

Social and political philosophy

Critical analysis of the Reichstag building
with regard to Bentham's control society

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1 Introduction

Bentham's theories of indirect legislation have had a significant influence on the architecture of the time and have seen by far the greatest application in prison and correctional architecture through the use of the Panopticon. Even though the indirect methods of influencing society that Bentham proposed are largely considered totalitarian and contrary to human rights in our time, the mechanisms that Bentham devised are still an interesting reflection on urban architecture and its influence on the behavior of the population. In essence, indirect legislation is based on utilitarian principles that seek, through mathematical equations, to maximize the happiness of individuals and thus influence society as a whole in a positive direction. According to Bentham's theory, the tool of constant mutual observation prevents the tendency to crime and unjust habits

in the poorer classes and, on the contrary, indirectly encourages behavior that is motivated by good intentions. Now, however, the elementary question arises as to how and by what means the population is to be influenced and for what purpose. According to Bentham's work, this can be determined very precisely on the basis of the hedonistic evaluations of the individual actions and their effects by calculation and with the help of a specially created table of the springs of action, in which various pleasures and pains are evaluated ethically and according to their consequences and motives. Thus, the conditions for indirect legislation can be set and enforced through mutual observation as a passive strategy. This type of legislation is to be seen as an addition to direct legislation, which is composed of legislative, judicial and executive powers and, according to Bentham, is considered an extremely valuable tool for regulating society as a whole. It is an indirect influence for two reasons: First, it is not through force and direct confrontation that the undesirable activity that threatens society is prevented, as is the case, for example, with the executive powers we know such as the police in our days, but rather through intelligent spatial arrangements and certain architectural elements, as well as the use of certain objects of public space or even technologies that give everyone concerned a feeling of being moni-

tored. Furthermore, it is an indirect surveillance, because in Bentham's theory this very surveillance is not clearly identifiable as such and therefore an uncertainty about the material of the surveillance or even the existence of this monitoring always dominates. In other words, there is no possibility for the individual being watched or controlled to visually grasp the observer. The described mechanisms are primarily focused on the poor or on the population strata tending to criminal activities and also described as such in the writings of Bentham, thus the architectural implementation of the indirect legislation through mutual control found primary application in educational and re-educational institutions such as prisons, correctional institutions and mental hospitals, but also in the working class such as factory buildings or even social housing, the theory was architecturally manifested. The best-known example of this type of control architecture is the Panopticon, which had a significant influence on prison architecture over the following centuries.

2 Case Study

For these reasons, Bentham's architecture is primarily associated with totalitarian architecture and is thus reminiscent of well-known works critical of totalitarianism and the surveillance state, such as the scenario described in Orwell's 1984. Through distrust in every person in his environment and the permanent feeling of observation, the people as well as every single individual is forced to comply with the created social rules and laws. However, Bentham has written in his writings not only about the control of the poorer social classes and working class, but also explained a control from the bottom up, which acts on the functionaries of the state and thereby the population. According to Bentham, this

reciprocal control answers Juvenal's question about who will watch the watchmen, since it would no longer be a particular sub-group of society that would see itself as the object of constant observation, but these mechanisms would be extended to the entire public sphere, leading to transparency in the Senate and in corporations. In accordance with the utilitarian model of reasoning, the feeling of continuous monitoring of each functionary would force them to work honestly and with pure motives, in order to increase the pleasures of the population. To this end, this paper will analyze the Reichstag building in Berlin using indirect legislation theory to observe possible conformities or contradictions.

The Reichstag is an historically significant building, which was already controversial before its construction in 1884. After the First World War, Hitler helped himself to power through the Reichstag fire and shortly thereafter began the Second World War, which again made this very building one of the central scenes. No sooner was this world war declared over than Berlin, and with it the Reichstag building as the representation of the state, became the scene of the Cold War. Only five years after the reunification of Germany, Norman Foster's office Foster + Partner began the renovation, restoration and expansion work that gave the Reichstag its present appearance and, with the addition of the dome, became of significance in this work. Since 1991, after the reunification of Germany, when it was decided that Berlin and the Reichstag would be the seat of the German parliament, the Reichstag building has to this day a symbolic power that is representative of the German state and therefore of all federal politics, making the architectural structure of the building of essential symbolic importance for Germany. In order to represent the transparency of the political leadership, the Bundestag and the debates held in it are

always open to the people. After successful registration, visitors can enter via side entrances to the semi-circular visitor galleries overlooking the Bundestag. In a certain way, the arrangement of these visitor galleries can be regarded as a method of democratic control of the political leadership by virtue of their disposition.

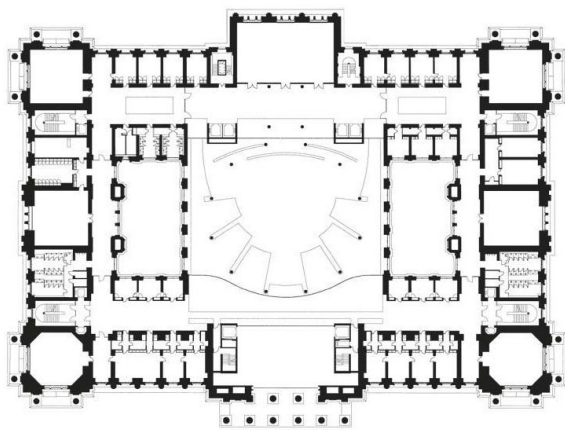


Figure 1: Ground Plan

Arranged in a semicircle and located directly above the seats of the Bundestag, there is complete visual contact from the visitors' stands to the podium and also to the seats of the members of parliament. On the other hand, however, there is only limited visual contact between the politicians and the visitors, since the politicians are positioned at the back of the visitors' seats. The members of the Bundestag can only be sure of the complete absence of any visitors when they present themselves at the podium. Thus, this disposition is a weakened form of indirect legislation, which has less of a direct goal of control and the feeling of observation, but rather wants to symbolize transparency and openness to the people. The plenary hall, which spans three floors, is covered by a zenithal glass ceiling that allows natural light and ventilation and

is also open to visitors on the fourth floor through a circular enclosure. In a tour around the glass funnel, any registered visitor is thus free to observe the debates taking place inside the Bundestag without being visible, but also without being able to follow the debates acoustically in this hall.

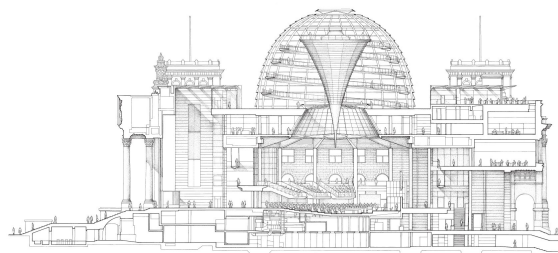


Figure 2: Section Cut

Last but not least, it is important to take a closer look at the "Cupola" erected by Foster + Partners, which towers over the entire Reichstag. Corresponding to the dimensions of the plenary hall, consisting exclusively of glass and steel, the transparent dome is open to all registered visitors. The visitor's path runs helically up the inner wall of the glass cupola and gives a view of the mirrored cone inside. The further one walks up this pledge, the wider the view of the political activities in the plenary hall becomes. Despite the clearly primary function of the mirrored cone to direct natural daylight into the interior, the symbolic value of the reflected view of the people rotating around the mirrors on the political being cannot be denied.

3 Critique

It is obvious that the methods and theories of Bentham would be considered violations of human rights today, not least by violating the right to privacy. Furthermore, panopticon architecture found real applications in prison architecture, where it was apparently easier to de-

prive the inmates of their rights. Nevertheless, fortunately, we find ourselves at a point in our society where we, as living beings, are entitled to fundamental rights and their respect by others. In my opinion, it is a good idea to promote indirect legislation in addition to our well-known separation of powers, but there are less degrading methods than the constant possibility of everyone being watched by everyone else, such as investing in education and equal opportunity and justice to reduce higher crime rates, or promoting cultural and local drop-in centers that offer anonymous counseling to unprivileged populations. These examples probably do not fall under the umbrella of indirect legislation, but they can achieve the same, if not more effective, goals than Bentham's approach, since the latter involves work with positive long-term effects, as opposed to Bentham's panoptic approach, where once individuals are no longer in the artificially created surveillance environment, they would fall back into undesirable behavior. However, there are also positive examples of surveillance for utilitarian purposes in our urban environments, such as brightly lit parks which can be crossed by everyone without danger in the evening and at night, as well as underground car parks or children's playgrounds which are usually designed in such a way that parents can always keep an eye on their children from one point, but not only this, it also give individuals with criminal intentions the constant feeling of being potentially seen from all sides through the inherent viewability of those playgrounds. But why is the example of the playground as well as the Reichstag, in the first case in terms of security and in the second in terms of transparency of the political democratic leadership, desirable applications of Bentham's theory but other mutual control mechanisms such as the Stasi (ministry for state security) in East Germany during the Cold War memorized as a terrible time in the minds of

those concerned? What is the essential difference? In both cases it is about control, security and transparency. I think the answer to this question can be explained in terms of motivation and the goal sought by control. According to Bentham, motivation can be calculated by a clearly described formula (felicific calculus) and is basically based on the addition of pleasure multiplied by various variables such as: intensity, duration, certainty, time frame, fertility and purity and finally the subtraction of pain multiplied by these factors. But who exactly are we talking about? For which individuals or which population groups are considered in the felicific calculus. In this regard, Bentham says that one should focus on the person who is most directly affected by the action, and then likewise those who are indirectly affected by the action. In theory, this approach makes sense on a democratic level, but in practice it causes inconsistencies. For example, the application of panoptic architecture in a prison makes sense in order to prevent the inmates from any malicious actions, but these inmates are exactly the population group that is most directly affected by the indirect legislation. Thus, if one were to follow Bentham's theory, one should apply the felicific calculus first and foremost to the inmates. In doing so, it would quickly become clear that such surveillance methods do not serve to increase the pleasure of the inmates, but rather to facilitate and optimize the work of the guards. This incoherence, in my opinion, stems from the fact that Bentham, in his considerations, attributes less right to pleasure to certain groups of the population, such as those with a tendency to criminal activities, the poorer groups of the population and the working class.

4 Conclusion

The idea of indirect legislation based on utilitarian principles is not an inappropriate idea and in my opinion there are useful applications in different areas of our urban environment, such as the construction of parks and children's playgrounds that lead to greater security due to their visibility and illumination. Furthermore, the application of an inverted panopticon in political and popular institutions, such as the Reichstag in Berlin, can increase the transparency of the political system and thus promote democratic participation. Furthermore, the aforementioned transparency can also find useful applications in areas of economics, such as the obligation to disclose the annual revenues of individual companies. Since, in theory, every citizen has the right to inspect these disclosed documents, this will prevent the urge to engage in lawless financial and economic activities, such as corruption or tax evasion, through increased transparency. However, it is unquestionable that Bentham's theories were mostly used to control unprivileged groups of the population, and in the case of the factories, they were capitalistic, but disregarding the rights of the workers' groups. Likewise, a statistical-mathematical approach as the only legitimacy for legislation can be criticized, since it is obviously impossible today to base just and democratic decisions on the falicific calculus.

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