



Redefining Legal Spaces : *Designing a House of Mediation in Berlin.*

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Content

| | | |
|----|------------------------------|------|
| 1. | Introduction | p.3 |
| 2. | Problem statement | p.4 |
| 3. | Research question | p.5 |
| 4. | Theoretical Framework | p.7 |
| 5. | Research Method | p.8 |
| 6. | Design brief | p.9 |
| | 3.1 Research question | |
| | 3.2 Program | |
| | 3.3 Client | p.11 |
| | 3.4 Location | |
| 7. | Bibliography | |

Image 1. 1945, POTSDAM CONFERENCE ON THE FUTURE OF GERMANY AND EUROPE AFTER WORLD WAR 2. LOCATION: CECILIENHOF.



1. Introduction

This thesis delves into the intricacies of designing a courthouse in Berlin, aiming to address current and future challenges within the German legal system, as well as reimagining traditional courthouse design.

In Germany, public trust in institutional organizations and the government has witnessed a considerable decline. According to a DW survey, 25% express concern about the actions of politicians and the government. The introduction of the Hartz IV law, involving cutbacks in unemployment benefits, exemplifies one of the reasons for this mistrust. Germany's highest court recognized the insufficiency of welfare benefits (Arbeitslosengeld II), particularly for families with children. Similar governmental scandals, such as the 'allowance affair' in the Netherlands, have fueled citizen distrust in government and legal systems.

One contributing factor to this erosion of trust is the inaccessibility of judicial help and the legal system. Legal representation by attorneys is prohibitively expensive, averaging around 250 euros per hour ([Source] (faire-integration.de)). Additionally, the current legal systems face immense pressure due to a shortage of judges and judicial staff, resulting in an alarming backlog of cases. Germany, for eight consecutive years, holds the unfortunate record of the highest number of pending cases, with 400,000 cases yet to be opened ([EEUA, European, EASO Data](source)). This backlog is a direct consequence of the understaffed judicial system.

To alleviate the strain on the existing legal system and to enhance its accessibility, affordability, and comprehensibility, a shift towards mediation emerges as a potential solution. Mediation offers significant advantages, such as being more cost-effective. According to R. Lalanne, a typical case negotiated using a mediator may cost around \$6,000.00, in stark contrast to the potential cost of over \$35,000.00 for litigation, assuming both mediator and attorneys bill at \$250.00 per hour.

Mediation is not only cost-effective but also holds the promise of being swift, efficient, and operates in a voluntary and cooperative manner. Thus, the proposal pivots from designing a traditional courthouse to conceptualizing a 'House of Mediation.' By prioritizing mediation over adversarial trial settings, this innovative approach aims to make the legal process more accessible to the public.

2. Problem statement

In crafting the design for a House of Mediation, several essential questions must guide the architect. Who is the intended audience for this building? What types of cases will be accommodated? What constitutes an ideal mediation space? How should individuals be positioned in relation to each other during mediation sessions? What are the stages of a mediation process? Addressing these questions is vital to the successful design of a House of Mediation.

3. Research question

Main Research Question

The primary focus of this research is to explore how different mediation processes can be positively influenced by thoughtful space planning and the incorporation of auxiliary spaces?

Sub-questions

1. What role does an auxiliary space play in facilitating a mediation process?
2. How can spatial planning be employed to exert a positive influence on the mediation process?
3. What do professionals recommend in designing a space for mediation?

4. Theoretical Framework

The creation of an effective space for conflict resolution within a “house of mediation” relies heavily on a robust theoretical framework. This framework, shaped by insights from three key sources, aims to illuminate the intricacies of the mediation process, guide the establishment of a conducive mediation environment, and delineate the types of cases best suited for mediation. Through the synthesis of these sources, architects gain a comprehensive understanding of the theoretical underpinnings essential for successfully designing a “house of mediation.”

At the core of this theoretical framework is “The Case for Mediation: The Things that Mediators Should be Learning and Doing” by Carrie Menkel-Meadow from the University of California, School of Law. This paper not only intricately details the mediation process but also imparts valuable insights to designers, offering a nuanced perspective on setting up the mediation process and the spatial requirements crucial for architects involved in the design process.

Augmenting this, “Conflict Resolution and the Interior Built Environment: Design Considerations for Consensus Building” by Anthony Purvis from the Florida State University Libraries delves into the often-overlooked realm of designing mediation spaces. This research comprehensively explores twelve interior design topics, with a specific focus on space planning and auxiliary spaces. These elements hold particular importance due to their direct architectural implications, providing a comprehensive guide for architects aspiring to design mediation spaces that foster collaboration.

The final piece in this trinity of sources, “Architecture, Emotion, and Conflict Resolution: The Power of Space in Developing or Obstructing Human Identity” by Peren Sabuncu from Nova Southeastern University, propels the discussion into the emotional dimension of conflict within built environments. This research not only redefines the concept of conflict within architectural contexts but also unpacks the intricate relationship between architecture, emotions, and conflict resolution. By analysing data through content analysis and surveys, the research identifies crucial themes, including the societal implications of space, the embodiment of human needs and rights, the power dynamics inherent in spaces, and the neurological and cognitive factors influencing the relationship between nature and the built environment.

In conclusion, this theoretical framework amalgamates insights from diverse yet interconnected sources, creating a comprehensive foundation for architects tasked with designing a “house of mediation.” Through a nuanced understanding of the mediation process, interior design considerations, and the emotional dynamics of architectural spaces, architects are equipped to forge environments that transcend mere physical structures. These spaces become transformative arenas where conflict resolution is not only facilitated but also influenced by the power, design, and emotions embedded in the very fabric of the built environment.

5. Theoretical Framework

Qualitative research forms the backbone of our methodology, drawing insights from articles referenced in the theoretical framework. Observations during site visits to existing courthouses and mediation spaces enrich our understanding. Furthermore, interviews with judges, mediators, and specialists provide invaluable advice from seasoned professionals.

Program

Given the absence of existing “houses of mediation,” reference projects are scarce. Consequently, this research delves into existing courthouses to analyse measurements and floor areas, adapting insights for the unique requirements of a “house of mediation.” Notably, although courtrooms are absent in such a setting, they offer a blueprint for potential transformation into mediation rooms.

Client

Understanding the potential client involves qualitative research within the German legal system. Stakeholders are identified by exploring individuals seeking mediation processes, offering insights into their needs and expectations.

Location

A combined qualitative and quantitative approach informs the selection of a suitable location. The quantitative aspect utilizes tools like Google Earth to identify potential spots, supplemented by maps providing detailed information. For a richer understanding, a qualitative on-site visit to Berlin explores the real-life characteristics of potential locations, capturing the essence of the surroundings, the local ambiance, and the community dynamics.

In summary, this comprehensive research methodology aims to weave together theoretical insights, practical observations, professional perspectives, and real-world considerations. By adopting a multidimensional approach, we strive to develop a nuanced understanding of the complex elements involved in designing a space for conflict resolution within the context of a “house of mediation.”

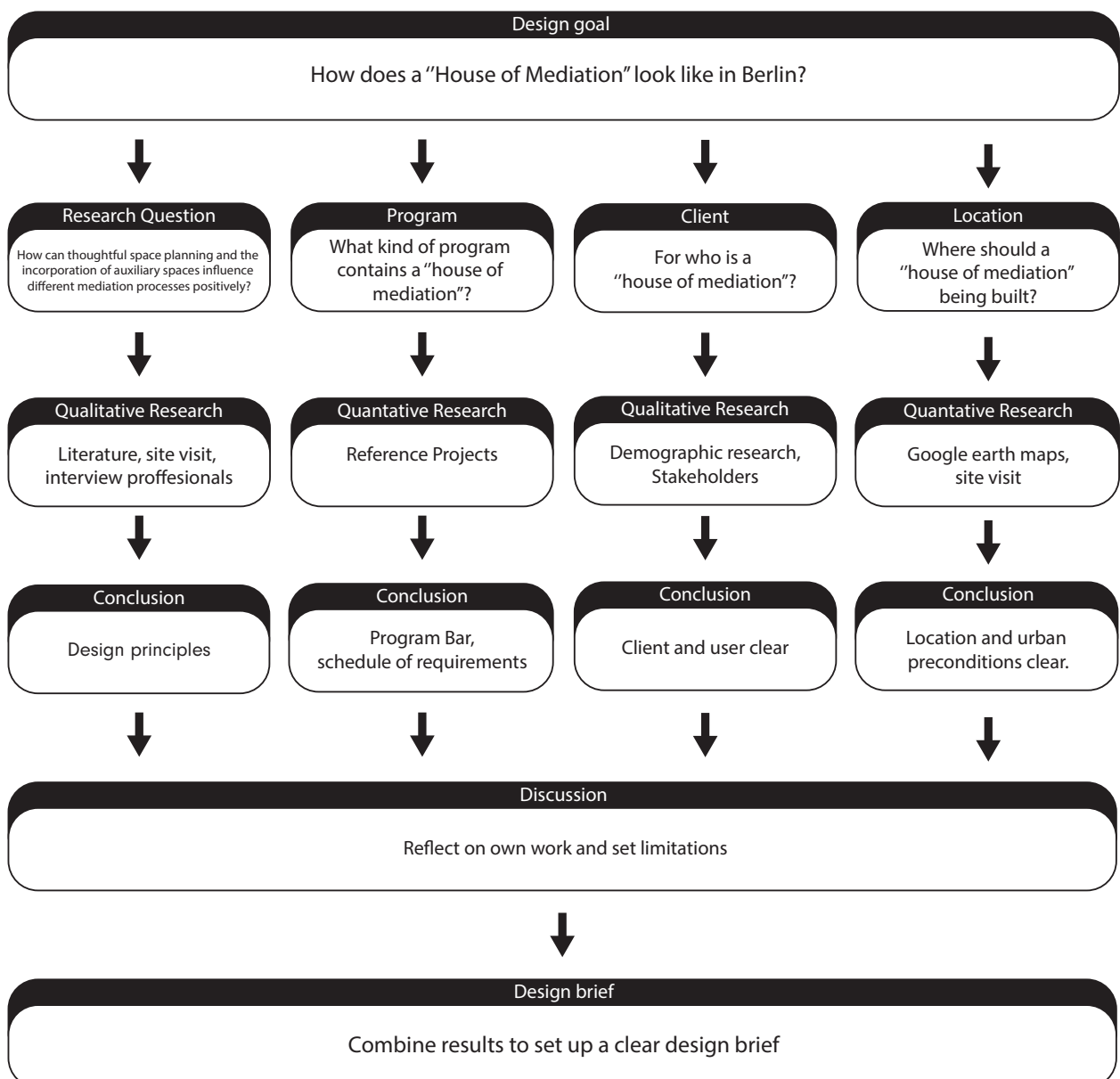


Figure 1. Diagram of research method

6. Design Brief (DRAFT)

The culmination of the findings from the four facets of this research, aimed at designing a “House of Mediation” in Berlin, will culminate in a comprehensive and robust conclusion. This conclusion is anticipated to yield refined design principles emanating from the core research question, a meticulously detailed program framework, a well-defined client profile, and user persona, along with a logically chosen location that considers urban preconditions.

6.1 Research question

It is anticipated that the exploration of how spatial planning and auxiliary spaces positively impact a mediation process will unveil distinctive design principles. These principles are expected to be tailored according to the specific characteristics of each type of mediation process.



Figure 2. Example of possible design principles

6.2 Program

Possible program bar

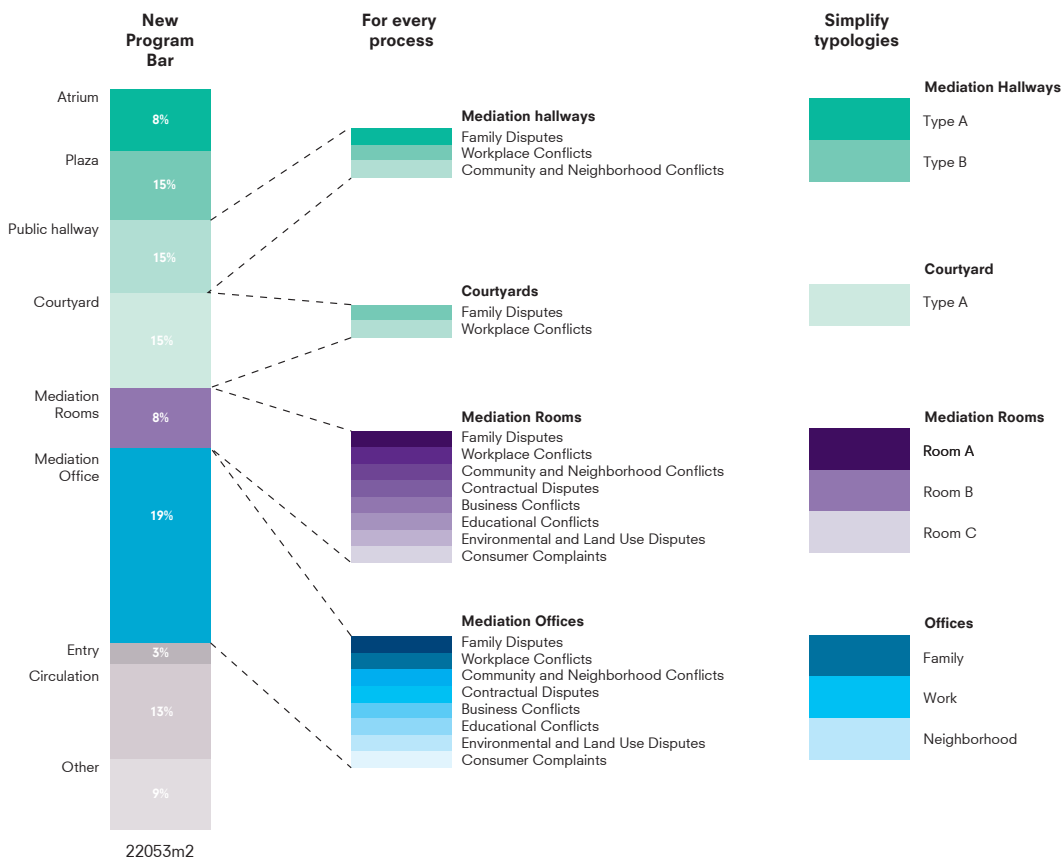
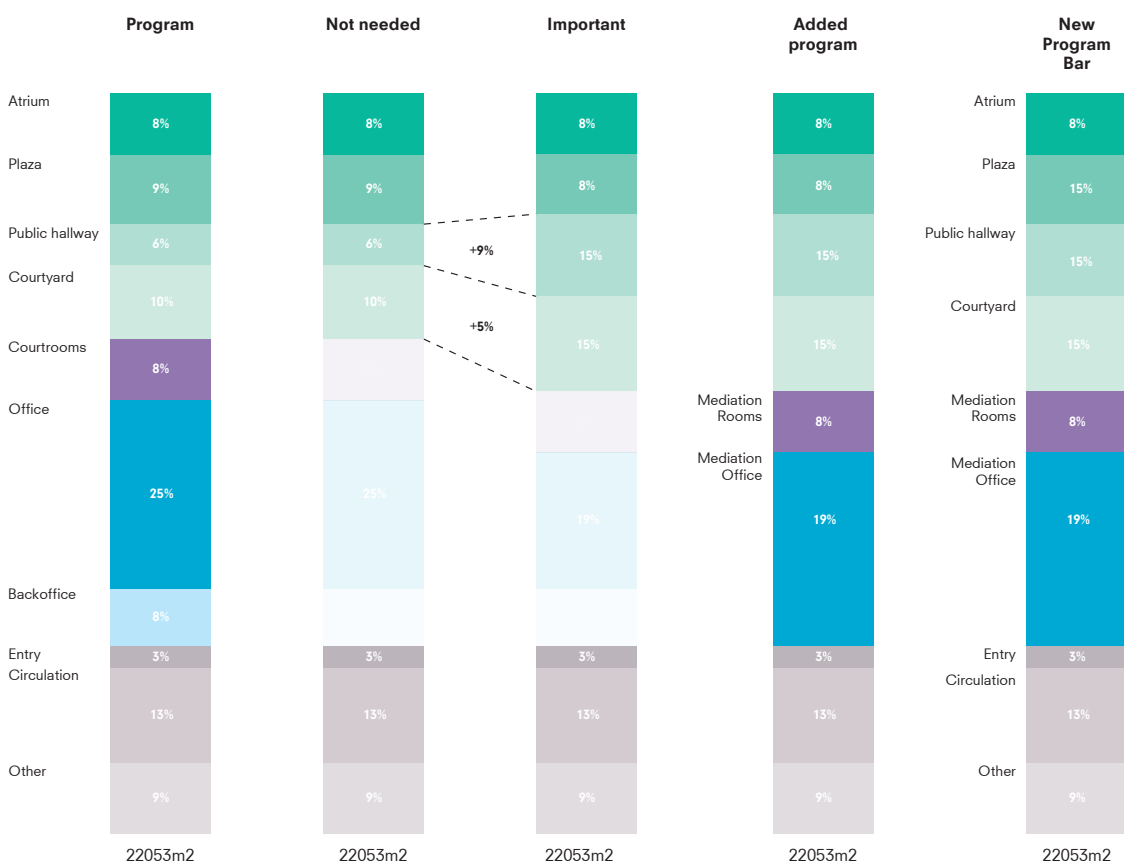


Figure 3. Draft version of program bar

6.3 Client

Possible clients and users



Citizens



Laywers/Attorneys



Die
Bundesregierung



BUNDESGERICHTSHOF

Figure 4. Possible outcome client and user.

6.4 Location

Possible location, urban requirements missing.



7. Bibliography

Architecture, Emotion, and Conflict Resolution: The Power of Space in Developing or Obstructing Human Identity. (2019). [PhD]. Nova Southeastern University.

Menkel-Meadow, C. (2016). The Case for Mediation: The Things that Mediators Should be Learning and Doing [Research Paper]. University of California, Irvine ~ School of Law Georgetown Law Center.

Purvis, a. (2012). Conflict Resolution and the Interior Built Environment: Design Considerations for Consensus Building [Electronic Theses, Treatises and Dissertations]. Florida State University Libraries.



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