some cities, as in Loures, near Lisbon, courthouse services were transferred to containers, near the courthouse building, as in a sort of ‘judicial favela’, not only transforming the urban landscape around the place of justice, but what is more, disrupting the link between the city, legal subjects, and their court. Again, a sense of shame was expressed in relation to the city and its court. See, for example, <https://www.publico.pt/2014/09/25/sociedade/noticia/ratos-e-infiltracoes-nos-contentores-no-tribunal-de-loures-1670797>. Accessed 14 March 2019.

³² Cf. https://www.corriere.it/cronache/18_luglio_02/bari-citta-senza-tribunale-smontata-tendopolis-palagiustizia-58cfd924-7d5e-11e8-b995-fbeecea523fe.shtml. Accessed 14 March 2019.

³³ Cf. <http://www.ilgiornale.it/news/cronache/bari-tribunale-penale-lascia-sede-storica-1626060.html>. Accessed 14 March 2019.

10 Transmogrifying the Courthouse³⁴: The City/Court Narrative in the Digital Age

But arrived here, we are confronted with significant questions: how tied is the immaterial sense of the rule of law to its symbolic realization in a building? Does the loss of a courthouse, either produced through austerity policies or political incompetence, mean the end of the city? And could a justice website be adequate to sustain the law, and the city?

To start with, the notion of jurisdiction is a recent one, an effect of modern cartography, on the one hand, and of the centralization of political power, on the other hand, producing political, legal and socio-cultural identities within the boundaries or lines that are territorially delimited [17]. The creation of fixed jurisdictions has also implied the fixation of courthouses as buildings, located in the centre of the city/jurisdiction. Additionally, as Gélinas and colleagues argued [22], where courthouse buildings have been examined, authors have often considered the need for a ritualistic process within a certain type of building, mostly an architecturally grandiose one. This, as Rowden claims, serves to emphasize the importance of ‘myth-making in the law’ [51]. Consequently, when the courthouse is gone, the sense of the community is that of lawlessness: the myth vanishes.

We have to consider, however, that there are cities that do not have a dedicated location of justice, and never have had one; where there is an itinerant justice that the state moves in (as was the case some centuries back), using boats or buses, or other public buildings, like schools [16]. Another issue to bear in mind is the disruption provoked by digital technologies in the physical space of the courthouse: courts have been transformed with the increasing use of ICT in the last two decades, especially through videoconference, email and the digitalization of proceedings. Technology can facilitate too access to remote services [48, 59]. Furthermore, every more often, artificial intelligence tools are used to resolve disputes, assist in judicial decision-making, and help the public.³⁵ It is thus necessary and extremely important to discuss the challenges posed to courthouse architecture in a changing society, where human lives are digitally connected at all times. This connectivity not only affects the law, and the courthouse, but it affects the city as well, particularly how the city works, and how the city’s functions are transformed—which relates, in this context, to the location of justice in the city. Thus, in this digital age, our definition of what is a court needs to be more flexible,³⁶ and accommodate not only the material (buildings) court (as physical presence remains essential in certain areas of the

³⁴ I would like to thank the anonymous reviewer for this interesting suggestion.

³⁵ In this respect, and acknowledging the increasing importance of artificial intelligence in the justice systems, the CEPEJ has recently adopted the “European Ethical Charter on the use of AI in the judicial systems and their environment” (December of 2018). See <https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment>. Accessed 19 April 2019.

³⁶ The JUSTICE report [37], «What is a Court?», makes a very interesting suggestion: the creation of five different types of spaces of justice - Flagship Justice Centres, local Justice Centres, ‘Pop-up’ courts, Remote access to justice facilities, and Digital justice spaces.

law, like criminal law or family law), but also accommodate the virtual court [37], or the online sites of justice (where court rituals can be reconfigured and acquire new meaning).

11 Conclusions

As I have tried to demonstrate, the interactions between the city and the court are complex and have mutual impacts: as mirrors, they reflect each other, and their reflection tells many narratives.

For centuries, legal doctrine has required that the courthouse be constituted at a fixed location [38], i.e. in a delimited territory, that of the city, and in a defined building. But the times, they are changing. Like Resnik and Curtis have argued [49], to represent justice today means recognizing what democracy entails for adjudication: a new and genuine radical commitment to try to create a closer justice. Consequently, courthouses must rediscover their place and legitimacy, not only in the community's collective imagination, but also in the city, promoting a closer dialogue with the cities in which they operate, as essential axes of city life. Courthouses should be located in places that are easily accessible to all, for a thoughtful location empowers the community to participate in the justice process. Courthouses ought to reopen to the community and to respond to the changing needs of the city: a diversity of populations; a variety of conflicts, and the range of legal proceedings it involves; and technological development, and what it entails. Nevertheless, one has to keep in mind that architecture, location and technology are good, as long as they operate justice for the people.

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