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The Architecture of a Human Rights Violation

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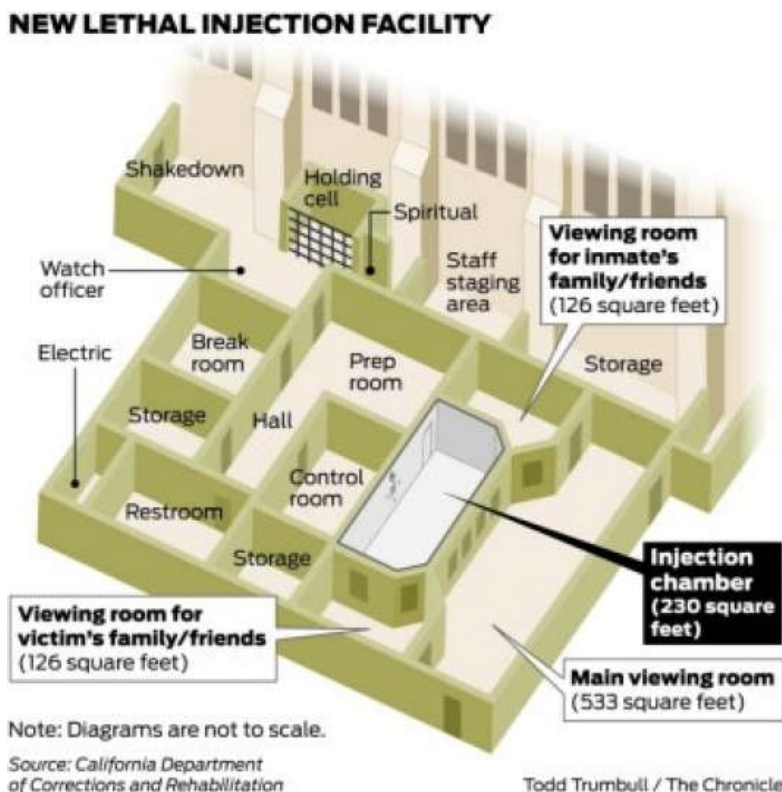
By **Melissa Lazaro***

[The American Institute of Architects' Code of Ethics and Professional Conduct](#) lists the standards that licensed architects in the United States are required to incorporate into their professional practices. It addresses an architect's obligations to the public, the client, their colleagues, as well as the environment. However, it is Ethical Standard (E.S.) 1.4 that lists perhaps the most far-reaching obligation that a practicing architect should uphold. E.S. 1.4 reads, "Members should uphold human rights in all their professional endeavors."

Aside from this one standard, human rights are never mentioned again within the ethics code and architects are left on their own to interpret both what E.S. 1.4 means and how to put it into practice. Regarding its meaning, [Helene Combs Dreiling](#), the American Institute of Architects' (AIA) former president, says, "The code has to do with the way architects practice, treat each other, perform in the eyes of our clients." But Raphael Sperry, president of Architects/Designers/Planners for Social Responsibility, proposes a different understanding. [He interprets](#) E.S. 1.4 as a call for the AIA to adopt international human rights standards by prohibiting the design of buildings whose sole purpose is the violation of human rights—specifically the design of execution chambers and solitary confinement housing.

The Design and Intent of Execution Chambers

Following the 2010 construction of the new execution chamber at San Quentin Prison in California, [SFGate chronicled](#) the chamber's features. Costing \$853,000, the new chamber is four times larger than the old one, includes three witness viewing rooms, is adjacent to a control room where the lethal injection cocktail is locked away, has four telephones with separate telephone lines in case of any last-minute pardons, and is wired with speakers so the prisoner can broadcast his final words.



Floorplan of San Quentin Prison's newly designed execution chamber. Image: K. Fagan/SFGate

All of the features of San Quentin's new execution chamber are design elements; they exist to fulfill the design intent, which is to kill prisoners. If the purpose of the finished design is to facilitate an activity that will result in a human rights violation—which execution chambers certainly do—then how does it not constitute a violation of the AIA's code of ethics under E.S. 1.4?

The Death Penalty at Home and Abroad

The death penalty in the United States has come before the Supreme Court multiple times. Although capital punishment was [declared unconstitutional](#) by the Court in *Furman v. Georgia* in 1972, the Court did so on the basis that its arbitrary imposition constituted a cruel and unusual punishment, and therefore a violation of the Eighth Amendment, rather than the punishment itself being a violation. However, the Court restored capital punishment in 1976 on the justification [that](#) “new procedures and requirements were, in theory, sufficient to limit arbitrary decisions.”

The issue most recently came before the Court in June 2015 following multiple, much publicized, botched executions, including the execution of [Clayton Lockett](#), where it took 43 minutes for Mr. Lockett to die following the administration of the first execution drug. In *Glossip v. Gross*, the Court ruled against three death row inmates who claimed the lethal injection used in executions could cause excruciating pain, and would violate the Eighth Amendment. However, both dissenting [Justices Stephen Breyer and Ruth Bader Ginsburg](#) “came very close to announcing that they were ready to rule the death penalty unconstitutional.”

In contrast to its popularity in the United States ([61% of Americans](#) approve of the death penalty), capital punishment has been widely condemned by the international community and goes against international norms and standards; the United States and Japan are the only [developed democracies](#) who still use the death penalty. In December 2014, the United Nations General Assembly adopted [a resolution](#) calling for a moratorium on the death penalty, which [passed](#) by an overwhelming vote of 117 states in favor of the resolution and only 38 states—including the United States—opposed. [The Second Optional Protocol to the International Covenant on Civil and Political Rights](#) commits its [81 States Parties](#) to abolishing capital punishment. Although General Assembly resolutions are non-binding and the United States is a non-member to the Second Optional Protocol, this demonstrates that there is a wide international consensus that capital punishment constitutes a human rights violation.

Significance of the Ethics Code

Each state has different requirements pertaining to the licensure of architects, but according to the [National Council of Architectural Registration Board](#), “All jurisdictions require individuals to be licensed (registered) before they may call themselves architects and contract to provide architectural services.” That an architect must be licensed in order to practice is important because it means that architects have [a monopoly over their practices](#) and in exchange, [architects are responsible for protecting the public health, safety, and welfare](#).

This monopoly means that only licensed architects can offer their services because they bear the responsibility of ensuring that the structures they design will not cause harm by collapsing, for example. This is why the ethics code is significant. The standards listed in the AIA's ethics code are the standards an architect must abide by if they are to be charged with the responsibility of the public's safety. [According to Mr. Sperry](#), to demonstrate this responsibility, the AIA should ban the design of execution chambers because “the least architects could do is to say, ‘When you enter one of our buildings, it's not intended to kill you.’”

It is understandable that the AIA is hesitant to wade into the murky waters of regulating the types of buildings architects are and are not allowed to build, especially when capital punishment is permitted under United States law. However, one of the AIA's roles is to ensure compliance with the ethics code, which means to ensure that human rights are being upheld. If licensed architects are designing execution chambers—a structure whose sole function is to kill prisoners and therefore commit a human rights violation—then those individuals should be subject to disciplinary action and a case against them should be brought before the AIA's disciplinary committee.

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