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Ethics, architecture and prison design – a primer

After some decades of neglect, the importance of prison design on well-being, rehabilitation and reintegration has been gaining acknowledgement over the past years. In parallel, there is growing interest in prison studies and rising awareness in new penology to seek alternative understandings to counter the dominant rationale that focuses on efficiency and surveillance. However, the ethical underpinnings of prison design remain underrepresented in architectural theory. This paper argues that, given that one's ethical view on punishment is relevant to guide deliberative design choices, architects have the responsibility to critically engage and contemplate the ethical foundations of prison designs. The paper explains the ethical nature of architecture and design briefly and then turns to how we can make sense of the practice of punishment as a moral and symbolic practice while recognising concerns about its moral justification. The paper suggests that, in order to morally justify the practice and to make it symbolically intelligible, we need a concept of detention that is radically oriented at rehabilitation. By way of illustrating possible design responses, the paper refers to the Belgian case of the twenty-first-century detention houses. Intended as a primer, this paper considers the relation between ethics and architecture and aims to show the inevitability and relevance of ethical reflection to architectural design by focussing in particular on penal design. The paper aims to enrich the debate on penal design and to invite further reflection but does not intend here to expand the notion of penal design, nor to exhaustively engage or list different forms of penal designs and their ethical status or meanings.

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Prelude: the scope of this paper

This paper aims to clarify the relevance of ethical reflection for architectural design and theory through the particular case of penal design. However, it does not intend to expand the notion of prison design, classify existing prison designs according to their ethical status, explain or exhaustively list

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how certain design interventions might improve prison designs, nor say how we should design prisons ethically. The paper is limited to showing the relevance of a phenomenological account to the understanding of the practice of punishment. Intended as a primer, the aim of the paper is to clarify the practice of punishment and its justificatory problems to designers so as to inform prison designers and instil further thoughts and discussion about contemporary prisons, their designs and their ethical status.

To do so, the paper starts in the next part by sketching certain developments where penal theory and architectural design overlap. While both evidence and awareness are growing about the effects of penal design on matters of well-being, rehabilitation, and detention harm, it is remarkable that, across different design milieus, reflection on the ethical underpinnings of penal design remains largely absent. Section three clarifies, though briefly, the inherently ethical nature of architectural design and insists on the relevance of ethical and critical thinking for architectural theory, practice and education alike. Deliberations and decisions about design will inevitably be guided by our ethical views on what we are designing, for whom, how and why. Hence, in the context of penal design, it is inevitable that our design decisions will rely on our ethical views on punishment. Section four provides a brief account of the philosophy of punishment insofar as to explain to designers that the practice of punishment faces several substantial ethical conundrums. However, rather than seeking a solution for these problems, we might suspend the justificatory problem of the practice of punishment and search to internally understand it, i.e. to search for its intelligibility by description and reflection. The added value of a particular expressivist theory within the philosophy of punishment, which considers the practice as primarily a moral and symbolic response, is that it can make the practice of punishment, and even the deprivation of freedom and the additional harm brought on offenders by imprisonment, intelligible. Section four counters this view by arguing that making something intelligible does not mean that it is morally justified. This is followed by explication in section five of the relevance of this philosophical reflection to penal design through the specific reference to the contemporary Belgian situation and the question of why certain prison designs of the twenty-first century, and in particular the concept of detention houses, seem to be able to incorporate the moral and symbolic meaning of punishment by the deprivation of freedom or imprisonment and to respond to the contended moral justificatory character of the practice of punishment. The final section 6 concludes the paper and points once more to the importance of understanding the ethical underpinnings of architectural design and making them explicit. Furthermore, the paper intends to demonstrate what moral philosophy can bring to architecture and, in particular, to penal design and to show further reflections on how ethical reflection can enrich this debate as well as the design processes and their outcomes.

Prison design and ethical responsibility

While the importance of prison design on rehabilitation and reintegration has been gaining acknowledgement over the past years, it is surprising that reflection on the ethical underpinnings of prison design and architects' ethical responsibility has been underrepresented in architectural theory. This is also noted by Yvonne Jewkes:

Rarely [...] has the individual architect's role in the design of punishment been discussed; not only in the sense of physically creating custodial places and spaces but also the extent to which the architect wittingly or unwittingly produces and reproduces punitive and/or harmful philosophies and practices.¹

One might wonder why we refrain from reflecting at the first place our ethical framework that grounds and guides our deliberative design decisions, such as how design features may contribute to ethical prison architecture. A similar observation can be found in Thomas Fisher's writings:

[D]esigners literally give physical form to the public policies that politicians have put in place, even though many designers rarely think of what we do in this way. [...] We] also need to assess a design in terms of the ethics [...] that influenced the designer's decisions and that defined the context within which the design evolved. [...] The] designed products and environments [...] literally embed those policies in their form, function, and material, [...].²

[A]rchitecture becomes a way of manifesting, in physical form, people's ideas of what constitutes a good life. Every design communicates those values and every design decision has ethical implications as a result.³

With regard to prison architecture, it is symptomatic that, for instance, Kelsey Engstrom and Esther van Ginneken do not include the ethical underpinnings of prison design in their discussion or literature review, although they intend to examine 'the multiple and interrelated aspects of prison design on well-being [...] by establishing the most important dimensions of ethical architecture in prison settings'.⁴ But our choices concerning prison design are guided by our ideas of what prisons and punishment are meant to be and do. Hence, it is striking that these ethical underpinnings of our penal architecture are very often not sufficiently questioned nor reflected upon. Another example is the undeniably valuable *Wellbeing in Prison Design: A Guide* that Matter Architecture developed.⁵ While the authors acknowledge that 'the design of the building has a role to play in the implementation of that [rehabilitation] culture', include evidence in environmental psychology and discuss the policy context, they remain mostly silent about the ethical outlook that influences our penal designs.⁶ In their design guide, they often seem to be operating within existing, though changing, views on imprisonment. They also propose a design review to criti-

cally engage with policy and design suggestions during the iterative process they envision but then again do not make ethical expertise explicitly part of it.

This relative unawareness has been raised before though. For instance, for over four decades, Arthur Allen, in publications spanning 1977, 1981 and 2014, emphasised the scholarly and architectural unawareness of the immorality of contemporary penitentiary design. Additionally, in 2012, Raphael Sperry petitioned to amend the AIA's Code of Ethics and Professional Conduct to include a prohibition on 'the design of (prison) spaces intended for long-term solitary isolation and execution'. In 2014, Allen appealed to the Canadian authorities and, in 2019, Tom Spector and others wrote a letter in *Architecture Philosophy* to recommend Sperry's suggestion.⁷ However, these moral appeals to the architectural field remained fragmented and a large part of the ethical argumentation remains unmentioned. This hiatus is particularly fruitful to spell out since it is here that it can become clear what ethical reflection might add to both architectural theory and practice.

An improved understanding of the practice of punishment and the ethics of prison design is not only illustrative of the inherently ethical nature of architecture but also relevant to the growing evidence — as the above-mentioned literature review and design guide suggest — of prison design to well-being and rehabilitation. It indeed seems that moral awareness in prison design is rising after some decades of neglect. Early in the twenty-first century, the development in prison policy was detrimental to the main goal of rehabilitation. Both Yvonne Jewkes and Dominique Moran, as well as Engstrom and van Ginneken, point to the fact that the late twentieth and early twenty-first century were characterised throughout the Western world by prioritising security and incapacitation rather than rehabilitation and reintegration.⁸ Jewkes and Moran further explain that the resulting 'new penology' replaced the earlier therapeutic discourses in the 1990s; as a result, the priority shifted to a systemic and structural emphasis on surveillance, security, containment, control, and efficiency.⁹ This implied that the rationale for building bigger and cheaper prisons rapidly overtook discussions about imaginative prison design, human treatment, and attention to rehabilitation. However, since many criminologists came to consider these prison warehouses focussing on efficiency, surveillance and incapacitation as a 'retrograde step that runs counter to all the knowledge and evidence',¹⁰ they pointed towards the advantages of smaller institutions and pushed for a welcoming change both in ethical awareness and policy.

This change was notably reflected in Matter Architecture's prison design guide which was awarded the RIBA President's Awards for Research 2018 in the Ethics and Sustainability category.¹¹ The projects examined, as Roland Karthaus, Lucy Block and Anthony Hu acknowledged, exclusively pilots or one-off or ad-hoc situations rather than systematic implementations driven by the new penology.¹² At the same time, though, they are examples that should 'support the current reform agenda for prisons to become places of progress that promote active citizenship and provide conditions that will help people turn their lives around'.¹³ They demonstrate development in evidence-based, practical proposals for design measures to support the claim

that the built environment does affect behaviour, can contribute to the health and well-being within prisons, and can support positive change.¹⁴ It remains true, however, as Engstrom and van Ginneken note, that 'a comprehensive understanding of multiple design features' of prison design 'has yet to be investigated and established',¹⁵ and that 'it remains unclear what and how many specific designs are important to either supporting or undermining well-being [and rehabilitation] in prison settings'.¹⁶

This change in ethical awareness and policy is not only embodied in isolated regional projects. On the theoretical side, Engstrom and van Ginneken demonstrate that there is substantial evidence for acknowledging the links between well-being, prison design, humane treatment and rehabilitation, although further research is needed. Also the work of authors such as Yvonne Jewkes, who has been trying for many years to convey 'why the architecture and design of prisons is pivotal to a full and nuanced understanding of "prison studies"',¹⁷ has been complemented by the development of carceral geography, in which authors such as Jewkes and Moran have been playing a substantial role. This interdisciplinary research field, drawing from criminology, psychology, sociology and architecture, focusses on the impact and meaning of physical prison space and related concepts such as detention harm and the well-being of inmates and their effects on rehabilitation, reintegration and recidivism.¹⁸ On the practical side, involving policy and design, there has been an important change as well, although most of the contemporary designs and recently commissioned prisons are still reminiscent of a prison philosophy dating back centuries. In the UK context, Jewkes and Moran sketch this recent change and stress that this 'focus on designing humanising prison spaces that are focussed on supporting rehabilitation and desistance could be a vital component in achieving radical justice reform'.¹⁹ However, this change in policy in the UK is not an isolated case. For instance, Jewkes and Moran note that elsewhere in Europe,

[There] are prisons that can justifiably be described as signature buildings. Underpinned by a utopian vision, prison designers in Norway, Iceland and Denmark have focused on the rehabilitative function of imprisonment, and have experimented with progressive and highly stylised forms of penal architecture.²⁰

Also in Belgium, which is in this context not that often referred to, humane detention was already anchored in the law in 2005, which was followed by a masterplan that initially ran from 2008 to 2016 and included the building of new prisons. Within this Belgian context, prison director Hans Claus²¹ advocated also the prison concept of detention houses already implemented — and to which we will return.

However, while the body of knowledge about the relevance of prison design is rapidly developing, the philosophical substrate of these prison designs could be said to be insufficiently reflected upon, especially also within the different design milieus. Although some policy-makers, scientists and architects are now taking steps to translate this emerging body of knowledge into design

and implementation, most prisons and prison designs remain still indebted to an outdated prison philosophy. This persistent line of penal design dismisses evidence suggesting that we should rapidly and substantially alter our current views on (the design of) punishment and incarceration. In other words, it is within this context of emerging knowledge and an improved understanding of the complexities and problems of prison design that its ethical underpinnings, as well as the ethical arguments and reflections that are available, are surprisingly sparse. The question is why the ethical substrate of prison design is largely unattended, or why it is often considered to be beyond the architect's responsibility?

Architects' ethical responsibility

Indeed, the ethical reflection of prison design should not be considered beyond the architect's responsibility. In this case, the neglect in architecture of such matters is not dissimilar to the tendency for many professions, including those with creative pursuits, to be less or even unconcerned with questions of ethics.²² Although the scope of this paper does not allow us to elaborate on this, it is sufficient to say that the human conduct of all professions should endeavour to address ethical concerns. The paramount ecological challenge has to some extent re-introduced an awareness of the encompassing and intrusive character of ethics: once we pay attention to ethical questions, they present themselves as an urgency and demanding force.²³ Ethical questions as such at the forefront would then demand us to reorientate society, economy, global (in)justices, and, most directly, our conduct and actions. It should be part of any profession to reflect about how our doings implicate the world, others, and even the more-than-human, in the past, present and future. This is not different for architects. However, because of architecture's public nature, resource intensiveness (both materially and socio-economically), ostensible societal presence and durable nature, its ethical engagement — and that of architects — might stand out more.

Returning then to our topic, Jewkes, for instance, while referring repeatedly to M. Spivack, insisted on the fact that prison architecture contributes to certain types of behaviour and identity.²⁴ Contemporary prison designs still seem to be communicating the belittling status of the persons they are hosting — on the level of meaning, the building is symbolically deconstructive for rehabilitation, identity construction, and self-esteem. As a consequence, 'prison spaces are commonly generative of only negative meanings, anchoring the "prisoner" in discourses of otherness and punitive punishment'.²⁵ Jewkes here insightfully draws the analogy with modern hospitals that also 'induce feelings of worthlessness',²⁶ and emphasises the importance of alternative designs for penal contexts like Maggie's Centres did in caring contexts.²⁷ Instead of designing non-places,²⁸ should architects not bear the responsibility to design places that make sense, that is, that are conducive to rehabilitation and aim at regaining a meaningful life within society? Consequently, should architects not ques-

tion the ethical outlook on which their design briefs are built and, when morally desirable, come up with alternative and morally justifiable designs?

The adjustments being made to codes of ethics (like the AIA or RIBA) over the last decades are in this context often mentioned, but, although utterly important, these codes and regulations remain mostly pragmatic and do not substantially alter the design practice and practitioners' awareness of the ethical nature of their architectural interventions. Or, as Philippe D'Anjou wrote: 'These professional codes give the illusion that by applying them professional designers achieve some ethical practice.'²⁹ Also, Fisher noted that,

[M]ost designers though, don't do this [i.e. take into account the ethical implications when they design spaces], at least consciously and intentionally. Architectural ethics, for instance, mostly deals with issues of practice and the contractual or professional obligations that architects have to the public, to clients, to colleagues, and to the natural environment. The ethical implications of what architects create — the spaces in which we spend our days — rarely gets discussed and hardly gets mentioned in architects' code of ethics.³⁰

Similarly, many books in architectural ethics, although interesting, necessary and useful, adopt a pragmatic attitude or an outlook on architectural ethics as a kind of applied (or business) ethic often referring to different normative ethical theories (e.g. virtue ethics, deontology, utilitarianism/consequentialism, and social contract theory) that familiarise architects with a complex architectural reality characterised by (moral) conflicts. However, this applied ethical outlook does not allow a deeper understanding of the ethical nature of architecture and design, which requires ethical reflection that makes explicit how our ethical views, deliberations, and choices support our designs. Deliberations about what we do, how we act, what we say, and thus how we design depend on, firstly, our judgements under the specific circumstances, discerning what is relevant and what matters; secondly, we also need to understand how our decisions on what we deem relevant and valuable will affect others, ourselves, and the world at large.³¹

Although the existence of an objective ethicality may not be possible, what is problematic, according to D'Anjou, is that

such [ethical] knowledge is not recognised, not consistently received, and not appropriately included in design education and beyond. Adding to this state of affairs, designers don't really understand that they need a contemplative disposition so as to adopt an ethical perspective on the practice.³²

How we choose to act, our deliberation about what objectively matters and to correspondingly design, should be essential to the practice of architecture. This is why D'Anjou emphasises how design and architecture are ethically engaged actions that shape human beings and our being-in-the-world.³³ Barry Wasserman, Patrick Sullivan, and Gregory Palermo summarise it by referring to architecture's intentionality as an ethical force:

Thus, architecture holds an ethical role. Architecture in all of its manifestations is humanly intentional. It is this intentionality that is its ethical force. The intentions behind the decision to build, to change our habitat, which give rise to architecture, are speculations on the manner of life we ought to live, which is the primary ethical question.³⁴

Architecture is grounded in human intention and purpose. It is, therefore, subject, as are other human affairs, to judgement with respect to its intentions [...]. These are not only practical or functional judgements, but also ethical ones.³⁵

This way of seeing architecture and design 'allows us to recognise what constitutes good designers and good design practice, as well as to have a more significant understanding of what it means to engage sustainability by design in a fundamental way', and thus to design ethically.³⁶ We need, in Tony Fry's words, a 'redirective' design practice to address the ethical within architecture more substantially and explicitly.³⁷ Within the context of prison design, it is important to substantially encounter, question, and contemplate our ethical conceptions about punishment and prison design — why are we punishing, why are we designing prisons, how do we justify our choices and designs, and what are we intending? Our design choices will be based on the answers pertaining to these questions despite the fact that our designs 'may not cause our behavior, good or bad, [...] neither do they play a neutral role'.³⁸ Although our design choices will always be the subject of discussion, they will also be based on what is intelligible, well-reasoned, and objectively justifiable; in that regard, these choices are much less relativist than is often pretended.

A sceptic or relativist attitude towards the relation between ethics and architecture is thus misplaced not only because it does not acknowledge the inherent ethical nature of architecture but also because it will not assist us in educating design practitioners ethically. The ethical basis of our built environment is important insofar as it indicates the ethical implications of how we conceive the world and how we imagine a life well-lived. But this ethical dimension and the questions pertaining to it go very often unanswered 'because few architects never receive even a basic grounding in ethics [...] even though [this] would help us produce a better, more equitable, and more resilient built environment'.³⁹ This is particularly relevant to prison design, as we must attend to the long overdue role of moral philosophy within architecture. This kind of ethical reflection contrasts with mainstream architectural-ethical writings produced over the last decades and demonstrates, as Tom Spector suggests, that 'moral philosophy could be fruitfully pursued in an ongoing effort to bring a sense of unified purpose back to architecture'.⁴⁰ It is precisely this kind of philosophical, analytical phenomenology, which Martin Dürchs and Christian Illies already described in 2018 as a practically non-existent research field, that may contribute in a substantial way to the development of architectural ethics and its relevance in architectural theory, practice and education.⁴¹

With regard to prison design, the case is not different. And considering the growing evidence for a strong correlation between prison design and chances for rehabilitation, these ethical questions become all the more pressing. If architects truly understand their professional role in moulding the built environment in a particular way to support and enable a particular mode of being and a way of living by creating meaningful places, then they must contemplate these most foundational questions: What is a prison for? For whom? How? Why do we punish? If their design is not inspired by these questions, one might say, according to Maurice Lagueux,⁴² that the architect becomes ethically incompetent and, therefore, architecturally incompetent, unable to respond to ethical questions through design. Ethical codes and regulations alone will not be able to guide the architect in these fundamental questions. Although a design guide may offer practical guidance, invite reflection, and a checklist of points to attend to, by itself it does not offer a reflective understanding of the ethical underpinnings of the design. Put differently, guides, codes and regulations will not be able to guide the architect in design deliberations and decisions that will ultimately be grounded in a conception, though fallible, of the good and of the designer's responsibility in contributing to the creation of meaningful places. It is the architect's task⁴³ to counter the drive for non-places that hamper the chances for rehabilitation and the creation of a meaningful future for society.

In that regard, moral philosophy has more to offer to architecture than it is often deemed nowadays. In the case of prison design, the many clues pointing to the importance of design and the built environment for well-being and rehabilitation seem to imply that the explanatory and justificatory question about punishment and prison design is pertinent.

Understanding punishment

While it seems, from a historical perspective, that the practice of punishment has always been part of human society, the philosophy of punishment, which has expanded considerably since the second half of the twentieth century, has shown the difficulty of justifying the practice on the basis of notions of 'desert' (deservedness), guilt, proportionality, deterrence or well-being.⁴⁴ This affects contemporary prison designs as they are mostly indebted to these morally problematic views on punishment. Additionally, if the justification of punishment and our corresponding designs of contemporary prisons is a problem, should architects not at the least come up with designs and interventions that help to ameliorate their damaging effects? To base the content of designs on problematic views would be to forfeit their (ethical) design responsibilities. The question is on what basis should we — if at all — design prisons and what kind of prison design is morally justifiable, especially considering also the scientific evidence about the relation between our prison designs, well-being, and rehabilitation? Punishment has been traditionally understood either as backward-looking in the sense that it is founded in the inflicted wrong for which the wrongdoer consequently deserves to be punished propor-

tionally, i.e. retributivism, and forward-looking in that it functions as a kind of protective measure for the well-being of society and as a deterrent for potential wrongdoers, i.e. consequentialism; unitary or hybrid theories take parts from both. Punishment is understood to serve the goal of reform or rehabilitation according to rehabilitative theories that claim how punishment can lead to reflection and direct the offender to apprehending the wrongness of the misdeed, compelling the offender to refrain from reoffending. However, such philosophies of punishment remain problematic because they have not questioned several presuppositions. Firstly, one needs to question why we tacitly accept that it is possible to determine whether someone can be held responsible. This is considered by philosophers as the problem of free will and determinism. In brief, determinism, without further qualification, means that there is no free will and, thus, that offenders cannot be held morally responsible or accountable because they could not do otherwise. The philosophical deterministic stance might seem exaggerated, but there are scientific evidence, stemming from psychology, sociology, criminology, neuroscience and genetics, that points to philosophical concepts such as moral luck. It seems that internal and external conditions remain contingent to matters of luck, such as a person's genetic substrate, i.e. constitutional luck, and social and societal conditions and upbringing, i.e. circumstantial luck, also known as the birthright lottery in different contexts. These would influence the coming about of certain personalities and behaviour. In his book, *The immorality of Punishment*, Michael Zimmerman, argues that, in order to justify punishment, we need to show that people are responsible, but the problem is that we cannot be held responsible for conditions that are our beyond our control but nevertheless have a substantial influence on the kind of persons we become and how we act (like circumstantial and constitutional matters of luck).⁴⁵ Zimmerman, therefore, considers any practice of punishment as morally repugnant.

It is important to note here that the possibility of determinism being true might not affect criminal law since many criminal law theorists accept some version of 'soft determinism' or 'compatibilism', which means that the notion of responsibility they rely on is not relying on determinism being true. It is, however, not necessary for our purposes to elaborate on that here. What concerns us here is simply to evidence that we cannot explain the practice of punishment on the notion of desert (deservedness) if people cannot be held fully responsible for the persons who they have become and how they act. Hence, if that is true, architects cannot justify their designs on views that are simply based on the conviction of desert (deservedness) and responsibility.

Secondly, our popular conception and theories about punishment all seem to presuppose that it is possible to decide on what is proportional punishment given a certain wrong or justify the degrees of deterrent deemed effective. The former seems indeterminable as it seems impossible to set a justifiable proportionality scale. The latter seems to assume higher risks with an increasing abstention rate, but it remains unjust to punish disproportionately severely for minor wrongs or petty crimes. Of course, there is some truth to the idea

that we tend to incarcerate certain offenders because they might pose a risk to society and its members, but this does not mean that incarceration would necessarily be a form of punishment that involves suffering.

Thirdly, even if it would be possible to determine responsibility and proportionality, it is unclear why punishment, i.e. 'hard treatment' or the addition of suffering, would be the only or best way — in a retributivist view — to lead to remorse, insight and reform or — in a utilitarian or consequentialist perspective — to protect society or to increase the well-being of all the members of society. Additionally, it is not self-evident that punishment, and even 'hard treatment', can be effectuated by imprisonment, even if this would hold only in some cases for certain kinds of criminal offence.

The question then is: what is it about the practice of punishment that we are overlooking, given the apparent universal character of the practice? If justificatory theories for punishment consistently run into problems, this seems to imply that the practice needs radical reform or that it altogether needs to be abolished — a view that resulted in abolitionist critiques — and that, consequently, architects, insofar as they have to acknowledge the ethical foundations and implications of their designs, would have to refrain from any penal design. This, however, seems to be the wrong conclusion. To understand why, we need to turn to a particular view on punishment that is able to make sense of the practice of punishment and its retributive element.

Expressivism within the philosophy of punishment means that we should understand the practice as being a vehicle to express or communicate our feelings of indignation and moral disapproval. Following other expressivist accounts, Arnold Burms suggested repeatedly to reflectively understand the practice of punishment, firstly, internally, and thus to suspend the justificatory question, and, secondly, within the larger framework of symbolic restoration.⁴⁶ Firstly, Burms contends how the retributive element in the descriptive, 'immanent' meaning of the practice of punishment is taken as being 'perfectly continuous with certain deeply ingrained attitudes that function within ordinary life [... such as] remorse and moral indignation'.⁴⁷ Punishment is deemed 'continuous' with the value we hold as sensible and moral beings, rooted in an intuitive understanding of our reactions to moral transgressions, such as moral indignation, blame, and remorse. Although it may not be totally transparent how this should be theoretically interpreted,⁴⁸ it is important to recognise our innate tendency to the attitude and practice of moral blame, accepting them as appropriate.

Secondly, according to Burms, we need to recognise punishment as part of a larger pattern, i.e. symbolic restoration, which adds to the practice's intelligibility. The theory of symbolic restoration tries to, phenomenologically or internally, explain such practices, from actions, ways of conduct, and speech, to behaviour, by which human beings symbolically restore what has been denied of value, importance, or relevance. This view, germinally developed in the writings of, among others, Arnold Burms and Paul Moyaert,⁴⁹ has been fully developed within the context of memorial design.⁵⁰ In summary, there are many symbolic practices, such as putting down flowers, burying the

death, memorial services and memorial buildings or sites, name-giving, vows, rites, and honours, that make it possible to express our indignation, grief, and gratitude, and enable us to find a way to stress the significance of certain deeds or events. However, when this symbolic recognition remains absent, the event or person seems to become irrelevant. This understanding of a symbolic dimension of punishment finds resonance in works by Anthony Duff, Tine Vandendriessche, and Christopher Bennett.⁵¹ In brief, what unites them is that punishment is considered to be a symbolic practice — either an apologetic repentance, according to Duff, an apology ritual that dissociates the state between that which cannot be treated as acceptable and the enforcement of the law as law, according to Bennett, or the necessary symbolic surplus given that remorse or a simply apology will be symbolically inadequate, according to both Vandendriessche and Burms — that ‘wants to restore symbolically what was damaged in crime’.⁵²

The added value of this explanation — as an expressivist account — is that it is able to safeguard the internal, first-person moral and symbolic experience — i.e. becoming phenomenologically adequate. Burms emphasises the importance of what he called the ‘trialectic’ or ‘threefold punitive dialectic’ that focuses on the victim and in which the ‘community makes the offender suffer out of respect for the victim’.⁵³ Similar to symbolic restoration, it is a response to an event. However, in the case of punishment, it is not simply about an occurrence. When a natural disaster occurs, we symbolically counteract the loss of value by publicly acknowledging the loss and the significance of the event and the victim(s). In doing so, the symbolic practice offers us, i.e. those involved, the community or the ‘generalised other’, a way to communicate and express our grief and to emphasise the value of what was previously denied. When a misdeed is done, we respond also to the cause of the event, i.e. the offender. Punishment’s retributive element stems from our moral indignation and the ascription of blame and focuses on the offender because of what was done, that is, the causal role in the harm and loss. Similar to the way we deem a verbal apology being insufficient, the punishment searches to proportionally mimic both the weight of the loss as well as the reason for the loss. It is through the punishment that the offender must (willfully or not) participate in the (somehow proportionally) symbolic restoration.

In this way, it also becomes clear why punishment — in some cases — involves the deprivation of freedom or suffering through imprisonment, which is of particular interest when we are trying to understand the ethical underpinnings of prison design. Vandendriessche speaks of a ‘surplus’ that refers to a proportionalism within the symbolism; she explains the punitive character of the deprivation of freedom as the necessary ‘surplus’ because mere remorse will symbolically be out of balance in comparison to more severe crimes.⁵⁴ In that regard, it is similar to the views of Christopher Bennett, who refers to the insufficiency of verbal apologies and explains punishment as the community’s apology ritual parallel to interpersonal kinds of non-verbal apology; however, Bennett does not link this to ‘hard treatment’. And, in Burms’ account, even the remorseful offender is punished because,

firstly, remorse in itself is disproportional and, secondly, there is no other way to make up symbolically for the offender's role in the loss:

[Just] saying 'sorry' [...], or putting flowers on the victim's grave, or delivering community service is certainly not symbolically adequate.⁵⁵

Since the offender cannot literally pay off his debt, he can only symbolically repay the loss of the victim's life. Lacking any literal means, there only remain symbolic means. [...] The only thing the offender can do is to symbolically pay back the victim with his being punished. The symbol of the offender's repayment is his own suffering and repentance. This symbolic retribution by means of the punishment of the offender is the action that has to be taken in a case of absolutely irreparable harm done to the victim.⁵⁶

It seems as if punishment through imprisonment has the kind of symbolic structure we search for in some contexts — like a medal ceremony or a statue for the hero that surpasses mere verbal gratitude — because the deprivation of freedom, by imprisonment, guarantees suffering which seems symbolically needed. The symbolic restoration requires that the offender, because of the gravity of the transgression and irreparable damage and loss it generated, suffers. It is the suffering itself that symbolically restores. Put differently, without suffering — the 'surplus' — there seems to be an imbalance because of the weight of the loss and harm caused. Other ways of punishment, such as fines or compulsory community, are not considered as proportional to the harm and loss as they may not necessarily invoke suffering, thereby implying that the offender is not sufficiently and existentially involved, and further implying that the punishment lacks symbolical restorative weight, or at least is as such considered. It is to be noted that this explanatory framework does not speak about the normative dimension or whether or not it is morally admissible or desirable.

It is by the deprivation of freedom through punishment that the suffering and the proportional symbolic restoration is guaranteed on the offender's side. This immanent understanding of the practice of punishment as a form of symbolic restoration and the corresponding importance of the element of suffering is consistent with the notion of 'agent-regret', i.e. the fact that we hold certain individuals to some kind of symbolical restoration, sometimes even involving some kind of suffering in the form of, for instance, (admittedly irrational) feelings of guilt.⁵⁷ This kind of symbolic and emotional involvement is expected from the agent, who in such cases through no fault of his own caused the loss, because this involvement, and the emotional suffering that parallels it, acknowledges the relevance of the loss, and thereby symbolically restores. It is the agent's causal involvement that necessitates his/her symbolic participation. This is the case in both criminal offences — where we might speak of some degree of volition or accountability — and in cases of agent regret — where we converge on the fact that there is no blame whatsoever to the agent. Again, this shows in the negative case when an agent would be expected to

show some form of agent regret yet does not; instead, the agent insists on his/her mere causal involvement, then this might give rise to feelings of moral indignation and blame because the agent does not seem to be aware of the loss he/she, although unwittingly, generated. Once again, the symbolic realm is out of balance and the agent's participation is needed to find some kind of rest; his/her non-participation would form a symbolic denial of the significance of the event and the loss. Although we cannot elaborate on this further here, it is important to see that this internal explanation of the practice of punishment, among which the deprivation of freedom by imprisonment and the role of suffering, on the basis of symbolic restoration, is consistent with other related phenomena, such as agent-regret.

However, as the attentive reader might have noted, we run into problems once again. Firstly, although this internal explanation allows us to see the significance of the practice, to see why it makes sense to punish, even to imprison, and why we seem to persist in it, it remains silent on the normative level. But, as Burms wrote:

Trying to explain the immanent meaning of retributive punishment is trying to make sense of it. This is not the same thing as a full-fledged justification. [...] Something can make sense without being fully desirable. [...] It is quite possible to see what the positive moral significance of a practice is and to believe at the same time that this moral significance is outweighed by other considerations.⁵⁸

The question is whether other considerations, such as evidence-based knowledge about well-being, detention harm, rehabilitation, and questionable degrees of responsibility, outweigh the practice's immanent meaning and whether the practice could be altered as it seems difficult to alter something that stems from deeply ingrained attitudes, i.e. our moral, value-sensible human nature.

Secondly, there is the question of the symbolic adequacy of the punitive response and the latter's proportionality. It is, however, difficult to externally justify these. The origin of a symbolic action and its meaning are very often highly complex, arbitrary, and contextual. This does not mean that such symbolic practices will not change, but for their change they will rely on other kinds of considerations that instil a kind of reflection, questioning whether the symbolic practice does and can still embody the values and meanings it once stood for. The question at this point is whether there are such considerations that invite reflection about the adequacy of the punitive response and its proportionality on a normative level — and it seems there are — but also whether there is sufficient spontaneous support to change our symbolic practices in this case or whether there are already adopted alternatives — as at this point there is no alternative that is considered to be symbolically in balance in a similar way. In that regard, it is important to note that our symbolic actions are not purposefully introduced based on a preconceived belief about their instrumental character, or what they will do for us. Given that they are arbitrary (because of their origin) but also absolute (because they enable us to find a

way to deal with something, as they are what must be done and considered appropriate), and stemming from deeply ingrained attitudes, it is also unlikely that they will change soon. Hence, given their moral and symbolic relevance, our design practices should adequately respond to them.

To conclude, we punish because of moral reasons, by which we can blame and express moral reactions such as indignation and remorse to what was done by an agent. Additionally, we specifically punish because of a symbolic reason. If we do not, it seems as if we accept the denial of the victim's value or worth. The punishment *and* the suffering that it entails is the only and therefore necessary means to proportionally and symbolically restore the agent's denial of the victim's worth. For instance, being remorseful and saying sorry for a murder, cruel rape, or violent robbery seems symbolically inadequate if the offender can at the same time simply continue his life as if nothing happened and without the suffering the punishment implies. This continuation would in a way annul the remorse and apology that in itself are also taking part in the symbolic restoration. Or, in Burms' words, 'the punitive response to criminal offenses is analogous to the non-punitive response to dramatic life events',⁵⁹ and 'one cannot go on with business as usual as if nothing happened',⁶⁰ by which he refers to symbolic practices in general.⁶¹

Although this philosophical detour might *prima facie* seem irrelevant for architects, what it gains them is precisely an awareness of the internal and moral significance of the practice of punishment that somehow seems to conflict with our ability to morally justify the practice. Hence, if we design prisons, we might do well to design in such a way that we can salvage both insights, that is, account for the moral and symbolic function of punishment and at the same time find a solution for what seems impossible to justify, in this case, the proportional 'hard treatment', addition of suffering, the problems regarding the attribution of responsibility, and the negative correlation between current prison designs and well-being, rehabilitation, and detention harm. It is important to add that this internal explanation of the practice of punishment is not incompatible with certain (consequentialist) functional understandings of punishment and incarceration — that is, the risk some offenders might pose to society and its members can be part of our reasons to incarcerate them.

Ethical implications to prison design

On a policy and design level, what to conclude from the philosophical reflections above? Firstly, it is fairly certain that the practice of punishment will persist for three reasons. Firstly, the practice seems to originate from deeply ingrained moral attitudes and is in a way intuitively self-evident. It was not purposefully introduced nor stemmed from a preconceived idea or belief about how punishment would do or mean. This implies that it might also be not that easy (or perhaps impossible) to change — similar to the impossibility of changing moral indignation. Secondly, the practice will persist because of its symbolical significance. The deprivation of freedom as a punishment seems

necessary to obtain some kind of symbolic balance. The deprivation of liberty has a symbolic value, as people are sent to prison as punishment, not for punishment.⁶² Thirdly, the practice will also persist because of prudential reasons, as some offenders will pose a risk to society and its members (even though we might acknowledge that they themselves do not bear full responsibility for being a risk).

On the other hand, what this philosophical reflection taught us is that it is highly difficult to morally justify punishment, especially given also the progressive (scientific) insights about circumstances, contingency, and luck in who we become and how we behave. Additionally, our symbolic practices — in the case of the proportionality of the punitive response by punishment through the deprivation of freedom — are, because of their arbitrary and symbolic character, without theoretical nor moral justification.

These two observations, i.e. the persistence and significance of the practice and its problematic status with regard to moral justification, show that punishment itself is needed for symbolical and moral reasons but also that we are morally obliged to limit any further suffering, other than the one caused by the deprivation of freedom, and to consistently strive for rehabilitation and therapy. If criminal behaviour and offences could even only partially be attributed to contingent causes (like matters of circumstantial or constitutional luck), then this means that society has a moral obligation to offer as much assistance as possible to the unfortunates, even though their causal involvement will imply their necessary symbolic participation, and, thus, strangely enough, their suffering in some cases. But even if there would be full-fledged responsibility, then it still makes sense to try to make the detention time worthwhile and to allow offenders to change and to assist them in this endeavour rather than to make them worse off, which we cannot justify, or to let them continue in their problematic behaviour afterwards. Thus, there is an important moral argument in favour of certain prison designs and against others. If architects unconsciously contribute to this problematic moral state of affairs by ignoring how their designs favour one particular view on punishment and incarceration, then they are morally culpable. Hence, it is their responsibility to reflect on what kind of view on punishment they want to support by their design.

The search for an immanent understanding of the practice of punishment, and imprisonment, suggests that we must consider it as a moral and symbolic response. Hence, on a normative and practical level, prison design should try to incorporate this while at the same time to find ways to limit the suffering characteristic of the deprivation of freedom and to acknowledge that, because of the possible limits to agency, offenders earn assistance instead of further suffering. This normatively speaking rules out any kind of detention that relies on questionable structures and cultures with regard to rehabilitation and therapy, i.e. most contemporary prisons and their designs. As we know, there are other sciences that, as referred to above, built this body of knowledge and evidence.

One example of ethical prison design we already mentioned above is to be found in the Belgian context. Following on an acknowledgement of the over-

population in its correctional facilities, the Belgian government anchored more humane detention in the Belgian law in 2005 and set up a masterplan running from 2008 to 2016 that includes the intention to build several new facilities (of which several were built and in commission between 2013 and 2023).

Notwithstanding the intentions of the Belgian authorities and their procurement of new humane detention facilities at the beginning of the twenty-first century, the designs that followed received criticism. For instance, in their paper in *de Architect* in 2015, Gideon Boie and Fie Vandamme strikingly summarise the problem.⁶³ The designs of the prisons for Dendermonde, Leuze-en-Hainaut, and Marche-en-Famenne resembled the traditional panopticon or Ducpétiaux design. The Dendermonde design, by Beel and Jaspers-Eyers, has been criticised as ‘symptomatic [of] a modernisation that launches us back in time. The starshade form is part of a spatial scheme that reduces prison life to administration, sleeping and labour’. It seems as if the ‘winning design’ forgot that the modernisation intended in the law is aimed at a humanisation of detention instead of merely infrastructurally modernising them.

As change comes with difficulties, one would suppose that lessons were learned from these cases. So thought the Belgian government. A much more intelligent design of the specifications and conditions in a new procurement would allow more freedom in design and would solve the problem of new designs reflecting old views. The prison design of Haren would suggest that it worked. In reality, however, as Boie and Vandamme claim, is different. While the prison of Haren (commissioned in 2022) is developed as a prison village and seems to break with traditional designs, the internal structure and, more importantly, its spirit is not that different. The design of BUROI (part of the consortium Cafasso NV) ‘responded to the question of humanisation with an apparently novel concept of divided management units within a prison village [... but the concept] remains indebted to Ducpétiaux due to the subordination of its spatial organisation to the primal values of overview and circulation’. According to Boie and Vandamme, who scrutinised the floor plans and blueprints in detail, there is endless repetition of lonely cells and long hallways that debouch into control units. Additionally, the floor plans of the different units and buildings are also repetitious, masked by their differentiation in cladding. Although the prison village in Haren seems to suggest innovation to improve the humane detention, the question is whether the old idea about life in a minimalist cell paired with absolute control makes place for an approach that truly focuses on rehabilitation and reintegration. It seems that the village setting masks a programme and internal structure that is still strongly fed by an old vision from a morally problematic age. Thus, again, the government failed, probably on numerous levels, but the design and the architects failed too. This is especially painful since, within the Belgian context, there is a relatively well-established movement, De Huizen/Rescaled, that emphasises the importance of those issues and grounding the humanising intent of the Belgian law-maker.

De Huizen — which translates as ‘the Houses’ — originated as an idea in 2009 and as a project and non-profit organisation in 2012, was co-initiated

by Hans Claus, who was an appointed prison-director and (co-)author on several publications on the topic,⁶⁴ in response to a motion submitted by Sarah Smeyers, back then Chair of the Committee on Justice, on 10 October 2012, for a resolution ‘for a pilot project on differentiated sentencing’.⁶⁵ Since 2024, detention houses — comprising different kinds: detention houses, transition houses, and gangway houses — are legally established in Belgium after some pilots in 2020, 2019, and, notably, a Vlaams Bouwmeester recognition in 2014. The organisation met in 2019 with like-minded organisations internationally and co-founded Rescaled, which is a framework advocating for European penology based on detention houses.⁶⁶

Although European penology has been increasingly influenced by scientific knowledge, as we have shown above, it did mostly only in theory, implying a gap between theory — sometimes complemented with the law — and practice. Prison design remained indebted to a view on penology and detention of a time long past and no longer justifiable — not morally nor according to evidence. In response to the mismatch between the Belgian law on humane imprisonment, de Huizen proposed a radical alternative that aimed to reduce the gap between theory (academically and legislatively) and practice (prisons and prison designs) by rethinking the concept of detention through the model of small-scale, differentiated, and community-integrated detention houses. This has been guided by three founding principles for both the detention culture and the supporting built infrastructure:

When small-scale, it will be easier for incarcerated persons to build trust, make choices and gain responsibility, which is a prerequisite for everyday life in the 21st century. When being differentiated, incarcerated persons will serve their sentence at the right security level and receive the support they need, which means that they are better prepared for release. When being community-integrated, incarcerated persons will be able to stay connected to community-life. [...] They will leave the detention house as a part of the community — with a good support system and the tools they need to face life after release.⁶⁷

This view on detention houses is thus significantly different from the much more known — and considered ethically designed — prisons in the Scandinavian countries like the Halden prison. These houses not only incorporate small communities, meaningful work and day-time routine, and a different relationship with staff members but also further downsize and differentiate spaces to make them more community-integrated. These houses are not detached from society but are placed within, very often relying on adaptive reuse of already existing structures within the urban fabric. All this implies their sustainability on different levels.⁶⁸ Firstly, at a social level, inmates will experience inclusion and the chance to do something meaningfully with the time incarcerated and experience some connection to community life and society, and the social harm implicated by incarceration may be minimised given the flexibility that the small-scale and community-embedded detention houses entail. Secondly, at an ecological level, detention houses are flexible and dynamic, both

on the practical and ideological level and do not require the major investments of warehouse prisons and may make use of the existing building stock. Thirdly, at an economic level, detention houses can create an income by providing goods and services to their local communities and small-scale facilities tend to allocate resources in a more efficient manner. Moreover, as suggested by alternative prison culture and community-oriented incarceration in the Scandinavian countries, detention houses may have a positive impact on recidivism rates, thus reducing detention costs for society in the long run.

More importantly, with regard to our concern in this paper, detention houses seem to offer the twofold ethical answer needed. They allow for symbolic restitution by punishment and the deprivation of freedom — as being incarcerated in a detention house still means one has been deprived of one's autonomy and liberty to a substantial degree which will imply a degree of suffering that adds to the symbolic restoration — and allow for a morally justified detention — as the symbolically apparently necessary punishment is limited to the deprivation of freedom and its inherent suffering while the incarceration itself is wholly oriented at rehabilitation, therapy, and re-creating a meaningful life, aiming for societal reintegration. This radical orientation at rehabilitation and minimising detention harm imply this kind of prison design offers a morally justifiable solution which seems to be lacking in many other prison designs, such as warehouse prisons or the other Belgian examples discussed. Thus, detention houses, on the one hand, embody the deeply ingrained punitive response and the symbolic need for incarceration. On the other hand, because of their focus on rehabilitation and assistance, they acknowledge the possibly limited degree of responsibility and stay away from any further form of harm to the offender which is no longer a symbolic response and no longer justifiable. In that regard, instead of creating non-places that are detrimental to the inmates and that communicate inmates' irrelevance, detention houses seem to be able to bring across a message of self-esteem, opportunity, and betterment, even though they still embody the punitive symbolic response, and are able to combine it with consequentialist, protective considerations. As such, this concept of detention remains justifiable irrespective of the partial truth of determinism — if we are only limitedly or partly accountable, then it makes sense to focus on rehabilitation and the affordance of therapy and assistance in improving the conditions that were detrimental though partly beyond offenders' control. Likewise, even if we are responsible, then it still makes sense not to add to the suffering but to invest in betterment for both the individual offender and society.

It is interesting to note here that detention houses and the radical different conception on detention they embody actually resonate with much of the goals, challenges, and suggestions that, for instance, Matter Architecture identified.⁶⁹ They, for instance, refer to the Prison Safety and Reform White Paper of 2016, highlighting that architecture has a key role to play in addressing the required cultural and structural changes, which is 'a transformation away from offender warehouses to disciplined and purposeful centres of reform where all prisoners get a second chance at leading a good life'.⁷⁰ Archi-

tecture must allow for diversification in order for rehabilitation to be effective, and thus must exhibit prison designs that are responsive to individual needs. The kind of innovation that detention houses bring with them offers a built infrastructure that can support 'a rehabilitation culture or whole prison approach' and nourishes 'institution values, work, practices, skill and behaviours needed and emphasises the role that networks and relationships have to play in supporting prisoners' journey to active citizenship and desistance from crime'.⁷¹ Karthaus, Block, and Hu suggest there has been an over-prioritisation of safety and protection that is detrimental to the well-being and rehabilitation of individual offenders, as well as that it cannot stand logical scrutiny when its financial balance comes into the picture.⁷²

Additionally, prisons now still cause permanent, continual punishment that persistently damages offenders and their families, which is clearly at odds with its stated purpose of rehabilitation.⁷³ In their 2019 paper as well as the report, they stress the importance of generating wider community participation and local partnerships, as well as the role the society has to play in offering genuine second chances. They state that 'the potential to connect with the immediate surroundings, physically, socially and economically remains underexplored and offers a further area of future expansion for the project'.⁷⁴ Warehouse prisons or other types of prisons cut-off from society and stripped from social networks and meaningful reintegration processes and supportive rehabilitation programmes will not offer those genuine chances at re-establishing a good life: 'Decades of isolating prisons from communities is clearly a major factor in public attitudes and a barrier to reintegration into society.'⁷⁵ In all of these respects, detention houses and their scale, differentiated assistance, structured permeability and design-supported culture may instigate a change that reflects a thoughtful penological view and offers morally justifiable responses to the many problematic issues that contemporary prisons and their designs are facing.

Conclusion

As architectural design cannot be cut off from its complex context, it is often mingled with clients' wishes, policy rules, and uncritical ideas. However, this does not mean that architects can be exempted from their responsibility. When novel prisons reflecting a new vision are needed, they must act critically and creatively to engage with the question and to respond. Nowadays it appears as if formal compliance is more important than truly thinking about whom you are designing for and for what reason that the design can enable. It is within this reflection that critical and ethical thinking is key and that it is imperative for architects to contemplate the ethical outlook in which their designs originate. The philosophical insights into the intelligibility of the practice of punishment and its justification opened up by the article can allow designers to better understand the ethical underpinnings of their penal designs and enable them to develop morally justified design suggestions. Since architecture makes inevitably choices about the shapes of societies, it

would do well to substantially and explicitly encounter the ethical underpinnings of their design. This is captured by Mark Kingwell in his remark: '[I]nsofar as they control the means of shaping the spaces of everyday life, [architects] must put themselves in the vanguard of the new global citizenship.'⁷⁶

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57. This consistency with the phenomenon of agent-regret relies on a yet unpublished reply by the authors of this article to Burms, Cuypers, and De Mesel, 'P. F. Strawson on Punishment'. Further understanding of the notion of agent-regret was introduced by Bernard Williams in his '*Moral Luck*' paper to point to the fact that although we can agree on the fact that in some cases an agent is not at all to blame, the agent still experiences some kind of remorse or regret or guilt-like feelings induced by his causal involvement and his awareness of the values lost. See Bernard Williams, *Moral Luck: Philosophical Papers, 1973–1980* (Cambridge: Cambridge University Press, 1981).
58. Burms, 'Retributive Punishment', pp. 162–3.
59. Ibid., p. 175–6.
60. Ibid.
61. See W.H. Auden, 'Funeral Blues' (1936), in W.H. Auden, *Collected Poems*, ed. by Edward Mendelson (New York, NY: Vintage International, 1991), p. 141; and Arnold Bennett, *The Old Wife's Tale* (London: Penguin Books, 1908), pp. 252–6.
62. 'Mission' and 'Vision', Rescaled website, n.d. <<https://www.rescaled.org/mission-vision/>> [accessed 18 November 2024].
63. Gideon Boie and Fie Vandamme, 'Gevangenissen in België. De fabel van marktinnovatie. De architect verdwijnt van het toneel' ['Prisons in Belgium: The Fable of Market Innovation – The Architect Disappears from the Stage'], *De Architect* (December 2015 – January 2016), 11–7, quotation translated by the authors.
64. See Claus, Beyens, De Meyer, Gryson, and Naessens, *Huizen*; and Claus, *Achter Trailies*.
65. De Huizen website, n.d. <<https://dehuizen.be/nl/realisaties>> [accessed 18 November 2024].
66. Rescaled website.
67. Ibid.
68. 'Mission' and 'Vision', Rescaled website.
69. See Karthaus, Block, and Hu, 'Redesigning Prison'; and Karthaus, Bernheimer, O'Brien, and Barnes, *Wellbeing in Prison Design*.
70. Karthaus, Block, and Hu, 'Redesigning Prison', p. 204, with reference to Ministry of Justice and NOMS, *Prison Safety and Reform* (London: Ministry of Justice, 2016), p. 3.
71. Karthaus, Bernheimer, O'Brien, and Barnes, *Wellbeing in Prison Design*, p. 91.
72. Karthaus, Block, and Hu, 'Redesigning Prison', pp. 213–4.
73. Ibid.
74. Karthaus, Bernheimer, O'Brien, and Barnes, *Wellbeing in Prison Design*, p. 124.
75. Karthaus, Block, and Hu, 'Redesigning Prison', p. 217.
76. Mark Kingwell, *The Ethics of Architecture* (Oxford: Oxford University Press, 2020), p. 20.