

Hierarchy, power and control: on the spatial configuration of Brazilian courthouses

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Power, hierarchy, and control: on the spatial configuration of Brazilian court houses

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Abstract

Brazilian court houses are investigated in order to understand how the social attributes - hierarchy, power and control - of the judicial system are related to building's spatial attributes - spatial segregation, depth and high differentiation. The investigation showed that the social function of the institution is not reflected in the building as a whole. Such is the case, however, in the most ceremonial space, the courtroom, that retain the formalities required by the institution, and which are expressed by a controlled hierarchical spatial structure that is symbolic of power.

1. The analytical framework

The interest of this investigation is to understand to what extent social and spatial attributes are coherently related in Brazilian court houses, built in the State of Pernambuco during the last 30 years (Griz, 2004). The main function of the judicial institution is to judge and to apply justice, in order to resolve social conflicts, therefore to sustain social cohesion and to guarantee human rights. To fulfil its aims, judicial institutions form hierarchical social organisations whose members are part of classes and the relation between them is defined by a set of social rules of conduct – who does what, with whom, how, where and when. These social rules constitute ritualistic events that require certain spatial attributes to support its reification and daily reproduction.

Hillier and Penn (1991) suggest that social organizations that require many rules to develop their social function are strong programme organizations in which the interface between members of the social system form what they call a long model. These kind of social organizations are characterized by certain level of formality that defines a specific type of spatial configuration in which interfaces should happen in precise manners.

Let us establish an analytical framework that relates the social attributes necessary to constitute what the society defines as the social function of the judicial system, with the spatial attributes necessary to support them (Figure1).

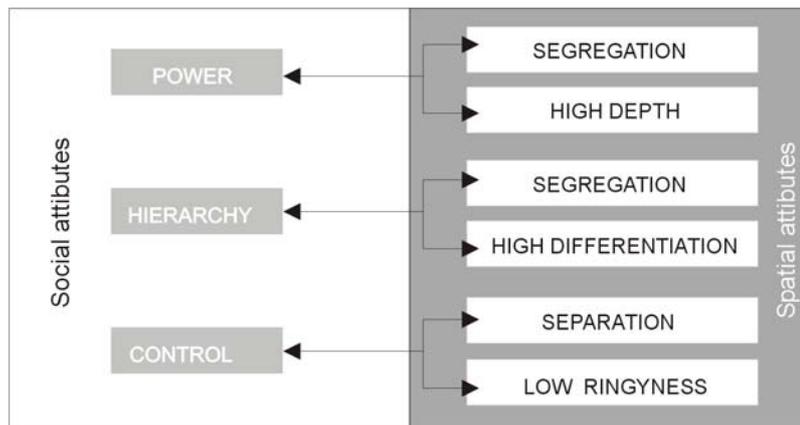


Figure 1. Correlation between social and spatial attributes.

The social attributes can be synthesized by the key-words **power, hierarchy** and **control**. The judicial system is based on the principle of authority implemented by a hierarchical system that has at its core the judge, the representative of the State, with the power to apply justice within a highly controlled system.

Dovey (1999) suggests that power is socially recognized through symbols. Within the court houses, the judgment is the symbolic ritual that makes evident the State's power. The spatial attribute used to reinforce power relation within hierarchical systems and to control movement within the building is low accessibility, i.e., segregation, in this case, is a spatial mean to convey symbolic power. Power is also reinforced in the spatial system through the depth from the carrier space: `...the depth or asymmetry from the carrier indicates differences in rank for both inhabitants and visitors with a new form of emphasis added in the form of an 'altar' in the deepest space` (Hillier and Hanson, 1984: p.180)

These spatial attributes have also a direct relation with the degree of hierarchy defined by the social structure. Therefore, segregation and high differentiation amongst the spaces that constitute the building is expected.

The control required by the institution can be achieved in two ways. The first one, which is spatially constituted, is achieved by restricting the choices of movement – low level of ringyness. The other, which is socially and spatially constituted, is achieved by the separation of the different groups of users in distinct circulation paths. According to Hanson (1996, p.55), in her study on English court houses “the social programme of the building, put simply, is to engineer separations between these different groups of users, and selectively to reintegrate them under highly controlled conditions”.

It is expected, therefore, the court houses to be highly differentiated, establishing a strong hierarchy between spatial locations, particularly to generate highly segregated and deep

spaces from the hallway to be used by ritualistic events, and a controlled movement network that favors the separation of different categories of users – judge, jury, witness, lawyer, officer of the court, person in custody and the general public – to avoid interferences in the legal procedures, such as testimonies being constraint by a direct contact with criminals.

2. The sample and the method

With this analytical framework, ten court houses were analyzed. Four of them are typical plans used in different regions of Pernambuco, designed for court houses that have only one Tribunal - Model court houses. The others are buildings designed specifically for each site and have more than one Tribunal, called here Court houses.

In fact, formal events are developed in Brazilian court houses in two places, according to the type of crime: the common crimes are judged in tribunals by the judge; and crimes against life in the courtroom, by a jury that symbolically represents the society. Besides these main judicial activities, Brazilian court houses may house extra-judicial activities, like electoral tribunals. These extra-judicial activities may interfere in the level of formality required by the social institution, and because of that the spatial analysis looks at the level of the whole complex and the courtroom itself.

The buildings were, first, convexly described and syntactic data extracted. Secondly, the spaces were classified into socio-functional sectors (Amorim, 1999). The socio-functional sectors are of two natures: the judicial and the extra-judicial ones. The first ones form the core of the judicial activities of the court house and are of 4 classes (Box 1 and Figure 3): the Tribunal and Courtroom sectors, group the spaces directly related to the judgment ceremonial ritual; the Justice's support sector corresponds to those actors that participate in the formal events, but as a visitor (Prosecutors and Public Defendant's Lawyer); the Interface's sector, groups the bureaucratic activities and it is also the interface between visitors – lawyer and their clients - and inhabitants – judges and jury. Finally, the movement of each category of users was mapped in the plan (Figure 3 and Box 2).

Box 1. Court houses sector's organization.

Sectors	Tribunal	Courtroom	Justice support	Interface
Spaces	(1) Reception (2) Secretaryship (3) File (4) Judge's office (5) Audience	(1) Public area of the courtroom (2) Military's area (3) Cell (wc) (4) Witness's room (5) Jury's room	(1) Prosecurity (2) Public defense (3) OAB (4) Sycho-social center	(1) Distribution (2) PROGEFORO (3) CEMANDO (4) Official's room

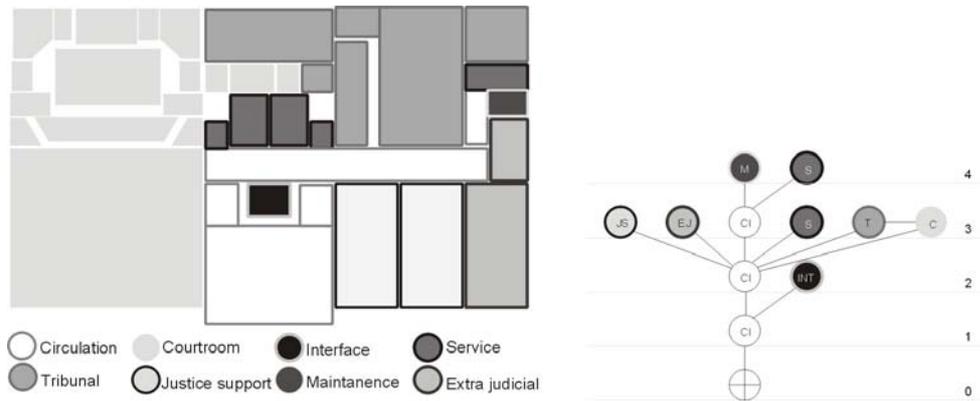


Figure 2. Model 4 convex map with sector's organization and its justified graph.

Box 2. Categories of users.

Categories of users	
Inhabitants 1	Judge, jury and officers of the court
Inhabitants 2	Prosecutors, Public Defendant's Lawyers and civil servants
Visitors 1	Lawyers and their clients
Visitors 2	Audience
Visitors 3	Persons that are kept in custody

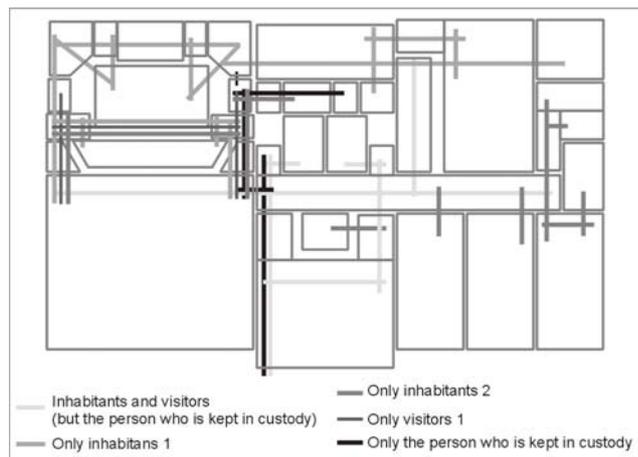


Figure 3. Movement done by each category of users mapped in the plan of the Model 4 courthouse.

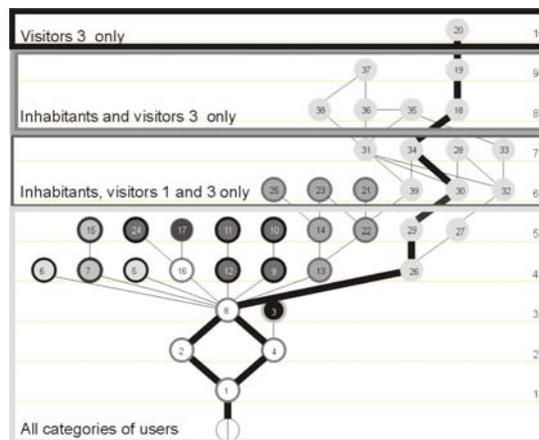


Figure 4. Model 4 justified graph showing the depth each category of users.

3. The results

3.1. The Court house building

The social attribute `power` and the correlated spatial attributes `segregation` and `depth` were observed by the relative position of the Judge in the convex system (its bench) and the related sector (the Tribunal and the Courtroom sectors). The analysed buildings revealed that the power is not always correlated with segregation, as in 50% of the cases the tribunal and the courtroom sectors were among the most integrated sectors (Box 3).

Box 3. Sectors Inequalities.

		Sectors Inequalities			
Model Court houses	Model 1	Courtroom >	Tribunal >	Justice support >	Interface
	Model 2	Courtroom >	Interface >	Justice support >	Tribunal
	Model 3	Courtroom >	Tribunal >	Justice support >	Interface
	Model 4	Tribunal >	Courtroom >	Justice support >	Interface
Court houses	Abreu e Lima	Interface >	Tribunal >	Courtroom >	Justice support
	Camargibe	Tribunal >	Justice support >	Interface >	Courtroom
	Carpina	Justice support >	Tribunal >	Courtroom >	Interface
	Garanhuns	Courtroom >	Tribunal >	Interface >	Justice support
	Ipojuca	Tribunal >	Interface >	Courtroom >	Justice support
	Limoeiro	Courtroom >	Tribunal >	Justice support >	Interface

In relation to the depth from a carrier space, the courtroom sector is the deepest in the system in 40% of the cases (Figure 2 and 4), while the tribunal sector is the deepest one in 50% of the cases. This result suggests that the power required by the social institution is weakly presented in sector's organization of the sample.

Hierarchy, expressed by means of strong segregation and high differentiation, is weakly represented in the analysed sample. In fact, the buildings are centralized in transitional spaces (Figure 5), a building type that "creates more internal segregation amongst living spaces and less spatial differences among them..." (Hillier et al, 1986: p.382). The integrated corridors articulate the access to all the functional spaces and sectors, without strong differentiation (the mean BDF, for the sample, is 0.98), making them similar to each other.

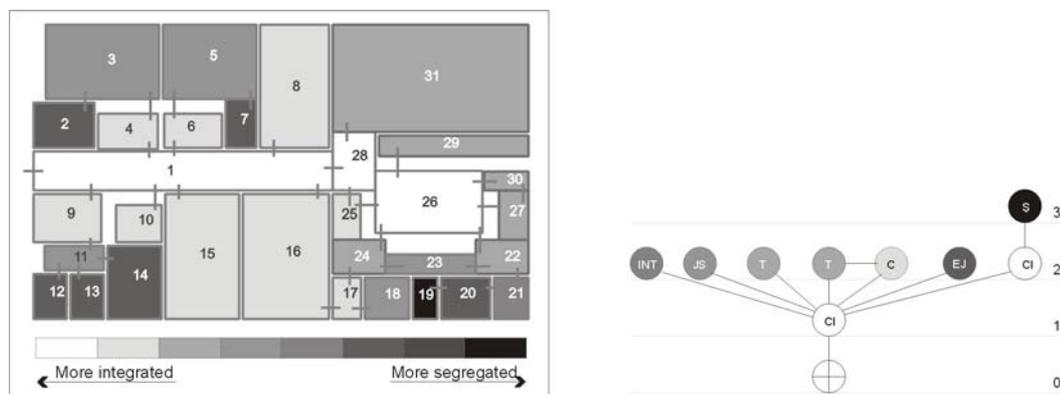


Figure 5. Model 3 Courthouse's convex map and justified graph with distribution of integration values.

One of the requirements of the institution is to establish certain level of control over classes of inhabitants and visitors, in order to follow pre-programmed rules. The degree of control is verified by the number and location of rings in the spatial system. The justified graphs (Figure 2, 4 and 5) are predominantly tree-like, with eventual rings connecting circulation sectors, or Courtroom and Tribunal sectors. As a result, from the point of view of the circulation, the spatial structure of the court houses controls the movement among users, as it does not offer many choices of movement.

However, another spatial attribute required by the institution is to separate the circulation path for different types of users. This separation is not verified. Figure 3 shows that movement within the building is not separated according to user's categories. The main circulation system is the only access through the building.

These results show that the spatial structure of the court house does not entirely support the social requirements of the institution.

3.2. The Courtroom

As the Courtroom is the place where justice is spatially represented, it is necessary a deep analysis of this sector. In a typical layout, the judge's bench is placed on a high platform, set apart from the members of ceremonial act and opposite and far from the audience. The defence and the prosecutor are symmetrically disposed in relation to the judge: on its left side is located the defence; on the right side, the prosecutor. The jury faces the judge and gives its back to the audience, and keeps the same symmetrical relation to the defence and the prosecutor (Figure 6).

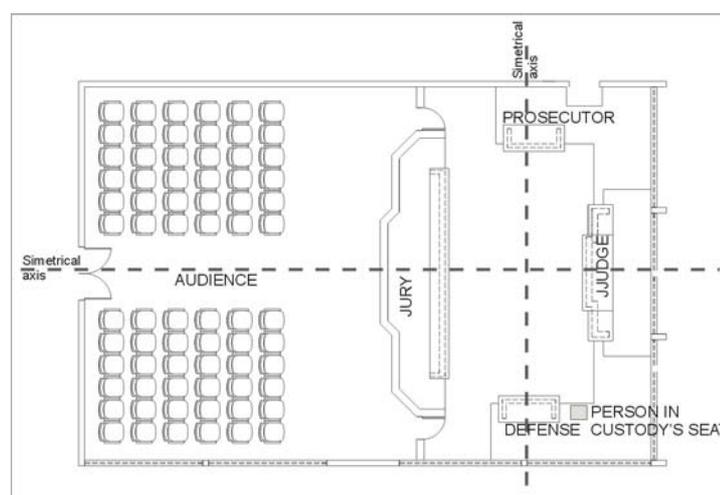


Figure 6. Typical courtroom layout.

This spatial organization is justified: the jury cannot communicate with the actors involved in the ritual, or with the audience. Its location in the courtroom does not allow interferences from other kind of information that it is not exposed by the actors involved in the judgment. In

the courtroom there is a high level of co-presence of the various classes of users without the possibility of direct interaction between them. This happens because the space of the courtroom is divided and the actors are separated by physical barriers that break it into its separate territories. Visibility acts here as a social control tool.

Box 4. Courtroom sectors' inequalities.

Courtroom Inequalities			
Model Court houses	Model 1	P>D>JU	P>JR>D
	Model 2	D>JU>P	D>P>JR
	Model 3	D>P>JU	D>P>JR
	Model 4	D>P>JU	D>JR>P
Court houses	Abreu e Lima	P>D>JU	D>P>JR
	Camaragibe	P>D>JU	D>P>JR
	Carpina	P>D>JU	JR=P=D
	Garanhuns	P>JU>D	P>D>JR
	Ipojuca	P>JU>D	JR>P>D
	Limoeiro	P>D>JU	P>D>JR

P = Prosecutor D = Defense JU = Judge JR = Jury

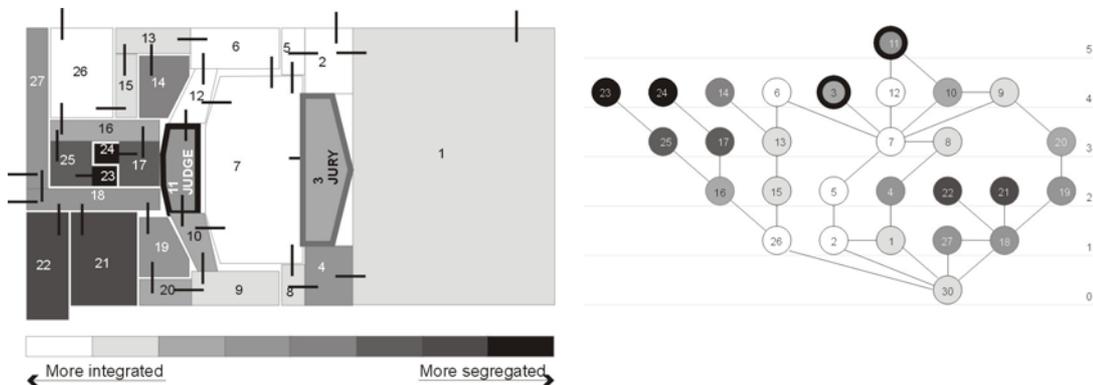


Figure 7. Courtroom's convex map and justified graph with distribution of integration values.

The analysis of the courtroom looked at the same variables investigated at the level of the whole complex and used the same methodological procedures (Box 4 and Figure 7). The results show:

- Genotypical patterns are coherently related to the social attributes of the institution, even though it was found a high Difference Factor (DF – 0,90) value.
- The spaces allocated to the higher posts of the hierarchical social system - both the judge and the jury - are segregated, deep and differentiated;
- The categories of users that are not allowed to interact among themselves – jury, person in custody and testimonies - are kept isolated at the back stage, until reunited at the right time and space, within the courtroom.
- The spaces in which the interaction between inhabitants and visitors is allowed (center of the courtroom and audience) are the most integrated ones.

It is, therefore, within the precincts of the courtroom that the formality of the ceremonial ritual of judgment is expressed through a consistent set of spatial properties, reinforcing the social

meaning of the act. It seems that the Brazilian court houses are like two faces of a coin: one that reveals the complexity of the social institution and its strict rules of conduct; and the other, characterized by a shallow, integrated and undifferentiated circulation system, that relates informality and social inequalities.

4. Conclusion

Brazilian court Houses are, therefore, undifferentiated, weakly classified, have low level of spatial hierarchy and low categorical differentiation between users. This is particularly relevant within the circulation system that does not isolate categories of users. In this sense, the spatial structure of the court houses does not attend to the requirements of the Brazilian judicial system. The courtroom, however, is the only spatial complex to reveal the formality required by the social institution. It is there where power, hierarchy and control are combined with the spatial attributes – spatial segregation, depth and high differentiation – to create a ritualistic ambiance. In other words, the spatial structure of Brazilians court houses can be described as an open and undifferentiated spatial system – building as a whole, opposite to an enclosed and differentiated system – the courtroom itself.

It seems that the Brazilian court houses combine certain level of informality, a relevant character of Brazilian society, with a strong sense of formality within the courtrooms, as a strategy to reinforce the most complex ceremonial act of the institution, albeit with the risk of jeopardizing the correct application of the law.

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