

the forensic precinct notes on the public address of law

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‘[T]he quarter where lawyers most do congregate’ in 1863 was Collins Street, Melbourne (Victorian Legislative Assembly 1863). The subsequent construction of the Law Courts building (1884), and the nearby High Court building (1928), moved the focal point onto William Street but kept the orientation towards the Collins Street end. In the last twenty five years, however, old courts have been shifted, new courts have been built, law offices and educational institutions have gathered. In a material sense, the landscape of law has been reconstructed and transformed. We are accustomed to think of the places of law in terms of its courts, tribunals, chambers and allied professional offices. Yet what has come into view in the City of Melbourne is a new legal place. It is now routinely referred to as ‘the Melbourne legal precinct’. In this place, laws take place not only in relation to the building of courts and the occupation of varied professional legal associations; they are also generated by the conduct, representation and form of the precinct itself.

This photo-essay is a contribution to the renewal of a jurisprudence of the places of law in contemporary Australia. The visual and juridical drama of legal precincts has much to tell us about the ways in which lives lived with law are given shape and themselves shape the responses to changing social, cultural and political conditions. A forensic precinct constructs a concentrated force of community, a modality of entrances

and exits, a complicity of bindings and interiorities. Law is not only quartered, it becomes a precinct – a material signifier of professional belonging, an administrative centre and governmental ordering, as well as a tourist destination and place to visit on weekends. A new place and a new habitus, enfolding the courts and the city, *urbs* and *civitas*.

Over the course of some two years now, I have conducted a visual and graphic ethnography of the Melbourne legal precinct. This has involved weekly visits to the precinct. The initial decision was to find a point of entry. The number 11 tram brought me in along Collins Street, Flagstaff train station disgorged me under the Commonwealth Court building, walking up the slope of Lonsdale Street from Queen Street provided other points of ingress. William Street and its courts exercised a radiating force of attraction, but once *within* the precinct, the task was to wander through the lanes, courts, alleys, following their often dog-legged routes and occasional dead-ends. The bus shelter to the side of the County Court forecourt provided an observation point, as did the occasional bench with or without the defensive design warding off skateboarders. These photos and notes emerge out of an ambulatory practice that has retraced, and offers up an account of, the thresholds, layout and interiority of the precinct within which laws emerge, subside and take form.

The photography and observational notes, image and word, accumulate in tandem. The photo series is not intended as a documentary record of the precinct. Nor are they the products of the reflexivity of the ethnographer. Rather, they are constructed here as an experiment in the form and style of writing law and jurisprudence. I take my time and build my case (Goodrich 2016: 27). The writing is similarly experimental. It has two parts. The initial part gives an introduction that situates both the research project and the emergence of the place of the precinct in Australia. The latter part engages with the photos in segments: its form is occasionally propositional, although more in the rhetorical manner of a topic sentence. It is often descriptive, but in a style that works by juxtaposition and accumulation, the texture of a scribal practice. And at least in relation to the images, the writing

does not so much illustrate as proceed by indirection: taking off from the photographic archive, reconstructing the bustle of discursive and other practices that unfurl across the precinct, all the while annotating what is both legible and invisible in the photographs. Placed together, word and image form an essay, an attempt, unsure of its success but trusting that it will find its readers.

1 baggage handling

Legal precincts are a novel feature of the contemporary legal landscape. Mooted initially in the 1980s in Canberra and the 1990s in Melbourne, they have taken root in various locations in Australia, and especially in its capital cities. Some less successfully than others. In Adelaide, formal plans to create a new precinct were shelved on financial and other grounds in the middle of 2015 but there's still a court precinct. In addition to the more recent Parramatta Justice precinct out west, Sydney's primary legal precinct is sandwiched between Phillip and Macquarie Streets, stoppered at each end by St James Church and the Reserve Bank respectively. At least this is where many of the law courts are quartered. Its boundaries are more extensive: the courts simply provide the easternmost point of the forensic precinct. The legal profession congregates as far west as George Street, up to Bridge St in the north, and Market Street in the south, with many of the main firms congregating around Martin Place in the middle. Here, the courts and the profession exist in a tensed spatial relationship, a form of stasis. There are also outliers in the new Barangaroo precinct in the northwest of the CBD and in the Haymarket area, the latter centred around the Downing Court complex.

The emergence of the forensic precinct was initially associated with building contemporary courts that would reflect Australian values. In the 1980s, the High Court of Australia and the National Gallery of Australia were designed and built together as a precinct in Canberra; the High Court is now listed on the heritage register as exemplary of a 'Late Brutalist Style'. In a similar vein, but more recently, the Queen Elizabeth II Courts of Law building in Brisbane has been represented

as making ‘a positive contribution to the urban realm of the city’ as well as shaping its civic and pedestrian axes (Architectus 2012). In the 1990s, the Commonwealth Law Courts building in Melbourne, according to the project details by Hassell Studio, ‘was the first manifestation of a progressive vision for the court buildings of Australia’. Balancing functionality and symbolic requirements, it was ‘to physically express Australian culture and values’ (Hassell Studio 1998). Chief Justice Michael Black, perhaps the most important judicial figure in the design of contemporary courts, elaborated the vision for the Commonwealth Law Courts building:

In Australia, courthouses have often reflected the classical ideals of government architects, including the sovereignty of the Crown and the authority - even the majesty - of the law. They have also reflected, with one or two exceptions, the colonial inability - whether financial or emotional in origin - to come to terms with large interior spaces. Many of the older courthouses, although fine works in themselves, have had no distinctive Australian element. Others have, but not of the Australia of today. Those buildings were constructed in times when the authority of the courts, derived from the British crown, was unquestioned, and when the judicial officer was an object of reverence by reason of the fact that he and it was always he then - was a judicial officer. Australian courthouses in the past rarely reflected concern for the comfort of the public or its access to justice. ... We wanted to create a courthouse that reflected the place of law in a free society. The courthouse had to be functionally efficient, but it also had to have an ambience reflecting an openness and friendliness of use. It had to reflect light as well as concepts of reconciliation and calm. It was to be dignified but it was not to be intimidating and certainly not pretentious. It was to have a visible relationship with the outside world, a sense of permanence, and it was to be Australian in concept and materials (Black 1999: 4).

The building of new courts was not the only impetus for the emergence and form of legal precincts. To be sure, such building has been important in the formation of a legal habitus. Yet it has coincided with the dominance of precincts in the reconstruction of the contemporary city. The town planning practices of local councils

create distinctive zones which then shape future decisions about the development of the localities within which they are placed: the Lygon Street precinct, the Greek precinct, the entertainment areas in Brunswick Street, Fitzroy and elsewhere. Perhaps we should note that for Walter Benjamin to speak of “city districts” (*Stadtteile*) is odious to me’, preferring instead the term *quartier* (Benjamin 1995: 516). Yet this process now also takes place at state and national levels of government: the long term visions of Infrastructure authorities, as well as the Smart Cities Plan of the Federal government. Precincts have become a technique for ordering urban and civic traditions of municipalities, directing the commercial and cultural life of a city as well as a nation. Similarly, in 2010, Victoria Police reconstructed its governance of urban spaces in the Melbourne municipality around 38 areas henceforth to be named as ‘police precincts’. It did so under the banner of ‘Melbourne Precinct Policing – local policing for local people’ (Victoria Police 2016). The Melbourne legal precinct is dissected by and provides the palimpsest for four police precincts (numbers three to six). The legal precinct also provides a force of attraction for the community of the legal profession: as remarked by Chief Justice Michael Black, the concentration of the profession has built new collegial and working relationships within and between the various segments of the profession. This has included links between law schools and the profession: Monash, La Trobe, Southern Cross and Victoria Universities have built campuses in the legal precinct.

Speaking at the opening of the Lonsdale Street chambers of Monash Law School in 2011, Marilyn Warren, Chief Justice of the Victorian Supreme Court, brought the ceremony to a crescendo by remarking that ‘the new law chambers contribute significantly to realigning the focus of Melbourne as a significant centre for litigation and the development of learning of the law’ (2012: 5). The demographic axis of the Melbourne CBD may have shifted east, Warren CJ noted, but the business centre remains the centre with ‘its legal spine along William Street and its financial spine along Collins Street’ (2012: 4). The image is initially skeletal: spinal, without much volume or mass. The materiality of the places and the extent of the precinct itself appear

only in response to the benefits of co-location along the spine, a process of what economists call *agglomeration*: ‘job clusters – concentrated areas of economic activity – foster access to employees, suppliers, and customers while providing economies of scale’ (Department of Prime Minister and Cabinet 2016: 6). Ludlows supply legal wear and attire; cafes with names taken from a legal idiom provide the goods and services of consumption; Law in Order caters to the legal need for filing and storage boxes, as well as specialised litigation support for the law community in the technological age; car parks proliferate in the back lanes, sometimes with heritage maintained facades; Flagstaff train station, the last of the underground City Loop stations to open, handles some 4.5 million weekday entrances and exits annually beneath the Commonwealth Law Courts Building and in 2016 began opening on weekends (Public Transport Victoria 2015); buses stop outside the County Court.

Co-location, agglomeration, congregation, clusters. The area of the precinct is not only a gathering of people and services, but also a matter of specific features standing up and out. The dome of the Supreme Court dominates the vertical and horizontal landscape. Chief Justice Warren is exemplary of one vision of the forensic precinct:

The legal precinct in Melbourne is unique. We find all the jurisdictions clustered together along and across William Street ... In the Melbourne legal precinct we have the dominant feature of the Supreme Court building, the County Court and Magistrates’ Court buildings, together with the Commonwealth Law Courts abutted or encircled by barristers’ chambers, lawyers’ offices, Victoria Legal Aid, the Office of Public Prosecutions, institutions such as the Judicial College of Victoria, the Sentencing Advisory Council, the Victorian Law Foundation, the Legal Services Commission and the William Cooper Justice Centre. ... Indeed almost all aspects of the law are strongly represented in this precinct (2012: 5).

She is not alone in placing the Supreme Court at the radiating centre of the precinct and its representation. In 2005, the Victorian Government released extensive plans for rejuvenating the legal precinct. This was to include ‘the first wholesale upgrade of the interior’ of

the Supreme Court in its history. Ten years later the plans had been amended many times, without wholesale renovation (Smith 2016: 43-4). In May 2016, the Supreme Court remains a centrepiece of the renewal of the precinct: in an options paper by Infrastructure Victoria, amongst a range of law, order and justice options for further development, is a 'Justice Court CBD legal precinct' which requires attention to 'a number of areas that have arisen as priorities for the CBD precinct including a new or redeveloped Supreme Court of Victoria' (Infrastructure Victoria 2016: 70).

The Melbourne legal precinct is situated at the western edge of the CBD and the Hoddle grid. Its layout is often presented as emanating from the intersection of William and Lonsdale Streets. Its four corners are now occupied by courts. The Supreme Court building (1884) occupies one corner, although its courts have various residences within the precinct. On another, the William Cooper Justice Centre (2010), where once the County Court conducted its work. On a third is the Magistrates' Court (1994), and on the last corner is the new County Court (2002). These courts, at varying levels in the Victorian court hierarchy, collectively anchor the precinct and distribute the layout of the area and its jurisdiction. It is a not uncommon image of the authority of law as sovereign: the courts occupy the centre, the centre is the apex of the precinct's area, and laws radiate out, extending across the remainder of the precinct, the city and the state.

Yet this way of laying out the precinct misses what is distinctive about what we have only recently come to call the legal precinct. One of the paradoxical effects of their emergence is that the forensic precinct, I suggest, has *displaced* the image of the sovereign place of law. Consider the boundaries of the Melbourne legal precinct. It is hedged in by Collins Street to the south, La Trobe Street to the north, to the east by Queen Street, and at the western end by King Street. The precinct, in effect, has a quadrilateral form. Its layout is not given shape by reference to an apex (the dome of the Supreme Court) or radiating centre (the intersection that bisects), but rather by reference to its margins. It's not as if one simply arrives at the centre; rather borders need to be broached.

Intersections are occupied; thresholds are crossed. The forensic precinct is home to an ambulatory practice, deterritorialised, rather than the radiating lines and spines of the court's territory. And what comes into view is the margins, thresholds, forecourts and byways that mark out another scene. There are no trees in the laneways.

2 forms of legal life

Rather than a multiplication of sites held in place and *en masse* by the Supreme Court on the William Street spine, there is a plurality of jurisdictions held in place by the quadrilateral form of the precinct, its thresholds and passageways, its congregations and those passing through, the sedentary and the ambulatory. In short, its *material commotion*. Commonwealth laws on the threshold with Flagstaff Gardens, state laws at a crossroads and abutting the commercial spine in the south, to the west a descent into the men's clubs of King Street, and all of these cross-hatched by the police precincts of the Melbourne municipality. Not to mention the country of the indigenous elders past and present, which undergirds the city grid (Rush 2002). And which is parsimoniously recorded in the name of the William Cooper Justice Centre, on the plaque in the County Court, and the Barak Room in the Supreme Court. But whichever technique is fit for your purpose – a sovereignty that is apical and radiating pulse-like or ambulatory networks of laneways and sidestreets – the legal precinct itself has given shape to the new design of legal buildings, formed another dwelling place and articulated a different ethos for contemporary Australian laws in changing conditions. And this is so, irrespective of the various scales at which these laws conduct themselves – national, state, city, urban, indigenous, judicial, administrative and governmental, professional, parliament and police. Enfolded by jurisdictions, one is always already on the threshold of a forensic precinct.



the forensic precinct



There is a laneway, although I'm not sure that anyone has paid much attention to it. I certainly gave it no heed. I had been traversing the streets, courtyards and pathways for some two years in a more or less comprehensive manner as part of a visual and graphic ethnography of the legal precinct, and only came across it as I made one more visit to this Melbourne legal precinct before putting this photo-essay to rest. The laneway has a name, many don't: Barry La is what the sign says now (it went by the name of Tankards Place in 1895, and housed The Shamrock Hotel). It's a blue sign, as has become the convention over the last few years for the City of Melbourne. Next to the words, a eucalypt leaf is sketched overlapping the block letter M. 'At the best of times', the Morbius Glass blog opines, Barry Lane 'is a creepy little laneway, it's got odd angles. Hardly anyone walks down it'. The laneway sits behind the William Street site of the Supreme Court of Victoria, and runs between Lonsdale and Little Bourke Streets, with the cafes and shops and law chambers and offices of the eastern boundary of the precinct backing onto it. The entry on the website eMelbourne: The City Past and Present notes that it 'contains a car park, and offers little pedestrian amenity'. It wouldn't score high on a liveability index.

Feminine figures mark the entrance and exit at each end of Barry Lane. I imagine they are goddesses, figures of justice. At one end, a paste-up by Suki, a street artist working with body printing and linocut techniques. The pictorial field is built on thin, human-sized paper which is then glued onto walls, a gallery of the inner precinct. It's reminiscent of the technique of pouncing used in preparatory drawings for Renaissance frescos to outline the figures before painting. Suki says, in an interview with *Invurt*, 'chances are that tomorrow when we wake up someone will have brought something new and beautiful to add to the collective artwork that lines our streets' (Leah 2011). The selection of the location is considered: it is far enough into the lane that it can't be seen from the street; you have to be in the lane to view; the wall is partly bluestone but the place where it is pasted is an alcove that has been bricked in. You can almost feel the texture of the red bricks behind the pasted paper. The flattened alcove enframes the work. It's an image of a woman with a pitcher raised above her head from which

water gushes and runs down her hair and back in faint blue rivulets.

You can also enter or exit the lane from the other end. On that corner with Lonsdale Street, a basement shop called Wunderkammer promises all sorts of ‘Scientific Curiosities, Artefacts and Ephemera’. It descends from the street. Within, you can see *objets d’art* bathed by an eerie glow. There are two figurines staring through the window onto the laneway. The smaller one is a skeleton, which Albinus took as the ‘basis or foundation’ to build his anatomical figures in the 18th century. The larger one, which drew my attention, is Justitia. She stands, like the skeleton, but full bodied. The black folds of her dress drapes and displays her burnished copper body. Her left hand holds aloft a sizeable set of scales. In the other rests a sword, more an ornament for an upright *nomos* than a cruel instrument. A symbol of legal justice, like the more recent addition to the facade of the nearby County Court, she is blindfolded. ‘The standard explanation of the blindfold’, Costas Douzinas and Ronnie Warrington note, ‘is that for Justice to be impartial and impersonal, she should not be able to see those she judges’. They elaborate:

The law should be declared and the wrongdoers punished without fear, prejudice or any consideration for charity, pity or the individual characteristics of the litigant. The judgment of Justice must not be corrupted by the senses and must be discovered within herself, in her bosom (1994: 154).

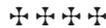
So much for the story of the rule of law. Yet it’s not so clear-cut. Like the law of rules, though, the addition of the blindfold is relatively modern. And where there is history, there is also allegory. Douzinas and Warrington recall that

Until the sixteenth century, hundreds of images have justice with open eyes and without its cruel implements. Furthermore, the late addition of blindfold is not without its ambiguity. A blind justice may be an uninformed, uncaring, unjust justice who, as Thrasymachos argued, can be hoodwinked by the wealthy and powerful. Indeed, it can be argued that the initial motivation behind the blindfold was critical; the addition coincided broadly with the creation of centralised legal and

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judicial systems throughout Europe and it may have indicated to some the removal of the local and caring character of old law and Justice's subsequent inability to see the truth....It could be argued that the blindfold was added as a complaint by early modern art, as a reminder of the blindness of justice and request for its removal (1994: 155).

Just up the road from Barry Lane, a seated Lady Law holding her book, draped in a similar manner to the Wunderkammer figurine, but with eyes open. Above the entrance to the Supreme Court on William Street, a bronze Lady Justice also sits; she looks straight ahead, one hand on her knee, the other resting on a sword. The original was taken down in 1967 and replaced with a smaller bronze replica. Unlike the figurine in the Wunderkammer shop, there's no blindfold. Its absence is often credited to Redmond Barry. This justice sees what is done in her name.



The light-filled atria of the interiors of the County Court, as much as its exterior joins, reference Melbourne's laneways. Such intertexts aside, the public life of the forensic precinct is not so much a reflection of the court buildings, as the eddy of places and byways in-between. The judicial, governmental and critical discourse that speaks of court architecture as the symbolic expression of legitimacy grinds to a halt with the precinct (cf Resnik and Curtis 2011). It promises to bring the city to the court, to make the courts transparent, to open the gothic castles of Blackstone's common law to the justice of light and glass, to call for community consultation and participation. Civitas rejoins the urbs, dwelling and building. Such an account remains with the spines of streets and the clean lines where the courts take their seat. But what takes place to the side of the courts? Alongside. In-between. The middle ground, so to speak. On the threshold, in the folds and material commotion of the lanes, alleys, courtyards, forecourts, streets.

Students from a private school are on a school excursion. They're wearing blazers. 'Which one's newer?' and the group rifles through notebook and exercise sheets. Occasional police and protective service officers also have uniforms, in yellow and in blue. They move in twos mostly, neither walking with a purpose, going somewhere, nor standing,



but waiting in motion. *Ambling*. Buses decelerate: the sign outside the County Court says they'll get you to Mitcham, Pines SC, Warrandyte Bridge, Caroline Springs, Sunshine West, City. Vehicles of every kind, cars, trams, bikes (on one, regularly left outside the forecourt of the Commonwealth Law Court building, a placard announces: 'Jesus Died For Our Sins And Rose Again'). The ubiquitous suitcase on wheels. The



insistent punctual sound at the crossroad lights. Out the back of the Children's Court Clinic the click clack of security doors electronically opening and closing for people with swipe cards. Papers, folders, held in the crook of a lawyer's arms. Always papers, buff-coloured folders, red ringbinders. Twos and threes standing around: this is a forum and gathering, *without an air of anticipation*. A gaggle of barristers pass by in black and white, wearing wigs and jabots, gowns and bar jackets.



Inside the Supreme Court the case between the Fertility Control Clinic in East Melbourne and the Melbourne City Council is being argued (*Fertility Control Clinic v Melbourne City Council*). Outside the Magistrates' Court, people collect, standing on the footpath, sitting on steps. The entrance is recessed and dim, but there's not much room

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to gather. Others approach the entrance diagonally up the steps. A cleaner with scoop and broom repeatedly picks up rubbish. People huddle, cigarettes in the cold. At the door is a stark 'weapons detection procedure' sign (the County Court's condition of entry is more muted; it blends into the surface of the wall beside its revolving doors). The trees are pretty bare now. There are no trees in the laneways. Workmen repair air-conditioning units on exterior walls; coffee is collected from a cubbyhole cafe; men walking through definitely on the way to somewhere, a clerk in a jacket is having a cigarette, a young woman checks her phone while having coffee. 'The ballet of the good city', says Jane Jacobs, 'never repeats itself from place to place, and in any one place it is always replete with new observations' (1992: 50).

Alcoves are hybrid and plural places. Dotted throughout the precinct, they are mostly located in the laneways. The Suki paste-up



works with the reconstructed alcove to provide a frame for the paste-up. Often, an alcove remains an inset doorway, an enclosed threshold,

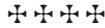
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not yet a walkway, not yet the backdoor of a building. Like the chancel at the entrance to the Supreme Court of Victoria, now repurposed for security processing. Sometimes, alcoves are resting places, gathering the detritus captured by flurries of air. Not all are lit, let alone lit in blue.

It was the blue lighting that I didn't understand. This one's in an alley at the back of the William Cooper Justice Centre. I had been steering clear of the William Street spine and its straight lines; instead systematically tacking back and forth through the precinct to its west. DO NOT IDLE VEHICLES IN LANEWAY.







Two sentences or one? A police officer exits from the door as I'm finishing taking photographs. We are both taken aback. This is interpellation, doubled. 'Are you alright?', he asks but it's not really a question. 'Just wandering around; I'm interested in the blue light'. He turns and looks behind as if he hadn't noticed the colour. 'Orright', but I hadn't asked permission; he walks away. I manage to get out: 'Is that for preventing drug use?'. He pauses. 'Yeah', in clipped tone, and continues on his way, under the archway, past the courtyard onto barrister's chambers and clerk's offices. DO NOT IDLE. VEHICLES IN LANEWAY.

Taxis, trams, buses, a truck emblazoned with a company logo. Innumerable paddy wagons: they occupy the parking spaces in the middle of Lonsdale Street, they're dotted in the laneways that wind between the main courts. Prison vans entering the gated laneway at the back of the Supreme Court are instantly recognisable from the numerous media reports by crime reporters. A bank of prison vans – taking prisoners to and from court – congregate down the side of the Magistrates' Court, amidst the chiaroscuro of air and light and surface and slope.

A ruling by Justice Bongiorno in the *Benbrika* case, the first Victorian case in the current criminalisation of terrorism, tells us a bit about the experience of the prison vans. The ruling (*R v Benbrika & Ors (Ruling No 20)*) concerns the impact of the conditions of incarceration, and of the transport between HM Prison Barwon and court, on the fairness of the trial. Responding to a remarkable obligation, Justice Bongiorno had entered the vans: 'At the end of the evidence I inspected the vans in which the accused are transported to court. I sat in the accuseds' seats with the door closed as well as open' (2008: [70]).

He narrated the evidence presented in court. 'Two vehicles are used to bring the accused to court, a large van with a capacity for about 20 prisoners and a smaller van which holds six. At about 6.50 am the process of loading the vans commences. This process includes a strip search of each accused, his change into clothes for court from

his prison clothes, his being handcuffed and shackled and then being placed in the van. The handcuffs are connected to a waist belt and the shackles are chains which restrain the legs. The whole process takes about an hour, for some of which time some of the accused are seated in the van waiting for others.

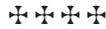
‘The trip to court takes between about 65 minutes and 80 minutes although the volume of traffic, particularly on the West Gate Bridge, can extend the travelling time on some days by a considerable amount. Upon arrival at court, between about 8.50 am and 9.30 am, the accused are placed in cells in the court custody area until required to go to the courtroom. They have their restraints removed when they alight from the van. The loading of the vans takes place in a locked garage (called a sally port) accessible directly from the Acacia Unit. On arrival at court unloading takes place in a similar sally port. At no time are the accused in other than a highly secured area’.

‘The vans in which the accused travel are divided into small box-like steel compartments with padded steel seats. Each compartment holds one or two prisoners apart from one section of the larger van which holds a number of people. The compartments are lit only by artificial light. They are air conditioned by a unit controlled by one of the prison officers who travels in the driver’s compartment. The accused are under video surveillance at all times whilst in the van by that prison officer. The door of each compartment opens only to the outside of the van and is kept securely locked from the outside when any prisoner is within. ... On the return trip from court the accused usually arrive at Barwon between about 6.00 pm and 7.00 pm. They are then given an evening meal and, since last month, they have been allowed to remain out of their cells until 9.00 pm when they are locked in for the night. Their cells contain a shower and toilet and a television set’. (2008: [33]–[35], [38]).

Justice Bongiorno was ‘satisfied that the evidence before the Court establishes that the accused in this case are currently being subjected to an unfair trial because of the whole of the circumstances in which they are being incarcerated at HM Prison Barwon and the circumstances in which they are being transported to and from court’ (2008: [91]).







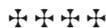
The precinct is a forensic practice in at least two respects. It is a form of public speech and a public forum, at once rhetorical and topographic. It has its visual idioms and histories, and the serendipitous accumulation of forms, techniques and events that emerge within and give it its mode of signifying.

The Supreme Court is built on the site of the first telegraph office in the southern hemisphere. Thoroughfares come with signs. Barry Lane. William Street. Lonsdale Street. Wicklow Lane. Temple Court Place. Amongst other things, a court is both a short street culminating in a *cul de sac* and a building where legal argument takes place. New Chancery Lane. Private Lane. No Through Road. Names on signs pun. Double entendres, good and bad, reference the idioms of common law. The Common, Legal Precinct's Precedence, Kinship & Co. Segments of the text of the Commonwealth Constitution are etched in capital letters on the windows of the Commonwealth Law Courts building. Some at street level, others extending up the building becoming illegible to the pedestrian. Buildings come with names, indexing a business within. Stawell Chambers. Supreme Court Court of Appeal. Children's Court Clinic. Southern Cross University Melbourne. Croxford Partners. Goldfingers. Department of Forensic Medicine, above the entrance to a Georgian Revival style red brick building. It's dilapidated; now vacant. In a courtyard linking Merritts Lane and Brown Alley, a blue plaque on the side adds some heritage: 'Cleve Bros Warehouse. This two storey bluestone warehouse was built in 1858 to a design by architect Leonard Terry. It formed part of the warehouse complex of Cleve Bros. Merchants which included the bluestone buildings on the corner of King Street. Seabrook Wine Merchants, the oldest wine wholesalers in Victoria, occupied the building from 1968 to 1979. In 1984, it was refurbished as Barristers' Chambers.'

Banners announce Law Week; elsewhere I recall I've seen a national flag. Melbourne means middle brook. Wayfinding maps and directional placards provide instances of the fingerpost pointing pedestrians to a shopping precinct, the Old Royal Mint Building, Southern Cross

Station, and further afield to the Yarra River. More traditional fingerposts are preserved in use within the Supreme Court directing the interior circulation of people. Official helvetica supplements the tags often found in alcoves. Kyle Magee was convicted for culture jamming advertising posters on the bus shelter outside the County Court: with white water-based paint, he painted over the glass that encased the posters (see <https://democraticmediaplease.net>). Magee was arrested by Victoria Police, convicted of criminal damage by Magistrate Mealy, and lost his appeal before Justice Kyrou in the Supreme Court (*Magee v Delaney*). The bus shelter is owned by the City of Melbourne; the advertising space is owned by Adshel; the County Court facility is owned and operated by the Liberty Group, a public-private partnership with the Victorian government.

Parking signs are both visual and wordy. No Standing, S put under erasure. Pedestrians use other footpath. Keep Clear. Goods Delivery. Safety Zone at a tram stop. No Smoking. Manholes, cable chambers, sewer holes, boundary markers, gratings, and other covers for access chambers punctuate the pavements with reminders of what courses underfoot. The insignia of public works: MMBW. VOCUS. Boundary Shaft. Access Covers Australia Sewer. Signal Faults 13 11 70. The accumulation of letters and sounds: alliteration, syllabants, plosives and consonance, the audio-visual noise that creates the atmospherics of the precinct. The novelist Gail Jones calls it 'the noisy encasement and mobilised intention' of a city (2006).



Infrastructure is the material culture of the modern state. Liveability and sustainability has become its watchwords in a flurry of reports, booklets, pamphlets, documents – many in the form of manifestos. *Places for People*, two reports commissioned by the City of Melbourne in 1994 and 2004, introduce the idiom. A liveable city is defined in 1994 as one in which large numbers of people engage in activities in public spaces, doing what they like to do rather than what they need to do (Gehls et al 1994: 13-15). A comparison in 2004 over the preceding decade emphasised 'a remarkable increase in public



life' and documented the ways in which the demand for liveability had been met. Sustainability was added as the key supplement that would now anchor that vision: 'Most literature on modern cities' the 2004 report summarises, 'focuses on encouraging the urban setting to minimise its impact on the environment in order to create places that endure. Melbourne is ideally placed to demonstrate its commitment to becoming a sustainable city consisting of interconnected communities and integrated, biologically diverse open spaces, and in so doing will increase its capacity to meet its lifelong needs' (Melbourne Council and Gehls Architects 2004: 67).

The duration and place of law has become an oft-mentioned component in the infrastructure of the city. Infrastructure Victoria – an independent statutory authority providing advice and guiding decision-

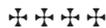




making on Victoria's infrastructure – is currently developing a thirty year strategy with spatial perspectives that include the cartography of crime and courts, law and justice. A Resilient Melbourne Strategy was endorsed by the City of Melbourne's Future Melbourne Committee in May 2016. It speaks of a 'justice, culture, civics' (2016: 137) which is itself part of an Infrastructure Strategy. Places Victoria, the Victoria Government's property development agency, situates precincts as a key part of 'urban renewal'. And as the Federal government's Smart Cities Plan puts it, when it advocates a 'human form' for the city, 'Our natural and built environments must be sustainable and liveable, with high quality public spaces that bring people together to exchange ideas and to build a sense of community' (Department of the Prime Minister and Cabinet 2016: 14).

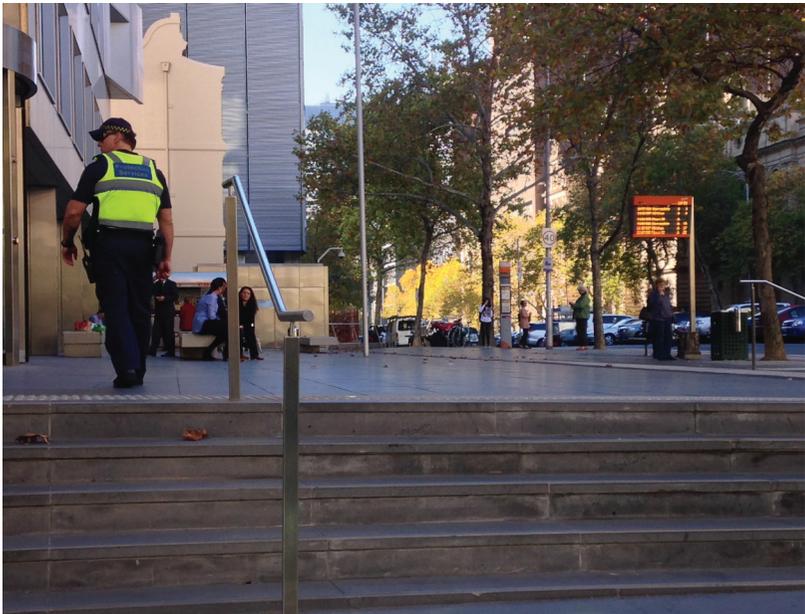
Public works provide infra-legal sites of intensity. Water, gas, electricity, telegraphy appear beneath the forensic prose of everyday precincts yet burst forth in the riverine quality of streets, in the gushing streams of water mains, in the overflow weir of downpipes and gutters. They give material form to the affective movement of the precinct. My photographic archive began to accumulate photos of surfaces: sidewalk paving, macadam roads, cambered bluestone with runoff channels, concrete, the patina that forms on the walls that line the lanes. Their juxtaposition of textures and of colours. Red bricks, sandstone, weathered wooden slabs, more bluestone.

Forensically – both rhetorically and topographically – stone is the precinct’s witness of time. The initial design brief for the Supreme Court specified rendered brickwork; masonry stone is chosen by a Board of Inquiry, and when the initial choice of stone ran out, another is chosen. Malmbury bluestone and Tasmanian freestone provide the footprint. By 1878 decay became evident and sections of the stonework were excised. Surfaces weather, rust, decay, corrode and peel away. A downpipe went nowhere, but nevertheless gave negative form to a smooth expanse of wall. In these superficial details of infrastructure – the circumstantial evidence of art history’s ornaments and law’s obiter – it is also possible to read the visceral lives of a forensic precinct. Like the handrails examined by Edward R Ford, ‘the autonomous detail often has an equally autonomous history, one that makes fewer allusions and associations to the total building and more to the world outside, to history, to other buildings’ (2012: 238).



In reconstructing a place for the forensic precinct in Australia and its jurisprudence, we began with plural images of its spatial authority. Buildings, layouts, thresholds signify. In transit through its interstices, we have encountered sticking points which detained us a little longer – persons and surfaces, various offices and officers, infrastructure, vans, artworks, signs, names and other modes of transport, both sedentary and ambulatory. These have made it possible to give an account which is attentive to the plural places and visceral experiences of what we

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have come to call the Melbourne legal precinct, and here the forensic precinct: a specific place and a form of life. What makes it possible to generalise the precinct beyond the courts has neither been its discursivity, nor its substance; but rather its mode of signifying. The forensic precinct becomes a public address of law. A last way in can be offered.

The forecourts of the precinct are various. The William Cooper Justice Centre, like the Children's Court, doesn't have one. It's simply a matter of stepping through a door or into a corridor raised above street level. Some forecourts, though, are expansive – such as the wide, windswept plaza of the raised platform that wraps around the front and side of the skyscraper at 140 William Street. Almost all are set back from the street and its public thoroughfares, often by recourse to steps or other transitional places. The forecourt of the Magistrates' Court is perhaps the most severe: raised steps in two levels and then quickly into the security entrance. At the County Court, it is more extensive: long on the side but narrow in its depth. How do you get into the facility?

It's not easy. The physical design of the transitional forecourt doesn't point the court attendee to the doorway. The revolving door is set in the wall at one corner end of the forecourt; it doesn't stand out. The portico above the entrance is visually disconnected from its doorway. In fact, that's the overall effect of the entrance doorway: plain, in the sense of unremarkable. Similarly, the forecourt is so modest that it's not clear you're standing in a place *before* a court, let alone what building you are standing in front of (the clue is left up to the sign County Court Victoria). In contrast, the thresholds of the Commonwealth Law Courts building are multiple and clearly marked.

The forecourt of the Commonwealth Law Courts building is long and deep, and the entrance doorway is visibly striking. It is the building's first threshold. You can enter from the pedestrian footpath of William Street. There is no step up or down; the surface changes, the colour lightens, and you're in the forecourt. On your left side, a series of landscaped barricades: some infrastructural housing of the train station, metal flagpoles in a serried row, and a low stone wall that doubles as a long bench for sitting. On your right side, open landscaping: flowing water contained behind another low benched stone wall at knee height, its bank not unlike the single lane of a swimming pool. Straight ahead, down the narrow but long pedestrian channel created by the two sides, is the entrance door of the courthouse itself. There's not much incentive to hang about: in the summer, the surface amplifies the heat and there is no obvious shelter from direct sunlight; in the rain, you need to bring your own umbrella; in the wind, there's no buffer from the street and Flagstaff Gardens. The marbled stone surface of the bordering benches is cold and cool. That aside, the striking colours of the doorway pull you in. Paul Katsieris, the architect of the building, has said that the palette of the door was inspired by the artwork of Duccio di Buoninsegna, the fourteenth century Sieneese painter. Regarded as betwixt and between the Byzantine and the Florentine Renaissance, Giorgio Vasari in his *Lives of the Artists*, somewhat begrudgingly remarked that Duccio made 'many panel paintings on grounds of gold' (1965: 20). The colours are but one part of an entire choreography – painterly, iconographic and architectural – of the conduct of devotion and its movement between

this world and an unseen but other world.

Here is Katsieris's account of the juridical choreography of Australian law, in the architectural context of the entranceway and transit into the interior of the Commonwealth Law Courts. It is from 'Keeping the Faith' episode one of *In the Mind of the Architect*, an ABC documentary for television (Clark 2000). Standing on the forecourt at the entrance to the court, Katsieris speaks directly to camera: 'We are about to do something very important here, we're about to walk from the city into the Law Court, itself. And we wanted to amplify the threshold and make something very important happen at this very important point. We've made this massive pivoting door which in the mornings is ceremoniously, almost, pivoted open, like some sort of clock. We're using colour to amplify this important threshold'.

The camera follows him as he moves inside, but not quite inside yet. 'We come into this very low space, and we've done that on purpose. We come into this entry pavilion and a very tall person can almost touch the ceiling'. He walks further in. 'And the space is changing around us. Now we're starting to contract again, and the walls are getting closer together but the ceiling is slightly higher, just very slightly higher at this point. We're about to cross another very important threshold, from the small entry pavilion into the larger space. And we do that. So here we are in the first foyer part of the building. We've moved from the much smaller, almost intimate, domestic space into a slightly higher space. And the building at this point and the ceiling with its play of light is starting to announce itself'. He hasn't arrived yet. 'And then we move into the next space. And now here the building opens up. This is the spatial experience of the interior. It's all revealed. We're received into the building.'

It is ironic that on the backface of the *Maestà* (majesty), a double-sided altarpiece and Duccio's most famous work, distortions and disruptions of the pictorial field and its colours are presented by architectural details of passage: doors that lead nowhere, or doorways that lead into still-darkened spaces.

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Notes

Faculty of Law, University of Melbourne, Australia. Thanks to two anonymous reviewers for their collegiality and care. This collation of photos and notes can be read as a second installment in a long-term fascination with the cities of Melbourne, and its inner north, since my return in 1995. The first installment was the 2002 film *Thick Skin* (available on vimeo at <https://vimeo.com/73176355>). My study of place, word and image has proceeded in conversation with my collaborators and co-editors Shaun McVeigh and Ann Genovese, as well as Alison Young, the founder of the *Urban Environments Research Network* and a leading law and film scholar. Doctoral and undergraduate students at the Melbourne Law School, as well as participants in the Law, Literature and Humanities Association of Australasia over the last decades, have been important interlocutors.

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