

Speech by Robert Lecourt (Luxembourg, 9 January 1973)

Caption: Speech given by Robert Lecourt, President of the Court of Justice of the European Communities from 1967 to 1976, on the occasion of the inauguration ceremony of the new law court building on the Kirchberg Plateau, Luxembourg, held on 9 January 1973. Lecourt uses his analysis of the conditions of the building's contract of lease, concluded between Luxembourg and the Court of Justice, as an opportunity to explore the interior of the building and describe the works of art which can be found there.

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Speech by Robert Lecourt, President of the Court of Justice, on the occasion of the inauguration of the new Court of Justice building, 9 January 1973

To-day, your Royal Highnesses, the very date itself and, indeed, these surroundings and your own gracious presence lend themselves to a symbolic interpretation.

It is the date on which we are celebrating the twentieth Anniversary of our Court as well as welcoming the new enlarged Commission and swearing in the four new Members of this Court. At the same time these new law courts of ours where we will henceforth be carrying out our work, are to be officially opened. And, not least, the fact that it is you, your Royal Highnesses, who are presiding over this ceremony, must complete the whole pattern of events which have led to this splendid occasion.

First of all, this is a unique opportunity for me to thank you on behalf of my colleagues and this whole institution of ours. Our gratitude must extend not only to the interest which you have always shown but also to the real help you have given us : any member of any of our departments will readily witness to the warm hospitality of the Grand Duchy.

This is the first time we have had the chance to express both in public and in your presence our deep appreciation of everything you have done for us but we have had, for a long while, good reason to say as much and it is with great warmth that we do so now.

Equally symbolic, since it acts as it were, as a blockade around our seat of justice, is the tape here in front of us which you are about to cut.

There must, of course, be deep metaphoric meaning to be understood from the fact that there is only a little piece of tape stretched at this moment between the Community and its judges and that you are about to cut it away. This meaning is no less wide in its ambit when you think that from now on it will be possible for any one of as many as 250 million individuals to come to this Court and seek here the protection of his rights.

But all these metaphors, however attractive in themselves, must grow, as it were, out of reality. And the reality in this case, thanks to your Government and Parliament, is this spacious modern building which provides a happy combination of architectural and artistic stimulus and an efficient place to work in.

And now, Mr Prime Minister, we now become your tenant!

And so that it should be made quite clear to all that we are assuming the obligations derived from this situation, you have taken the effort to hand over to us this morning the subject matter of the contract in the manner laid down for the most solemn transfer of the old Roman Law. Both the lessor, which you are, and the lessee, which we are, in the presence of the "thing lent" will thus, having pronounced the customary phrases, take as the witnesses of their agreement an unusually high number of important people.

Because of this we must also be jointly and severally grateful, to the authorities of the Community, to the Ministers of the nine Member States, the Presidents of their Supreme Courts, the President of the European Court of Human Rights, and the diplomatic corps who have done us the honour freely to witness this undertaking.

But, as we have in fact become your tenant, it would have been folly indeed to assume such an obligation without first consulting your Civil Code. And that we have done. And with great benefit !

It is rare indeed that reading such paragraphs provokes any feeling. Nevertheless one Article in particular, 1713, aroused our curiosity, in that we learnt that it enabled you to let "all sorts of property". What does this phrase involve, "all sorts of property" ? The phrase is disquieting. If we return to the Napoleonic Code we are not reassured. This building which was being built for us, could it also have come within the property "of any sort" referred to in your Code ? What irreverence that would be for a Law Court, or what risks that would involve for the tenant ! There was only one thing to do to cope with the ambiguity of the term and

that was to place our complete confidence in you. And that is what we have done.

All we needed to do was to wait. To wait for the completion of the works, to be able to explore this place to discover, concealed behind the subdued appearance of the external material, a real crystal palace. Viollet-le-Duc put it exactly, "buildings are the envelope of society at any one epoch". Here to-day we need only open our eyes to observe that the construction is pleasant, comfortable, harmonious, of human proportions, a return to the horizontal span, built on this open plateau in an imposing position under the impetus of a tireless Minister of Public Works, Mr Jean-Pierre Buchler, under the direction of talented architects headed by Mr Jean-Paul Conzemius and his colleagues, under the ceaseless control of the State Architect, Mr Constant Gillardin and the efficient co-ordination of the Chief Inspector, Mr Pierre Petit.

In short, if after a quick glance at your Code one was initially left in doubt, the construction which took shape, gradually unfolded itself as is always so with great buildings, was sufficient to reassure one.

It is with renewed interest that we look again at your Code. This time we discover three obligations imposed under Article 1719. Neither the first nor the second can give cause for alarm. As a prudent owner you have well and truly "delivered to the lessee the property let" in the presence of too many important people for there to be any doubt left that the first obligation has been performed.

And insofar as you are bound to guarantee "quiet enjoyment", this obligation has also been fulfilled in advance by the manifest attentiveness which you have shown to our Institution.

But what exactly is the significance of the obligation on you "to maintain the property let in the State which is necessary for its use for the purpose for which it was let" ? What then is this use ?

At first sight, one might imagine that a building leased to a Court of justice would be used exclusively for judicial purposes. This would indeed be indicated by several facts, the presence of numerous pleasant offices, of a spacious library and, even more significantly, of three beautiful courtrooms furnished with all the necessary equipment.

But isn't this just an illusion ?

The fleeting visitor might well feel he has made a mistake. He was invited to enter a law court but he finds himself in an art gallery. The figure of Justice is certainly there since everything has been prepared for her. But it is difficult not to be mistaken. Traditionally justice is portrayed as possessing academic and stern, not to say somewhat forbidding features, put here she has taken on colour, life, optimism, and looks forward to solidarity, progress and peace.

As the visitor draws near he is welcomed by the lithe outburst of movement of the excellent sculpture of the Luxembourg artist, Mr Lucien Wercolier, whose work, breaking with tradition, has been placed before the building to exorcise it of the reputation for cold inflexibility which is how all too often justice is imagined.

And then here in front of us we have the gripping portrayal of the figure of Justice and Peace in which, in confidence and hope, the one with human serenity entrusts to the other the childhood to be protected. Here are pleasantly combined the gift for powerful expression together with soaring imagination, of force and life which is characteristic of the work of the creator of the beautiful gates of St. Peter's in Rome, the Italian sculptor, Giacomo Manzù.

At the work of the Dutch artist, Mr Balien, which is intended to decorate the other end of this vast entrance hall we should now enter the courtrooms.

In the first of these, this human forest, engraved in a sober and confident style by the German sculptor of great renown, Hap Grieshaber, in which all ethnic origins and all differences are compounded together to produce a festival of mankind. The artist has used his powerful talent to draw them together in a living community under the care of a figure of Justice which, without any pedestal, is on the same level as them.

Glance into the other court and you will see great birds in evocative flight, wing against wing, the one supporting the other above a landscape of quietude and peace. The delicate Belgian artist, Mary Dambiermont, has, with much sensitivity, been able to translate into a beautiful picture the very idea of the Community by the discreet harmony of her colours in this vast tapestry.

Let us now go into the main courtroom. You are in the centre of a living European landscape on which are portrayed in radiance the most ancient monuments of the judicial history of our countries. A riot of childhood colour of abundance and of peace is enframed. In one place we have a fraternal Community, in another a figure of Justice of freshness and charm and in which the harmony, the joie de vivre and all the lyricism of the great French painter, André Hambourg are to be found.

All these artists of international reputation have been able to translate the inspiration on which the judicial work which takes place in this Court rests : a community of peoples, which by the unity of their laws and the practice of a common justice, leads irresistibly to works of prosperity and peace.

So many diverse interpretations of themes which inspire our work could well have given rise to still more great works ! The historians of the future will perhaps trace the origin of the first substantial realisation of a Europe of the arts to 9th January 1973.

Yours has been the first initiative, Mr Prime Minister, to draw together, in a Community setting, works and artists coming from the different Member States. This fascinating opening of a new Community, might it not foreshadow the dawn of a European consciousness and concern for things artistic which hitherto have been confined within narrower bounds ? It certainly seems that the augurs are there. However things turn out, this is certainly the hope which the assistance that has been given or promised by several Member States allows us to have and as is witnessed here in the beautiful tapestry of Jean Lurçat which decorates this court.

By making these law courts into a place of European art, you have endowed your capital with a truly community museum and created for every visitor to the Grand Duchy a most important centre of interest.

For this building and the collection of works of art that it contains, the Court, your tenant, Mr Prime Minister, undertakes, pursuant to Article 1728 of your Code, to use it "as a reasonable father and in accordance with the purpose which the lease lays down or which is to be presumed from the circumstances"... You, on the other hand, undertake pursuant to Article 1723 for the duration of the tenancy not to change "the form of the property let"...

And if everything runs smoothly, as it is expected to, your Code gives comfort in promising if we both agree to it, the relationship of landlord and tenant would become indestructible because "a tenancy agreement is not discharged by the death of the landlord nor by that of the tenant". But who, on such a day as this, could doubt that both parties will last for ever ? The Grand Duchy is built upon a rock : the Court of Justice, like the Community itself, upon the solid dictates of necessity.