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Architecture and the Law: An Epistolary Exchange With Dr. Lucy Finchett-Maddock

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VOLUME 04

LEGAL THEORY

Edited by Léopold Lambert
August 2013

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VOLUME 04: LEGAL THEORY
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INTRO

THE LAW TURNED INTO WALLS

Legal theory came into my field of research through the excellent platform *Critical Legal Thinking* and three of its regular writers/editor: Lucy Finchett Madock, Andreas Philippopoulos-Mihalopoulos and Gilbert Leung. Their work articulates legal theory, politics, literature and philosophy in a way that has been highly influential for my attempt to accomplish something similar in relation to architecture.

The relationship between architecture and the law is similar to the one between the egg and the chicken: it would be difficult and probably useless to determine which one created the other. The interesting question, however, is whether one can exists without the other. The law requires architecture to crystalize the territory where it applies — the example of private property is the most obvious, — and architecture, in its inherent power to control the bodies, cannot help but create new laws for each diagrammatic line it materializes into walls. The following texts also attempt to understand what it means to disobey or "go around" a law because of ethical incompatibility with its prescriptions, as well as question when it can be legitimate to do so. Such disobedience cannot be accomplished lightly or selfishly, and therefore requires solid reflective bases in order to be a catalyst of political and/or design strategy. In that matter, the present volume does not pretend to bring solutions, but rather proposes a few thoughts and examples.

01

ARCHITECTURE AND THE LAW: AN EPISTOLARY EXCHANGE WITH DR. LUCY FINCHETT-MADDOCK

New York, July 12, 2012

Dear Lucy,

I have read your essay, "Archiving Burroughs: Interzone, Law, Self-Medication" with attention and appreciated, as usual, the way you manage to link fiction, law and space together. I do think however that we should keep this text for a little bit further in our conversation since its specificity might make us miss the bases of the discussion that we would like to have about architecture and the law. I would like to ingenuously start by stating some obvious facts.

The law, understood as a human artifact, constitutes an ensemble of regulations that have been explicitly stated in order to categorize behaviors in two categories: legal and illegal. In order to do so, the law expects a full knowledge of its content from every individual subjected to its application in order to moralize and to hold accountable attitudes that are either respectful or transgressive.

The law is undeniably related to space, as it requires a given territory with precise borders to be implemented. Nothing is

easier to understand than the space where one is allowed to smoke or not. Law also includes within this territory smaller zones of exclusion, from the corners of the classroom to the penitentiary, where another form of law — supposedly a more restrictive one — is applied. These spaces are reserved for individuals who, through an active refusal to obey specific parts of the law, are to be separated from the rest of society. Individuals, when captured by law enforcement forces, are brought into these zones of exclusion and are being held in them for a given period of time provisioned *a priori* by law itself.

Many other spaces constitute territories where law is also different, but composed of layers of laws that do not contradict each other. Spaces like schools, offices, factories, hospitals apply a legal superimposition in order to complement the territorial law with sets of rules specifically formulated to optimize their institutional function.

Space itself is not necessarily an artifact, although the designation of borders that delimit it certainly constitutes a human intervention. This act of delimiting is probably the first legal gestur. Let us consider architecture as the ensemble of human physical modifications of the environment, whether it is agricultural, urban or infrastructural. It would probably be useless to wonder whether law invented architecture or whether it is precisely the opposite. What we can affirm, however, is that architecture, through its physicality, embodies the immaterial law. This is clear in the case of the zones of exclusion was evoked above. The fundamental element of the law of exception applied in them consists in prohibiting their subjects from exiting their space. In order to implement such a prohibition, an impermeable architecture needed to be created: this is the invention of prison as an architectural program.

Prisons are the extreme examples of how architecture embodies the law. We are nevertheless surrounded by more domestic cases of architectural enforcement of the law. During a curfew or quarantine, your own house, supposedly so neutral and innocent, can become your own prison. But was this house so innocent to start with? Isn't the house the material embodiment of a law that integrates private property as one of its components? How can we enforce property in a better way than to build impermeable walls on the lines that the law abstractly constructed? By using the universal "laws" of physics, — nobody can cross a wall without tools for example — architecture renders explicit the law which otherwise would need to be discursively enunciated otherwise in order to be acknowledged by its subjects.

This vision is, however, centered on architecture and I am wondering how the legal theorist like you interprets this relationship. Do you think that there can be a law with no architecture and/or a lawless architecture? If architecture is really the embodiment of the law, can we think of an architecture of illegality?

I very much look forward to reading your response to these questions, as well as other problems you might propose in this conversation.

Cordially yours,
Léopold

Exeter, UK, August 17, 2012

Dear Léopold,

Thank you for your letter dated 12th August, I apologise for my tardy reply but I have been away, as you know, in India. India, of course being a great example for the themes of architecture and law of which you speak, whereby not only are there plural legal levels of law as a result of the genealogies of colonialism, but so too there are those very clear architectures of law that reveal legal dichotomies, the insides and the outsides, those included and excluded (and of wrath of the common law in particular). Nowhere else has there been such a use of law as a mechanism of legitimated dispossession than in colonial India, with the decentralised despotism of the *Raj* and their opulent palaces as reminders of their decentralised British power; the acceptance of customary law into a plural legal hierarchy of state law that put the common law as the pinnacle of all might.

When thinking of the role of land and law, and the wall as the boundary, the legal space in which all of the divisions and structures of hierarchy are analogised (or not even analogised, but actualised), there is a reason why one is so struck by architecture as the architect of law — or law as the architect of architecture. Western individual property rights, are based on a presumption that 'ownership' of land, the right to design land as one sees fit (or hire a draftsman to follow design instructions), is the right to have exclusive access and possession to that particular geography of land. Thus, and this is taking from the highly influential German jurist Carl Schmitt, law starts and ends with the earth, and is determined through the categorisation and enclosure of the earth where all other phenomenology resides. This intrinsic link between law and architecture is the design of property rights, it is the manipu-

lation of space that acts as a way of keeping something in, keeping a population out. Therefore, architecture lends itself specifically as the embodiment of law, it is the dividing line, the juncture of liminality that is so easily described, and yet the most elusive thing in the world, that which is all order and chaos. It comes together in one coordinate, the coordinate of legal design; the sketchings of the architect.

What struck me recently when I was away in India was how obvious the past, and indeed the future, was expressed within the buildings, and moreso within the constant construction going on within the megacityscape where each new wood and cement fixture became another limb of the great living organism that was growing and gurgling as I would veer past in my auto-rickshaw. These were buildings that were not completed yet, that would most probably always remain incomplete as the years of bureaucratic procrastination and judicial protest halt the creation of the flyovers and office blocks.

What I would like to throw in here is a consideration of the role of entropy within law and architecture, and how this can offer a framework through which we can understand the role of law within architecture and architecture within law, and what you might think of this in relation to property, aesthetics as a whole, and law so too.

Take the seething urban mass of Bangalore, a city that only 30 years ago was a quaint retirement destination for local Karnatakan residents and its surrounding states, which since then has become the size of London, with no public transport infrastructure, and is still growing, with an air of todderishness that hints to only being a tenth of its potential size. The population has matured its foundations, and the job of producing of new living spaces and working spaces have not kept up. There are two types of design, those of the mas-

sive land acquisitions and re-mappings, which allow for colossal new speedways and airports; and then there are the designs of the slums. Both of these architectures of law rely on unplanning, as opposed to planning, and are reactive and emergent in their convergences. This, I would argue, is the entropy of architecture, and therefore entropy of law.

Specifically in relation to land law, there is little in the way of actual planning law, and when there is, it is planned with a certain group of elites in mind. The majority of those who live in Bangalore cannot afford to buy cars or motorcycles, and yet there are apparently 1,000 vehicles added to the road every day in the city. These are the upwardly mobile Bangalorians who work within IT and are making the most of the burgeoning city and it being known as the 'Singapore of the South.' Huge land acquisitions are undertaken in order to build in the name of the swelling bourgeoisie. Land acquisition is a common law inheritance and is known in India as 'eminent domain.' It exists as a stop valve for the state to acquire land for 'public purposes,' without the permission of those who already live on the land and have rights and attachments to the land. Those who are moved are by and large the architects of law from below, the slumdwellers and impoverished who own little or no legal rights to the land on which they reside. A complex web of common law legacy gives way to a situation whereby land is acquired and new building schemes begin, whilst at the same time architects from below utilise the notoriously slow, but most certainly relevant litigation processes of the courts to try and halt the taking of their homes and the construction of new hegemonies.

These two unplanned movements of law and architecture, the state land acquisition and the litigious rigour of Bangalore's civil society, operates in an emergent coagulation and one that is realised in the half built pillars and cement cov-

ered children on the roadside. These are not complete spaces, but half spaces, spaces that are not aware of how they will end up as a result of the intersection of law in design. So what does this have to do with entropy? At a very basic level, and one that takes from a traditional thermodynamic view, entropy is the amount of usable energy within a system. The more complex a system becomes, the more energy it uses, and the more it strives towards order, the more disordered it becomes simultaneously. Entropy exists in all systems, those that are alive and those not, as long as they possess enough energy to do work, and even theories on entropy themselves are part of the emergent systems of burgeoning theories on thermodynamism and complexity. Entropy is thus the contradictory premise that the world is rapidly becoming more intricate, requiring more energy to be used within its systemic bounds, marching onwards on a treadmill of a Darwinian perfection and evolution, whilst at the same time, the more complex it becomes, the quicker it moves towards a finality of heat-death. Entropy is therefore the juxtapositioning of order and chaos, which arguably conjures an aesthetics of symmetry, dissymmetry, design and architecture.

Seemingly, order is something that is necessary for the human mind to understand anything. There are those systems that appear ordered, and yet they rely on the dismemberedness of their interior, their genealogy, to exist and continue, considering Michael Butor's depiction of the structure of New York in the 1950s:

> […] marvellous walls of glass with their delicate screens of horizontals and verticals, in which the sky reflects itself; but inside those buildings all the scraps of Europe are piled up in confusion […] The magnificent grid is artificially imposed upon a continent that has not produced it; it is

> a law one endures. (Michel Butor, *Repertoire III*, Paris: Editions de Minuit, 1968)

What does this description of the underbelly of New York tell us of how law affects architecture, and the same vice versa? What can entropy tell us about the seemingly out-of-control cityscape of Bangalore, the planned unplanning and unplanned planning of the architects of law from below and those of the law from above? What is the role of property in this, and indeed aesthetics itself?

At this juncture I am going to go and have some lunch and leave it for yourself to ponder dear Léopold.

Yours,
Lucy

New York, May 2, 2013

Dear Lucy,

It has been a long time since we last sent each other a letter to think together about the way architecture and the law interact with each other. I apologize, for it was my turn to write to you.

In your last letter, you were reflecting on the strange collision of the Indian eminent domain with the slums, or what I would slyly call *immanent* domain. You were talking about this collision in Bangalore; I happen to know Mumbai better, as I lived in that city for a few months in 2009, but I assume that the two situations are relatively similar. Eminent and immanent domains constitute a form of violence towards the law as they both 'break' a traditional understanding of property. In the first case, the municipality or the State expropriates a group of people, while in the second case, a group of people claims a piece of territory that does not belong to them in order to build their dwelling. Two things ought to be noted. The first is that, contrary to immanent domain, the eminent domain somehow registers within the legal system even though it seems to contradict the law at first sight. The second is that, while eminent domain unfolds itself on an inhabited territory/building, the immanent domain exists on a land/structure that is either the object of estate speculation or that does not receive enough financial founds to be developed. I know that you are very interested in how the various squats of the world are questioning the legitimacy of our definition of property and I am sure that you have already thought extensively about these two notes.

It is interesting to observe how the eminent domain implements itself in a country like India as it reproduces part of the

process of colonization: something from the outside that imposes itself as the new law upon the bodies that are present on the concerned territory. The reminiscence of the colonial era is something that really struck me when I was living in this country. Many of the administrative buildings of Mumbai are the same as when they were used by the British. I am wondering if the continuity this creates is strictly symbolic or if it actively shapes the way administration operates. Take for example, Rashtrapati Bhavan in New Delhi, formerly known as the Viceroy Palace. Gandhi wanted to transform it into a hospital and Nehru made it into the Presidential Palace of the newly independent India. I suppose that, similarly, there is a multitude of laws elaborated during the colonial era that remained operative afterward. You are interested in the entropy of law; I suppose that we could remain in the field of physics and address its resilience.

What interests us, however, is not so much architecture and the law considered separately, even when they are implicated in similar processes of existence, but rather as part of the same strategy in the organization of a society. I want therefore to go back to the notion of immanent domain. Its relationship to the law might be more complex than the one I was describing earlier. In Turkey, for example, I have read that the police cannot immediately destroy an unauthorized dwelling whose construction has been completed: this kind of dispute has to be settled in court. Because it involves the inertia of the administration that a court settlement implies, this scenario is likely to require enough time for the dwelling's inhabitants to use it for a substantial amount of time. There are, therefore, strategies to build a home in one night to avoid a potential destruction the following day, if the construction would have not been completed. I find this example fascinating, as it interprets the practice of the law in a different way than we traditionally do. It is a form of negotiation with the inertia of

the system, rather than a strict reading of the law that would indubitably assign a given behavior to one of two categories, legal and illegal.

There is also a dimension of illegality that I would like to address. When can an illegal behavior be legitimately considered as what Henry David Thoreau called *civil disobedience*? I intuit that we have the right to disobey a law when, through this action, we are primarily questioning the legitimacy of the law itself. I will use a comparison I made in the past: when someone assassinates someone else, chances are that this first person is not contesting the fact that one is prevented by law to kill another person. However, when Rosa Parks refused to give up her seat to a white person in the bus in 1955 in Montgomery, she wanted to contest the very essence of the segregationist legal system. There might be some more complex and less extreme examples, but this distinction allows us to distinguish selfish disobedience of the law from a political one. I suppose that the slums we were talking about constitute a mix of these two dimensions as they claim a territory opportunistically, not to be relegated to the outskirts of the city, but they also do so as a manifestation of their existence and, by extension, of their right to the city.

Do these peregrinations of mind resonate in any way with you? I look forward to hearing from you, as I am sure that you will know how to challenge and articulate my intuitions.

Yours,

Léopold

Exeter, UK, on a rainy Tuesday, May 14, 2013

Dearest Léopold,

Thank you for your last correspondence, and as I read through our previous meanderings into law and architecture, I am transported back to the sultry heat of India, the free flow of writing in the summer months of a soporific, verdant Devon last year. Perhaps any hints of a summer heat do not ring quite true here in the UK, but you get the picture! Not only has it been a while since writing to you, dear Léopold, but it has been a while since writing full stop. The almost robotic practises of teaching – reading, reformulating, copying, altering, presenting, speaking, reproducing, shaking – are almost the inside-out of writing, the catharsis of mind that allows for ponderings on an aesthetics of law. But I am sure my six months of vocal, not written engagement will be contributing and inspiring my thoughts nevertheless.

I am back in India with your *immanent* domain, quite a metaphor for the emergent and by no means inert scientific allegories we are sharing in relation to property, both that requisitioned by the state, and that performed by the slums. The immanence of the Indian geography speaks to this kinetic energy, a city in flux through its response to legal and illegal planning regimes. It is interesting that you refer to the dichotomy of legal and illegal, as what has always been of interest to myself has in fact been this space in between, the point and threshold at which a constituent creates the constitution, the resistance becomes law. This is the immanency of law and resistance, the energy and metabolism whereby from one heartbeat to the next there is something that resembles a juridical formulation. Locating this moment is akin to imposing a rigid grammar of prescription on a work of art; to the ephemeral the resides as a sapphire in coal dust, be-

cause it does just that. But this liminal space in between the non-institutional and institutional still fascinates and allows for what is legal and what is illegal, within and external to law, like a Kafka-esque gate keeper, patrolling the door to the stomach of the law. By trying to understand these movements, the idea is to understand any foundation of law.

I also want to draw on your mentioning of disobedience, as this is something that I have been working on (sadly more confined to within the academy than so much outside these days!) of late in relation to the concept and practice of 'naughtiness'. Thoreau places the justification for disobeying law as that which rests as a duty, "If (an injustice) is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your body be a counter friction to stop the machine;" Arendt would say this is "testing the statute," whereby to be civilly disobedient is to counter a law in order to change a law. The institutional character and limits of law come up again in Arendt's understanding of civil disobedience and its role in constitutionalism, whereby to be civilly disobedient is to effect and affect law through extra-legal action: "the law can indeed stabilise and legalise change once it has occurred, but the change itself is always the result of extra-legal action." Thus, this division between the exterior and interior of law assumes the foundation of law, as therefore being innovated from an outside source. The legal, illegal, alegal, extra-legal, or infra-legal even, are all a motion of legitimation and structuration and where can it be better expressed than in architecture itself, in a seething urbanity, in a reconfiguration of law whereby slums rest on the grid of colonial property rights in a stasis of illegitimacy. And yet without them, property itself would not exist, nor indeed the pre-eminence of the Common law. Slums are the extra-legal to the right to exclude.

As you know I have focused my research for the last few years on squatting, a way of performing architecture in both an appearance and legal loophole of transiency, and yet the performance can last in a temporality much longer than that anticipated by either the squatter or the state. This inertia in which you wonderfully place our discussion of bureaucracy and the *techné* of law is, as you say, both a source of frustration and also a procrastination that results in the expedient re-appropriation of land. Returning to physics here allows for the role of time, or space-time more precisely, to be understood as a motor for resistance, as a means of testing the statute, whether we disrupt it and change its course or otherwise. Entropy is the arrow of time, and so in this inertia is an aesthetics of dilapidation and decomposition, an inevitability that the half-built speedway or giant-like pillar of a flyover will eventually shift from being built to becoming ruins. That plateau of architecture and law — between construction and destruction — is where entropy curlicues.

Once again, dear Léopold, I shall leave it at that for you to ponder upon and will return to my teaching duties.

Yours,

Lucy

02

REMUS HAS TO DIE

[also in The Funambulist Pamphlets Volume 12: WEAPONIZED ARCHITECTURE]

One of the most famous fratricides in the world's mythology is the one of Romulus and Remus. Similarly to Cain killing his brother Abel in the Bible/Quran or Seth killing his brother Osiris in the Egyptian mythology, it is written that Antic Rome was founded on a murder between two brothers. Romulus and Remus have been abandoned by their mother, fed by a female wolf and raised by a couple of shepherds. They both wanted to found a new city on one of the hills that are now part of Rome. Having interpreted the auguries in his favor, Romulus started digging a trench around what was to be his new city. In protest, Remus, who had another interpretation of the auguries, jumped over the trench and his brother killed him. The new city, named after Romulus, was born.

Many of us know this story, but it is interesting to re-read it through the filter of architecture and the law. When Romulus digs a trench around the future city, he circumscribes and appropriates a territory. In other words, he proclaims his property and a form of control over it. This would not be possible without a modification of the physical environment. This is why he dug a trench, but he could have built a fence or a wall. Architecture, understood as a voluntary physical act on its material context — in this context, a wall or a trench can both legitimately be called architecture — is used to implement the law. We can also observe that what

we call the law can be unilaterally declared and thus can surround and subjugate each body present on the territory, on which it applies. It is therefore important that architecture delimits the territory as one of the axioms of the law is that anybody who is subject to is supposed to know about it. Just as when Julius Caesar crosses the Rubicon, when Remus jumps the trench, he is fully aware of his trespassing; he is so much aware of it that he is accomplishing his act only to disobey the law as a manifested protest against it — the only reason why one can legitimately disobey the law, as we will see in Chapter 06.

The trench is the material manifestation of a diagram imagined in Romulus' head. In that sense, Romulus was the first Roman architect as he 'drew' a line that will subjugate the bodies and implement a law — the two are almost the same. He gave himself the means to materialize this line into an architectural element, the trench. When Remus crosses this line, not only does he disobey the law, but he also manifests a clear denial of the power of architecture. Through his gesture, he subverts the order composed together by the law and architecture. One has to understand it as if he would have crossed a wall, ignoring the law of physics that affirms that such a thing is impossible. Remus has to die for Rome to be founded on the law and for the world to continue to apply the "laws of nature."

What we can hope, as funambulists, is that the body of Remus was buried inside the trench, — it would thus serve its double function of wall and grave — in the thickness of the line of Romulus's property diagram. The narrow physical space of the line is indeed a geometrical impossibility within the legal diagram — lines have a length but no thickness — and therefore no law can be thought to be applied within it. Remus's body would therefore be liberated from the law

forever and Rome would own in its walls, the mark of the disobedience that triggered its founding murder.

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Originally published on March 5th 2013

03

TRAPPED IN THE BORDER'S THICKNESS

[also in The Funambulist Pamphlets Volume 12: WEAPONIZED ARCHITECTURE]

For the last seven days, a group of twenty Eritrean refugees have been trapped between the two fences materializing the border between Egypt and Israel as they were trying to enter the latter.[1] Today, the group was dismissed when a vast majority of them was expelled and three of them were brought to a detention center on the Israeli territory. The 'normalized xenophobia' of European countries and Israel results in migrants dying at their frontiers. In this case, one of the women in the group miscarried a child, since no other humanitarian aid was brought to them than a limited amount of water. This reality long reached the tragic stage where it has been accepted as a collateral effect of globalization. I would require a more developed reflection to properly deconstruct this dreadful logic.

I would like to stress the geometrical paradox where a border acquires a thickness. In reality, the line traced on a map is often materialized by a physical element. Inevitably, this element has a given thickness. That is the difference between the mathematical abstraction and its physical adaptation in reality. In this case, the materialization of the abstract border

1 This text was written and published on September 7th 2012, a few hours only after this group of refugees had been expelled from this zone by the Israeli authorities.

is achieved by a double fence, creating a space in between that is legally ambiguous. Technically, this space is on the Israeli territory. Nevertheless, for seven full days, the state of Israel refused to grant access to its territory to those twenty migrants, implying that this space was not part of its territory:

> An Israeli government spokesman said: "According to international practices and binding precedents, the fence is a *de facto* border, and therefore anyone who is beyond it is not located in Israeli territory and is therefore not eligible for automatic entry. (Harriet Sherwood, "Eritrean refugees trapped by security fence at Israeli-Egyptian border," *The Guardian*, September 5, 2012)

Similarly to the demilitarized zone between North Korea and South Korea, or the United Nations Buffer Zone in Cyprus, the space between two lines of fences carries a legal status that is not the same as the status of the territory on each side. Whoever lives in this space can be said to be liberated from the law. However, such liberation also implies the loss of a legal status for this individual, who becomes the target of one or both sides' fire. In this case, the individuals were dispossessed of the right to be treated humanely either by Egypt or by Israel. In *Homo Sacer*, Giorgio Agamben invented the concept of *bare life* to characterize the status of individuals who are subjected to the state of exception and who are fully expelled from the political and legal process. The border's thickness as the space that establishes the conditions of existence of the *bare life* status.

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Originally published on September 7th 2012

04

ABSURDITY AND GREATNESS OF THE LAW: THE SIEGE OF THE ECUADORIAN EMBASSY IN LONDON

For two months, Julian Assange, founder of Wikileaks, found refuge in London's Ecuadorian Embassy where he benefited from diplomatic asylum.[1] Consequently, for two months London Police besieged the building to arrest him as soon as he would step out. The legal implications of this situation are fascinating, and their play would be amusing if what was at stake was not so crucial. Let us recall the context first: Assange is promised to be extradited to Sweden where he is accused of rape and sexual assault on two women. In Sweden, Assange would likely be extradited to the United States where he would be accused of spying through Wikileaks.

Ecuadorian President Rafael Correa granted Assange the right to stay inside the London Embassy as long as he would like. Last week, Assange delivered a speech at the balcony of the Embassy, closely scrutinized by policemen, illustrative of the intrinsic absurdity of law, and simultaneously of its greatness. Law can arguably be considered as the most artificial human invention ever made. On his little balcony, Assange is safe from any police intervention. Should he have leaned

1 This text was written in August 2012. At the time of the editing of this book (July 2013), Assange remains a incidental resident of the Ecuadorian Embassy.

over a bit too much and fell two meters below, a horde of policemen would have surely arrested him. Architecture has, of course, its full role to play here, as it materializes the limits of territory between one legal system and another. The balcony and its guardrail constitute the material embodiment of this border.

The greatness of law is that it has been *theoretically* conceived in detachment from specific situations, and therefore it is supposed to express a certain consensual idea of justice. It therefore applies — again, theoretically — coldly to any situation and guarantees the same rights to all. In this case, the inviolability of the diplomatic right is applied to the great prejudice of the British, Swedish and American governments.

Julian Assange is currently contained within a small building that is hardly comparable to a prison cell, but does not guarantee him a broad freedom of movement. Louis Imbert's recent article in French newspaper *Le Monde,* establishes a list of legal escapes that could be undertaken by Assange if helped by the Ecuadorian government.[2]

In April 1984, anti-Gaddafi protesters were shot in front of the Libyan Embassy in London by weapons fired from inside the building. After eleven days of siege on the Embassy, the Libyan officials were expelled from the United Kingdom. Three years later, the Parliament voted the *Diplomatic and Consular Premises Act* (1987), which allows the government to disobey the 1961 Vienna Convention, and override the diplomatic asylum in extraordinary circumstances. Until today, the act was used only once, in order to expel squatters from the Cambodian Embassy in 1988.

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2 Louis Imbert, "Assange peut-il s'échapper de son ambassade assiégée ?" *Le Monde*, August 20, 2012.

Here are Assange's options of escape, according to Imbert:

- He could be named Ecuadorian representative at the United Nations, and could therefore not be legally prevented from travel in order to attend the U.N. sessions.
- The Vienna Convention stipulates that diplomatic cars cannot be searched, which would allow Assange to be safe within one. Nevertheless, he would be obliged to leave the car to get into a plane and would be arrested then. Anyway, the Ecuadorian Embassy is a small building that one has to leave it to access any car.
- There is no restriction on the size of the so-called diplomatic bag. Assange could be placed in a human-scale container, which could theoretically not be open by the British customs. In 1984, a former Nigerian minister, Umaru Dikko, had been kidnapped and put in such a container. Because of a failure in the procedure, the box was open and the minister was found by the authorities. However, the status of this diplomatic bag, which should carry only official documents, would probably allow British authorities to legitimately open the container.
- An illegal escape can also be considered. There is a rooftop heliport fifty yards away from the Embassy, and other options of disguise inspired by a multitude of films dramatizing this kind of escape.

Imbert also evokes two historical cases of asylum right claimed from Embassies. The first is the longest of all: Hungarian cardinal Jozsef Mindszenty stayed for fifteen years (1956-1971) at the American Embassy in Budapest. The second is interesting for the means of siege it used: in 1989, during the American invasion of Panama, Manuel Noriega, the former dictator, found shelter at the Vatican Embassy. The American army managed to arrest him ten days later, after setting up gigantic speakers around the building and airing extremely loud music, a technique of torture that is still cur-

rently in use in the Camp Delta detainment camp in Guantanamo Bay.

It is interesting to see that the law is usually introduced as an objective artifact when, actually, it is more open to interpretation. Similarly, its very base and means of application consist in the full knowledge of its contents by its subjects. In reality, we can observe that legal questions are often resolved in the small folds of the law. This is problematic, as some people know the law more extensively than others and therefore participate in the creation of a legal aristocracy, often overlapping the map of social classes. The way an important part of the wealthy population uses legal loopholes to pay less taxes is a regrettable example of such an overlapping. On the contrary, associations like the *National Lawyer Guild* in the United States continue to be extremely helpful in the confrontation between the police and the Occupy movement. They ought to be singled for their dedicated use of expertise to a population that does not necessarily have enough resources to hire skilled lawyers. Architecture itself is also tied to the practice of the law in a fascinating way. The embassy is a particularly expressive example of such a relationship, as we will see in the next chapter.

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05

THE SPACE BEYOND THE WALLS: DEFENSIVE “A-LEGAL” SANCTUARIES

Considered purely in the abstract, the law appears to be a tool that makes strict categorizations of human actions and behaviors into legal or illegal, just or unjust. Concomitantly, the abstraction of the law corresponds to a similar spatial abstraction in which territories are defined diagrammatically. This is true as far as the sovereignty of states is concerned but also for all architectural plans; they diagrammatically organize space into distinct territories of jurisdiction. In each case, law and diagram are reduced to their abstract lines. Once manifested as physical architecture, however, such strict delineation becomes far more ambiguous. Which law is applied in the space of a wall, the space of a border or the space of a contested zone? These spaces are legal anomalies and may be understood as the architectural manifestation of what legal philosophy professor Hans Lindahl calls *a-legality*. Such in-between spaces seem at once to underwrite the law and to contradict it. In this chapter, I propose to investigate specific cases in which the architecture of such “a-legal zones” is strategically used as a space of sanctuary from coercive forces. My argument insists that an “a-legal architecture” is specifically a defensive one, as it gives itself the means to sustain such a status.

This research will examine four of these legal anomalies. To some extent, they constitute a holdover of pre-modern ecclesiastical structures from which the right of asylum is transplanted onto modern geopolitical landscapes. In this regard, Greek universities have recently ended a thirty eight year period of asylum within their campuses where access by the Police and the Army was prohibited. This legal right had been granted has a form of acknowledgement of the students' role in the overthrow of the junta dictatorship in 1974, but it was recently considered problematic by the authorities. The 'inertia' of this law is, however, still present and can be examined. Within the context of this legal status, architecture plays a fundamental role in influencing the application of that status. Entrances and exits, for example, determine the way some students are able to 'swarm' in or out of the university when they are occasionally chased by riot police after a demonstration. Similarly, the way university buildings are being used cannot be neutral, as the police often "besiege" the campuses, forcing fugitives to organize forms of "in-habitability" within them.

When numerous factories had to cease their activity after the economic crisis of 2001 in Argentina, similar processes of appropriation and defense began with workers taking control of their working place. Organized under the banner of the *fábricas recuperadas* (re-claimed factories), they have developed an alternative to the capitalist and hierarchical mode of production. The architecture of the Zanon ceramic tile factory (Neuquen), the Brukman textile factory and the Hotel Bauen (Buenos Aires) records such an alternative, as well as the means of survival and defense that needed to emerge in order to resist the various forces deployed against them.

The third case study is also connected to expropriation, in this case, in the context of colonial tactics. Israeli settle-

ments inhabited by over 500,000 civilians in the West Bank constitute a violation of Article 49 of the 1949 Fourth Geneva Convention (see Chapter 08), which stipulates that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” Through their *de facto* occupation of the Palestinian territory, as well as with continuous territorial expansion, the status of a legal anomaly is gradually transferred to the land that the Israeli settlements slowly but surely circumscribe.

The fourth and last case globally questions the legal/architectural typology of the Embassy. Here again, the legal anomaly makes the notion of national sovereignty more complex and ambiguous, since embassies are effectively parts of a given country within another. The way such a relation is articulated between both territories is truly architectural. American embassies in particular are interesting examples to study, because the past few decades of antagonistic US foreign policy have only added fuel to the fire, causing the diplomatic architectural paradigm to shift to a defensive strategy sharing many similarities with the strategies of medieval castles. American embassy in Cairo, for example, possesses such medieval defensive characteristics. The building, designed by Metcalf and Associates in the 1980’s, is a ten-story ‘dungeon’ required to withstand a potential force of 2,000 pounds of TNT. Such defensiveness surely played an important role during the management of the recent protest in which an angry crowd attempted to penetrate the Embassy’s perimeter last September.

This text was written for a project that I envisioned as a continuation of my personal work that deploys itself both through theoretical investigations and the practice of design. In this regard, the book I would like to produce would include the collection of case study analyses, as well as a personal ar-

chitectural project informed by this research. Refusing the dichotomy of writing and designing is, for me, a way to accept the responsibility that each architect has towards society, as well as an opportunity to determine an architectural means to subvert the role that has been chosen for him or her by the establishment. Only under these circumstances can we think of an architecture that does not reinforce the dominant relationships of power but rather one that articulates a strategic response in order to resist them.

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Originally published on May 31st 2013

06

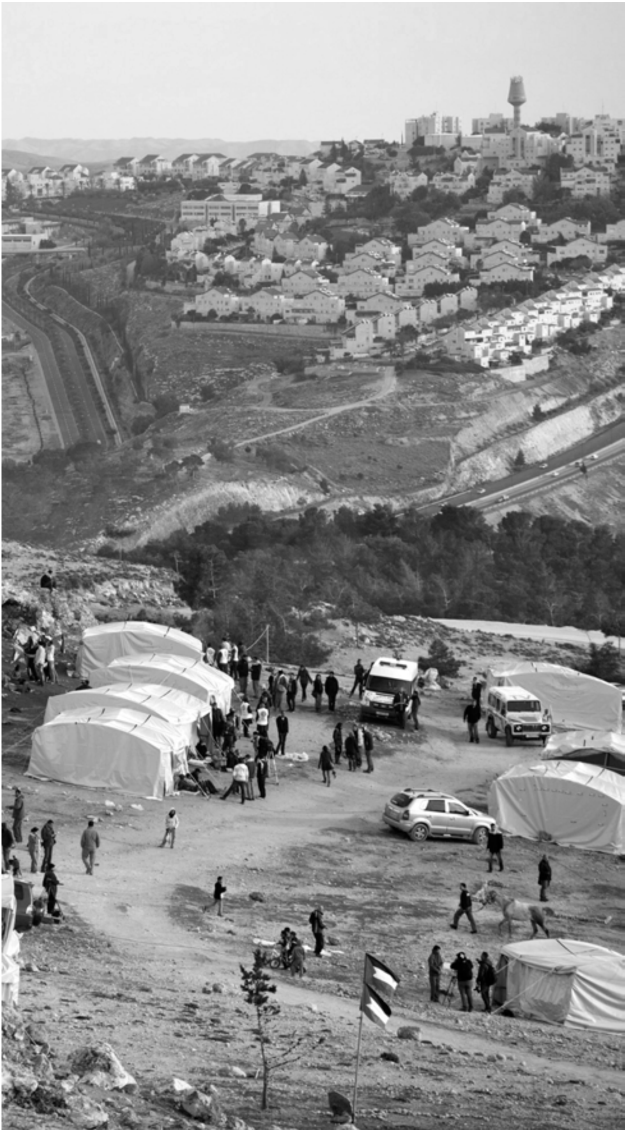
THE REASONS FOR DISOBEYING A LAW

[also in The Funambulist Pamphlets Volume 6: PALESTINE]

Earlier this week, a group of about 250 Palestinians gathered in East Jerusalem in the E1 Area, where the Israeli government announced the construction of 3,000 new housing units after the recent United Nations vote granting Palestine a status of observer member at the General Assembly.[1] This group of people established a small village of tents on soon to be expropriated Palestinian privately owned land. The photograph (courtesy of ActiveStills) on next page shows the tents being setup, with the largest Israeli settlement in the West Bank, Ma'ale Adummim, in the background. Since then, the encampment was evicted by the Israeli army under the claim that it represented "a danger for the security of the area."

I would like to insist on the legal status here. The opposition of the two settlements in one image allows us to question their relationship to the law. In both cases, there is a clear will to go against a legal system. As we know, the Israeli settlements are in violation of the article 49 of the Fourth Geneva Convention (see Chapter 08), and therefore constitute an infraction

1 This text was written on January 13th 2013; the decision of the United Nations' General Assembly to grant Palestine, the status of observer member was voted on November 29th 2012.



of the international law. The Palestinian tent village, on the other hand, affirms a form of disobedience of another law, the colonial one, which was designed in a clear spirit of domination of one people by another. Of course, international law is not to be unquestionned. It has always been thought out and implemented by "the winners of history," in this case, the winning countries of the Second World War. However, it does not seem irrational to consider that a law established after the horror of the war and designed in the abstract to prevent future conflicts needs to prevail over another one, designed unilaterally by a state with a clear self-centered agenda. After all, the state of Israel itself was implemented not long before (1947) than the Fourth Geneva Convention (1949).

In both cases, the Israeli and Palestinian settlements' disobediences are territorial and architectural. In that matter, the very 'language' of architecture used here is far from innocent. The fragile, precarious and manually built tents are a response to the numerous fences, walls and watch towers of the Israeli settlements. Such a dichotomy indicates the asymmetric forces involved between a state organized militarized operations of claiming a land and an immanent encampment in which the determination is affirmed only through the presence of bodies. As I wrote earlier in the context of the *Occupy* movement, we have only one body and it can be only in one place at a time; therefore, the place we choose to be cannot be innocent, and this choice can be said to be political in its very essence.

What we can consider in this precedent is the means and reasons to disobey the law. The only reason that seems to legitimate such a disobedience is the specific resistance against this specific law. If an individual or a state disobeys the law for its own purpose without contesting the essence of the law, this act cannot be considered legitimate. However, if

this same disobedience does not have any other effects than the refusal to conform to it, it has to be considered part of a political debate about the validity of the law itself. In other words, if somebody shoots somebody else, chances are that (s)he is not deeply contesting the law according to which one does not have the right to kill a person. However, when Rosa Park refused to give up her seat in the colored section of the bus to a white passenger, as directed by the driver, after the white section was filled on December 1, 1955, it was because she absolutely refused to accept segregation as an organizing device of her life.

In the case we consider here, the group of Palestinians wasnot really interested in creating a new village, but rather in resisting the law according to which their own land was to be withdrawn from them. As for the Israeli settlements, they do not constitute a resistance against the Geneva Convention but rather an interested appropriation of a land for their own economical, political and symbolic purposes.

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07

POLITICAL GEOGRAPHY OF THE GAZA STRIP: A TERRITORY OF EXPERIMENTS FOR THE STATE OF ISRAEL

[also in The Funambulist Pamphlets Volume 6: PALESTINE]

Many of us are infuriated by the unfolding new siege of Gaza by the Israeli army.[1] Images of children and families struck by bullets and bombs fired by aircraft, battleships, drones and remote controlled machine guns. Despite the temptation to insist on the tragedy of these images, it remains extremely important to insist on the daily oppression the people of the Gaza Strip face even when they are not being bombed. Since 2006 and Israeli disengagement from civilian settlements within the strip, the situation is different from the West Bank, with which I am more familiar. The West Bank has to suffer from multiple colonial apparatuses. Gaza, on the other hand, functions roughly as a gigantic prison from which, it is almost impossible to escape. Even the Egyptian border remains closed to most people. Most of the needs of the Palestinian people (water, food, electricity, phone and internet networks) are provided for directly by the State of Israel that has been, along the years, literally experimenting how little it could provide to Gaza without provoking a severe humanitarian crisis in the eyes of the international community. Access to the sea

1 This text was written on November 19th 2012, five days after the start of Israeli army's *Operation Pillar of Defense*.

Map of the Gaza Strip by the United Nations Office for the Coordination of Humanitarian Affairs (December 2012)

is heavily restricted — restrictions are enforced with rockets — by the IDF (Israel Defense Force), keeping Gaza fishermen's boats within a limit of three nautical miles. Therefore, fishing cannot be a strong economy in this context.

The strip is a scale-1 experiment for the Israeli state to determine how to sustain the lives of 1.7 million Palestinians with the minimum of resources. This very small territory is also a terrain of experiments for military training and weapon technology testing. To some extent, this is also true about the West Bank. As some specialists have been detecting, some U.S. military officials have been regularly spotted during IDF operations in attempt to learn how to lead a siege in the Middle East. After *Operation Lead Cast* in December 2008 and January 2009, which killed more than 1,300 Palestinians of all ages, the Goldstone Report and various other testimonies have shown that white phosphorus bombs and flechette shells had been used by the IDF against Palestinian people despite the categorical ban of these weapons by international legislation. Various apparatuses of control around the Strip are also an opportunity for the Israeli army to implement new weapons technology, such as remote controlled machine gun stations to prevent any access to the "no-go zone" (about 500 meters from the green line) and to the "high risks zone" (from 500 to 1,500 meters from the green line):

> Shooting at people accessing restricted areas is often carried out from remotely-controlled weapon stations. These stations are deployed in secured pillboxes every several hundred meters along the fence, each containing machine guns protected by retractable armoured covers, whose fire can reach targets up to 1.5km.
>
> A team of all-female soldiers act as lookout staff

of the operation rooms located at the battalions' headquarters around Gaza.[2] These soldiers identify potential targets and suggest them to their battalion commanders, who authorize whether the target is "incriminated" or not, i.e. whether warning or direct fire can be opened at them. According to a recent report from the Israeli daily *Haaretz*, "the procedure to authorize opening fire is complex, but takes less than two minutes".[3] Actual fire is ultimately carried out by pressing a button, which opens the pillbox dome revealing the machine gun, and operating a joystick which allows the soldier to aim the weapon toward a designated target, guided by the images relayed from the field. The operator also draws upon images and information from ground sensors, aircrafts, and overhead drones,[4] and is fed with real time audio of the target being struck: "This [the sound of the shots being fired] gives you the feeling of, 'Wow, I've fired now' explained one twenty-year old operator. 'It's very alluring to be the one to do this. But not everyone wants this job. It's no simple matter to take up a joystick like that of a Sony PlayStation and kill, but ultimately it's for defense.'[5] Other military means are also used to enforce access restrictions to land, including airstrikes from unmanned drones and shooting from tanks. Ammunition used during the latter include 'flechette' projectiles, which explode in midair releasing thousands of 3.75 cm metal darts that disperse in a conical arch

2 "IDF's Newest Heroes: Women Spotters on Gaza Border," Anshel Pfeffer, *Haaretz*, March 3rd 2010

3 "Lethal Joysticks", Anshel Pfeffer, *Haaretz*, July 2nd 2010

4 "Automated Border", Arieh Egozi, Ynetnews.com, October 6th 2007

5 Op cite Pfeffer, 2 July 2010

> three hundred meters long and about ninety meters wide.[6] During July 2010, at least 2 civilians were killed and 10 injured (including 4 children) by this type of ammunition. (United Nations Office for the Coordination of Humanitarian Affairs and Whole Food Program's Report on the Humanitarian Impact of Israeli-Imposed Restrictions on Access to Land and Sea in the Gaza Strip, August 2010)

Along similar lines, a few days ago, IDF's official website issued an article on the developments of new combat weapons that "James Bond wishes he had," demonstrating disregard of humane behavior towards the Palestinian people on the part of the the Israeli army. [7]

The Gaza Strip and the West Bank are territories where people are the subjects of military, economical and political interests. It cannot be a coincidence that the new siege was declared two months before the next legislative elections in Israel. The interests have to be categorically distinguished from the ideological, historical and security-based arguments that are continuously provided by the Israeli State to justify such colonial and martial operations.

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Originally published on November 19th 2012

6 http://www.btselem.org/english/firearms/flechette.asp

7 "3 Amazing IDF Gadgets James Bond Wishes He Had," http://www.idfblog.com, October 25th 2012

08

PALESTINE: WHAT DOES THE INTERNATIONAL LEGISLATION SAY

[also in The Funambulist Pamphlets Volume 6: PALESTINE]

> When an architect's design premeditatedly aims to cause material damage — as part of a large scale policy of organized aggression — a war crime may have been committed. ("The Evil Architects Do" by Eyal Weizman in *Content* by Rem Koolhaas, Cologne: Taschen, 2004)

In a short essay entitled "The Evil Architects Do," Israeli architect Eyal Weizman establishes that "architecture and planning intersects with the strategies of contemporary conflicts in ways that the semantics of international law are still ill-equipped to describe." Architecture has a fundamental role to play in the current warfare. War does not consist anymore in two symmetrical armies fighting in the middle of a field. Although international legislation is supposed to be respected by all nations, it is sometimes not precise enough to really describe the ways architecture is currently used, both constructively and destructively, as a military weapon, as in Gaza and the West Bank. The international legislation should be rewritten in a more precise way and architects should face their responsibility when they are accomplices of what is be-

ing described as a war crime or a crime against humanity.

The following excerpts from current international legislation could be used against the State of Israel's actions against the Palestinian people:

> FOURTH GENEVA CONVENTION (Geneva Convention relative to the Protection of Civilian Persons in Time of War)
>
> Article 49:
>
> Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.
>
> The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutri-

tion, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.
The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

Article 7:

Crimes Against Humanity
1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
[...]
(d) Deportation or forcible transfer of population;
[...]
2. For the purpose of paragraph 1:
[...]
(d) “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present,

without grounds permitted under international law;

Article 8:

War Crimes
1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:
[...]
(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
[...]
(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
[...]
(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives.

The illustration is a photograph of the Israeli civil settlement of Kochav Ya'akov near Ramallah in the West Bank. Photograph by the author.

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Originally published on June 25th 2010

09

IN PRAISE OF THE ESSENCE OF THE AMERICAN SECOND AMENDMENT: THE IMPORTANCE OF SELF-CONTRADICTION IN A SYSTEM

Despite the title of this chapter, I am not convinced by the National Rifle Association's arguments against any form of legislation to control the commerce of guns in the United States. These arguments only serve to develop a simulacrum of debate, while a heavy and apparently successful lobbying is conducted to influence legislative power. My interest in the American second amendment lies in what I think is its implicit essence: the right of a people to overthrow its government if the latter betrays its legitimacy. Of course, in 1789 when the Bill of Rights was voted as a supplement to the 1787 U.S. Constitution, firearms seemed the appropriate means to preserve that right. Nowadays, the fire power of a national army, in particular in the United States, is so large that revolutions can no longer work on a model where a citizen armed militia fights a regular army. Weapons are therefore less important than the constitutional legitimacy of revolt against tyranny. If such a legitimacy was indeed the essence of the second amendment, it should be rewritten to correspond to its historical context.

Regrettably, the Second Amendment is not explicit as far

as this right is concerned. A historical document from the same era, on the contrary, could not be more explicit: it is the French *Declaration of the Rights of Man and Citizen of 1793* that served as the Constitution of the First Republic. The final article of this text stipulates:

> Article 35: When the government violates the rights of the people, insurrection is for the people and for each portion of the people the most sacred of rights and the most indispensable of duties. (*Declaration of the Rights of Man and Citizen of 1793*)

Such an explicit piece of legislation — insurrection is not only a right but also a duty — can be easily explained by the historical context of the period between the 1789 revolution and the declaration of the First Republic in 1793. Nevertheless, Article 35 carries a universal and timeless principle of self-contradiction: the document that establishes the legitimacy of a form of government also describes the legitimacy of the potential means of dissolving it.

What is fundamental in politics is also important in any other system, including those that architects design, whether spatial, material, social, mechanical or ecological. Each system, in order not to unfold a totalitarian power over its subjects, — whoever they might be — must carry within itself the principle of self-contradiction. Nowadays, many architects claim to have respected a creative consistent logic in the conception of a given project. This logic, whether it is thoughtfully conceived or not, incorporates the potentiality of an excess of power if its functional scheme is not contradicted by another logic. Inserting this other logic as an anomaly in the function of the first logical scheme is a means to insure that this contradiction is continuously sustained. The difficulty is to

determine the degree of self-contradiction a system should incorporate in order to remain operative in its essence without exceeding its power. This constitutes a problem to which each designer — and law maker, for that matter — should respond.

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Originally published on July 6th 2013

10

POWER, VIOLENCE, LAW BY COSTAS DOUZINAS

Power, Violence, Law, written by Costas Douzinas for *Critical Legal Thinking* in 2009, establishes the relationships between the three notions.[1] Douzinas quotes Walter Benjamin, who wrote that violence both founds and preserves the law by processes of insurrection, which first violate the law but retroactively legitimitize it, and establishment, which implements the law for its own survival. Douzinas distinguishes the violence of the suspension of the law involved in resistive action from the systemic violence that meticulously develops an institutional exercise of power and uses the law in order to sustain it. He also questions the role of architecture in the strategy of systemic violence. Violence is evident at each level of the judicial act. As Douzinas says, "the architecture of the courtroom and the choreography of the trial converge to restrain and physically subdue the body of the defendant." Architecture is inherently weaponized and its conception cannot be separated from its political purpose and implementation.

Costas Douzinas accepted to have his text re-published in this volume. His work constitutes a deeper description of the legal mechanisms than other texts published in this book.

1 http://criticallegalthinking.com

POWER, VIOLENCE, LAW ///

By Costas Douzinas (originally published on *Critical Legal Thinking*, April 5, 2009)

Over the last two hundred years, the theory of right, now known as normative jurisprudence, has discovered its vocation in a frantic attempt to legitimise the exercise of power. It carries out this task by declaring that law and power are external to each other ontologically, politically, morally, the two are involved in a zero-sum game. In this story, law limits and humanises the exercise of power which finds its true nature when it follows the procedures and respects the values of law. The more rights people have, the less power there is; the more law-abiding power, is the more civilised and acceptable its operation. Orthodox jurisprudence sees sovereignty and morality, politics and law, decision and norm as opposite poles of a dialectic, the object of which is the relationship between subjects and the sovereign. Their respective weight determines the theoretical direction from Austin to Kelsen and from Schmitt to Dworkin. They all repeat in a different fashion and with different emphasis the belief in the opposition of law and power. These theories are cognitively wrong and morally impoverished. We see both daily. The former in the proliferation of theories of 'indispensable' values and 'fundamental' norms which remain abstract, vague and malleable to the ideological and aesthetic predilections of politicians and lawyers. The latter in the moral decline of the judicial function which can use the moralistic subterfuges one learns in the Law Schools to justify all types of injustice.

Critical theory informed by Nietzsche, Marx, Freud and Foucault abandoned the theoretical framework of apologetical jurisprudence. The split, the bipolarity between law and power, legality and legitimacy, norm and exception is ideologically constructed and only apparent. Law and power follow simi-

lar strategies of operation and belong to the same regime of meaning. The two fields are closely intertwined, they are both linked in the joint project of constructing the (legal) subject by operating on zoe, the life of humans. As Wendy Brown puts it, the spaces, the liberties and the rights historically won by protesters and rebels in their conflicts with power prepared a tacit but increasing inscription of individuals' lives within the state order, offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves.

Law is intimately connected with power and force. As Walter Benjamin put it, in his radical re-working of jurisprudence "Critique of Violence," violence both founds and preserves the law. Law-founding violence first. Most modern constitutions were introduced against the protocols of constitutional legality that existed at the time of their adoption, as a result of revolution, secession, victory or defeat in war or colonial occupation. Revolutionary violence suspends the law and constitution and justifies itself by claiming to be founding a new state, a better constitution and a just law to replace the corrupt or immoral system it rebels against. At the point of its occurrence, violence will be condemned as illegal, brutal, evil. But when it succeeds, revolutionary violence will be retrospectively legitimized as means to the end of social and legal transformation. Most legal systems are the outcome of force, the progeny of war, revolution, rebellion or occupation. This founding violence is either re-enacted in the great pageants that celebrate nation and state-building or forgotten in acts of enforcement of the new law and of interpretation of the new constitution.

The French revolution has been retrospectively legitimized by its Declaration des droits de l'homme, the American by the Declaration of Independence and the Bill of Rights, the Greek

constitutions emerged after different types of liberation from pre-existing oppression. These founding documents carry in themselves the violence of their foundation, as they move from the original act to its representations and interpretations. The American Bill of Rights is an obvious example. The violence of the militias, so important in the war of independence, is perpetuated in the constitutionally protected right to bear arms, which, some two centuries after the revolution, still keeps the United States in a state of war. Similarly, capital punishment reproduces the founding violence of war in every execution, which accompanies legal operations as the dark and empowering side of legal normality. These repetitions of the traumatic genesis of the new law are re-interpreted as demands of legality and the original violence is consigned to oblivion. Indeed one of the most important strategies in this politics of forgetting is the creation of a dominant approach to legal interpretation. Once victorious, revolutions or conquests produce interpretative models to read in return, to give sense, necessity and above all legitimacy to the violence that has produced, among others, the interpretative model in question, that is, the discourse of its self-legitimation.

Even within well-established and democratic legal systems, popular violence shadows that of the state and moves the law in unpredictable and undesirable for the powerful ways. The law accepts a limited right to protest and strike and in this sense acknowledges, in a reluctant and fearful manner, that violence cannot be written out of history. During the public disorder and protests in the miners strike, the anti-globalization demonstrations, the December insurrection in Greece, commentators condemned the protesters calling them "undemocratic," their violence "mindless." The argument is that in western democratic and rule of law states, people have sufficient instruments to put pressure on governments and change policies and laws through the available democratic

channels. And yet, the history of the West is replete of protests and riots and strikes which, condemned as they were at the time, contributed hugely to the freedoms and rights we take for granted. The Diggers and Levellers, the Gordon riots and the Reform protests, the suffragettes and the civil rights movements, the protesters at the Athens Polytechinic, East Germany, Prague, Bucharest and Belgrade, to name only a few obvious cases, have changed constitutions, laws and governments.

Protests mostly challenge the conserving violence of law, breaking minor public order regulations in order to highlight greater injustices. As long as protesters ask for this or that reform, this or that concession, however important, the state can accommodate it. What it is afraid of is the "fundamental, founding violence, that is, violence able to justify…or to transform the relations of law and so to present itself as having a right to law." The characteristic insecurity the law feels in the face of its own foundation makes it portray radical protests and desperate attempts to bring about reform by unconventional means onto challenges to its founding authority, acts of revolutionary upheaval. The American civil rights marchers were often painted as communists, the striking miners were called the "enemy within" and the protesters of Eastern Europe agents of the CIA. This exaggerated response shows however that an interpretative and meaningful evaluation of violence – a critique of violence – is possible only if we recognize meaning in a violence that is not an accident arriving from outside law or a contingency of a sociological nature.

And certainly the violence of insurrection and rebellion is not 'mindless.' Talking to the rebelling youth of Athens last December, you sensed a thoughtful, inquiring, philosophical attitude to the ravishes of neo-liberal capitalism and police brutality. These rebels and 'hoodies' were people who in the

vicinity of the ancient monuments were doing exactly what Socrates inaugurated in his symposia. They were challenging the *doxa* (common sense) of our times steeped into serious thinking and deep commitment. You could not find any of this in the media commentators and politicians.

Law-preserving force next. "Every juridical contract…is founded on violence," says Jacques Derrida and the legal academic Robert Cover agrees: "legal interpretation takes place in a field of pain and death." The intricate relationship of law and force pervades all aspects of legal operations. There is no law, if it cannot be potentially enforced, if there is no police, army and prisons to punish and deter possible violations. In this sense, force and enforcement are part of the very essence of legality. Modern law coming out of the endless feuds of princes and local chiefs claimed a monopoly of violence in the territory of its jurisdiction and used it to protect the ends and functions it declares legal, but also to protect the empire of the law itself. This violence that follows the law routinely and forms the background against which interpretation can work. It guarantees the permanence and enforceability of law. There are two aspects to the violence that conserves the law.

Legal judgments are statements and deeds. They both interpret the law and act on the world. A conviction and sentence at the end of a criminal trial is the outcome of the judicial act of legal interpretation, but it is also the authorization and beginning of a variety of violent acts. The defendant is taken away to a place of imprisonment or of execution, acts immediately related to, indeed flowing from, the judicial pronouncement. Again as a result of civil judgments, people lose their homes, their children, their property or they may be sent to a place of persecution and torture. The founding and conserving violence of law cannot be separated as Benjamin and

Cover tried to do. The two types of violence are intertwined and contaminate each other, as contemporary acts of legal "conservation" or interpretation repeat and re-establish the original law-making violence which establishes the new law.
The recent turn of jurisprudence to hermeneutics, semiotics and literary theory has focused on the word of the judge and forgotten the force of the word. The meaning seeking and meaning-imposing component of judging is analyzed as reasoned or pragmatic, principled or discretionary, predictable or contingent, shared, shareable or open-ended according to the political standpoint of the analyst. The main if not exclusive function of many judgments is to legitimize and trigger past or future acts of violence. The word and the deed, the proposition and the sentence, the constative and the performative are intimately linked.

Legal interpretations and judgments cannot be understood independently of this inescapable implication in violent action. In this sense, legal interpretation is a practical activity, other-orientated and designed to lead to effective threats and — often violent — deeds. This violence is evident at each level of the judicial act. The architecture of the courtroom and the choreography of the trial process converge to restrain and physically subdue the body of defendant. From the defendant's perspective, the common but fragile facade of civility of the legal process expresses a recognition of the overwhelming array of violence ranged against him and of the helplessness of resistance or outcry. But for the judge too, legal interpretation is never free of the need to maintain links with the effective official behavior that will en-force the statement of the law. Indeed, the expression "law enforcement" recognizes that force and its application lies at the heart of the judicial act. Legal sentences are both propositions of law and acts of sentencing.

Legal interpretation, then, is bonded, bound both to the deeds it triggers off and the necessary conditions of effective domination within which the sentence of the law will be enforced. Without such a setting that includes a formidable array of institutions, practices, rules and roles — police, prison guards, immigration officers, bailiffs, lawyers etc — the judicial word would remain a dead letter. All attempts to understand legal judgments and judicial decision-making as exclusively hermeneutical are incomplete. Legal interpretations belong both to horizons of meaning and to an economy of force. Whatever else judges do, they deal in fear, pain and death. If this is the case, aspirations to coherent and shared legal meaning are liable to flounder on the inescapable and tragic line that distinguishes those who mete out violence from those who receive it. Legal decisions lead to people losing their homes or children, being sent back to persecution and torture: legal interpretation leads to people losing their lives.

But there is also the violence of language itself. The law is full of examples in which people are judged in a language or an idiom they do not understand. This is the standard case with asylum-seekers who are routinely asked by immigration officials to present their case and to recount the brutalities and torture they have suffered in a language they do not speak. For Jean-Francois Lyotard, an extreme form of injustice is that of an ethical tort or differend, in which the injury suffered by the victim is accompanied by a deprivation of the means to speak about it or prove it.

> This is the case if the victim is deprived of life, or of all liberties, or of the freedom to make his or her ideas or opinions public, or simply of the right to testify to the damage, or even more simply if the testifying phrase is itself deprived of authority…

> Should the victim seek to by-pass this impossibility and testify anyway to the wrong done to her, she comes up against the following argumentation, either the damages you complain about never took place, and your testimony is false; or else they took place, and since your are able to testify to them, it is not an ethical tort that has been done to you.

When an ethical tort has been committed the conflict between the parties cannot be decided equitably because no rule of judgment exists that could be applied to both arguments. In such instances, language reaches its limit as no common language can be found to express both sides. The violence of injustice begins when the judge and the judged do not share a language or idiom. It continues when all traces of particularity of the person before the law are reduced to a register of sameness and cognition mastered by the judge. Indeed all legal interpretation and judgment presuppose that the other, the victim of language's injustice, is capable of language in general, man as a speaking animal. But as the Scottish poet Tom Leonard put it:

> And their judges spoke with one dialect,
>
> But the condemned spoke with many voices.
>
> And the prisons were full of many voices,
>
> But never the dialect of the judges.
>
> And the judges said:
>
> "No one is above the Law."

Let me conclude with theses on the relationship between power, violence and normative systems.

Thesis 1. The conflict between violence and law is more apparent than real. It should be replaced with an examination of the amalgam violence/law, in which violence is placed at the service of law and creates law while law both uses and begets violence.

Thesis 2. State violence protects dominant interests and the established balance of power, but it is always exercised in the name of normative ends (even if highly abstract and general such as God, Nation, Law, Peace or Humanity). The violence sustaining the structure of domination is that of means towards ideal ends. This is the ideological process par excellence.

Thesis 3. All force leads to counter-force, all violence to counter-violence, all systems of domination create resistances.

Thesis 4. Systems of domination, such as neo-liberal capitalism are supported by a structural organisation of violence, which coerces, criminalises and disposes those who resist it or are surplus to its requirements. The condemnation of 'subjective' violence is hypocritical if it is not accompanied by that of systemic or 'objective' violence.

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Originally published on July 26th 2011

11

FORTRESS LONDON: MISSILES ON YOUR ROOF

[also in The Funambulist Pamphlets Volume 12: WEAPONIZED ARCHITECTURE]

Yesterday, Judge Haddon-Cave of the High Court of England took a legal decision in favor of the British Minister of Defense to enforce the installation of surface-to-air missiles on the roof of a 17-floor building in East London (see illustrations on the following page) during the Olympics of this year.[1] Residents of the Fred Wigg Tower in Leytonstone had indeed challenged this decision in justice. These missiles are being set up in prevention of potential terrorist attacks against London's Olympics' site during the competitions. The decision marks a new step in the establishment of national states of emergency since the 2001 terrorist attacks against the United States. For the last decade, Western countries have declared themselves at war against terrorism and have thus implemented a certain amount of measures that greatly restrain freedom and privacy in favor of a claim of security. The so-called "war against terrorism" allows governments to exercise power over their citizens. Terror precisely consists in the generalization of a feeling of fear among a population confronted with a prolonged state of urgency. In other words, what maintains terror is not so much the original event of the attack, but rather the durable ideological "state of exception" that follows.

1 This text was written on July 12th 2012, a few weeks before the 2012 Olympic Games occur in London.

As David Enright, one of the residents' lawyers said on July 11th 2012:

> the Ministry of Defense now has the power to militarize the private homes of any person in Britain as long as they can demonstrate that there is, in their view, a matter of national security in play. They do not need to ask you, they do not need to consult you, but can take over your home, put a missile on your roof, a tank on your loan, or soldiers in your living room. (Richard Norton-Taylor, "London Tower Block Residents Lose Bid to Challenge Olympics Missiles," *The Guardian*, July 10, 2012)

Domestic design can potentially unfold its weaponized characteristics; this case provides us with one more example. It also demonstrates that weaponization of architecture is usually triggered within a legal framework that, ultimately, finds its embodiment in the physicality of architecture. For example, in the case of a legal apparatus like curfew or quarantine, an "innocent" home can be transformed into a prison through its impermeable walls, floors and roof. In the case of the Fred Wigg Tower, architecture used for its height and the flatness of its roof is transformed into a militarized machine. It is interesting to observe that both these characteristics were part of the modernist agenda for architecture. It does not mean that they were thought to accommodate the use of anti-terrorist weaponry; however, we must recognize the responsibility of architecture in its potential weaponization, as the latter cannot implement itself without considering the architecture onto which it is unfolding itself.

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Originally published on July 12th 2012

FRED WIGG TOWERS
OLYMPIC COMPLEX

12

SHORT DIGRESSION ABOUT THE FUTURE OF DRONES (AFTER SEEING ONE IN JFK)

Drone at JFK Airport / Photograph by the author (August 2011)

SHORT DIGRESSION ABOUT THE FUTURE OF DRONES (AFTER SEEING ONE AT JFK) ///
(fictitious newspaper article)

Since the vote of the *Technological Security Act of 2014*, drones are everywhere. Their implementation in the public space did not trigger much reaction. Most people were

amazed by the multitude of flying objects that were intelligently avoiding them. With time, they barely saw them anymore and only tourists and children were still paying attention to these silent flying machines.

The first ones implemented were strictly dedicated to surveillance in accordance with the decision of the Congress, in order not to worry the population. However, the riots in November 2014 in Detroit, followed by what is now known as the Brooklyn insurrection of April 2015, pushed the legislative power to elaborate and vote the *Civil Peace Preservation Act* that allowed a new arsenal of various drones to appear in public space. The anti-riots ones, for example, are in two categories: dissuasive and lethal. That is how we recently took part in the well documented debate concerning the death of Melvin Jones in New Orleans, apparently killed by mistake by a lethal class Drone Epsilon. Nevertheless, as proven during the trial that opposed Jones' family and the State of Louisiana, the very concept of mistake is inapplicable to a machine and thus cannot be claimed as the object of a judiciary procedure.

This embarrassing story cannot hide the reality: drones are here and they are now indivisible from our security strategy. The debate about them mostly concerns their field of action, and only few radical activists are still advocating for their absolute withdrawal from the public space. Among them, Professor Carolyn Youn argues that it might be too late, as drones already gathered enough artificial intelligence in order to revolt against their creators, if the latter would attempt to restrain them.

Caroll Herman, *The New York Times*, December 04, 2016

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Originally published on August 14th 2011

13

QUADRILLAGE: URBAN PLAGUE QUARANTINE & RETRO-MEDIEVAL BOSTON

[also in The Funambulist Pamphlets Volume 2: FOUCAULT]

The recent manhunt of Dzhokhar Tsarnaev in Boston[1] was probably quite shocking to many non-Americans — and probably some Americans too — for the anachronism it constituted. The latter was caused by the ability of the Police to empty an entire city, and thus to implement a sort of state of emergency, as well as by the "march of the returning heroes," the multitude of police officers acclaimed by the crowd after they arrested their prey. There is a profound medievalism in such absoluteness and one has the right to wonder what motivates this disturbing joy.

Let us focus on the urban condition that contextualizes this manhunt. As I have been repeatedly writing in the past, each house, through its impermeability, due to the implementation of private property, is susceptible to becoming a prison for the bodies living inside of it in the case of the sudden legal implementation of a quarantine. For an important part of Boston, the quarantine was not implemented *stricto sensu,* but it

1 This article was written in May 2013, a few weeks after the April 15th Boston terrorist attacks that were followed, on April 19th, by a gigantic manhunt that emptied the totality of Boston's streets for a full day.
The two following illustrations on next page are photographs taken that day by Henry Nguyen while the U.S. Army was investigating his home in Boston.

BOSTON
POLICE

was highly recommend to each resident to stay inside and the context of fear created by the ubiquitous media made such a recommendation a quasi-order. In the areas of Boston where the police and army were actually deployed, the quarantine was very effectual, as looking through the windows seems to have been prohibited and enforced through the threats of weapons.

While this event was unfolding, I was thinking of the descriptions that Michel Foucault makes in his seminar *Abnormal* (*Les Anormaux*) at the College de France (1975) of a Medieval/Renaissance city when contaminated by the Plague. Foucault distinguishes two things historically: the negative reaction to cases of leprosy in the same city that consists in the effective exclusion of the sick bodies from it, to the point that they are declared socially dead; and the positive — in the sense that there is an inclusion — a reaction to the Plague that provokes a state of emergency and the absolute reorganization of the city according to a *quadrillage.* This latter term has been imperfectly translated in English into *partitioning*. The word *quadrillage* involves a sort of physical or virtual partitioning of a space, but it also implies a detailed, systematic and extensive examination of this same space by a controlling and policing entity. Such an action is thoroughly described by Foucault in his class of January 15th 1975 in this same seminar:

> […] the practice with regard to plague was very different from the practice with regard to lepers, because the territory was not the vague territory into which one cast the population of which one had to be purified. It was a territory that was the object of a fine and detailed analysis, of a meticulous spatial partitioning (quadrillage).

The plague town-and here I refer to a series of regulations, all absolutely identical, moreover, that were published from the end of the Middle Ages until the beginning of the eighteenth century-was divided up into districts, the districts were divided into quarters, and then the streets within these quarters were isolated. In each street there were overseers, in each quarter inspectors, in each district someone in charge of the district, and in the town itself either someone was nominated as governor or the deputy mayor was given supplementary powers when plague broke out. There is, then, an analysis of the territory into its smallest elements and across this territory the organization of a power that is continuous in two senses. First of all, it is continuous due to this pyramid of control. From the sentries who kept watch over the doors of the houses from the end of the street, up to those responsible for the quarters, those responsible for the districts and those responsible for the town, there is a kind of pyramid of uninterrupted power. It was a power that was continuous not only in this pyramidal, hierarchical structure, but also in its exercise, since surveillance had to be exercised uninterruptedly. The sentries had to be constantly on watch at the end of the streets, and twice a day the inspectors of the quarters and districts had to make their inspection in such a way that nothing that happened in the town could escape their gaze. And everything thus observed had to be permanently recorded by means of this kind of visual examination and by entering all information in big registers. At the start of the quarantine, in fact, all citizens present in the town had

to give their name. The names were entered in a series of registers. The local inspectors held some of these registers, and others were kept by the town's central administration. Every day the inspectors had to visit every house, stopping outside and summoning the occupants. Each individual was assigned a window in which he had to appear, and when his name was called he had to present himself at the window, it being understood that if he failed to appear it had to be because he was in bed, and if he was in bed he was ill, and if he was ill he was dangerous and so intervention was called for. It was at this point that individuals were sorted into those who were ill and those who were not. All the information gathered through the twice-daily visits, through this kind of review or parade of the living and the dead by the inspector, all the information recorded in the register, was then collated with the central register held by the deputy mayors in the town's central administration.

[...]

There is a literature of plague that is a literature of the decomposition of individuality; a kind of orgiastic dream in which plague is the moment when individuals come apart and when the law is forgotten. As soon as plague breaks out, the town's forms of lawfulness disappear. Plague overcomes the law just as it overcomes the body. Such, at least, is the literary dream of the plague. But you can see that there was another dream of the plague: a political dream in which the plague is rather the marvelous moment when political power is exercised to the full. Plague is the moment when the spatial partition-

> ing and subdivision (quadrillage) of a population is taken to its extreme point, where dangerous communications, disorderly communities, and forbidden contacts can no longer appear. The moment of the plague is one of an exhaustive sectioning (quadrillage) of the population by political power, the capillary ramifications of which constantly reach the grain of individuals themselves, their time, habitat, localization, and bodies. Perhaps plague brings with it the literary or theatrical dream of the great orgiastic moment. But plague also brings the political dream of an exhaustive, unobstructed power that is completely transparent to its object and exercised to the full. (Michel Foucault, *Abnormal, Lectures at the College de France 1974-1975*, translated by Graham Burchell, New York: Verso 2003.)

Foucault's style, as always, reinforces what he says: "Plague overcomes the law just as it overcomes the body." ("La peste franchit la loi, comme la peste franchit les corps"), "a political dream in which the plague is rather the marvelous moment when political power is exercised to the full." ("un reve politique de la peste, ou celle-ci est au contraire le moment merveilleux ou le pouvoir s'exerce a son plein")…

This dream was fully expressed on April 19th 2013, in Boston, when the Police and the Army were occupying alone the public realm, *quadrilling* the city and searching houses one by one. While trying not to fall into a sort of paranoid interpretation of what happened then, we can nevertheless suppose that the Police were not only searching for a man that day, but were also re-establishing a new administrative cartography of the city, taking advantage of ideal conditions that will not be reproduced for another long time. I am not necessarily sug-

gesting that there was a deliberate plan for such a cartography but the thousands of pages that have probably been filed in the form of administrative reports, have very similar characteristics than a more organized and voluntary data collection. It would be surprising that they would not be used as such.

This voluntary and involuntary construction of an institutionalized knowledge is precisely what Foucault describes as being the foundation of a positive form of power that implements itself through the technique of the norm:

> The reaction to plague is a positive reaction; it is a reaction of inclusion, observation, the formation of knowledge, the multiplication of effects of power on the basis of the accumulation of observations and knowledge. (Michel Foucault, *Abnormal, Lectures at the College de France 1974-1975*, translated by Graham Burchell, New York: Verso 2003.)

In this regard, the city of Boston and its police can be said to have reinforced its power through this *exception-al* reorganization of the city and constructed this knowledge in a more effective way in one day, than what had probably been done in the few last years. When the political dream that Foucault evokes ended, Boston inhabitants thought that they were going back to a normal life when actually the norm had changed and the *normal* life would be more logically asserted as a *normed* life.

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Originally published on May 9th 2013

14

HISTORICAL MAP OF QUARANTINE

In the second issue of *MAP*, edited by David Garcia Studio in 2010, we are given access to a historical map of epidemics and quarantine devices that were born from them. This publication was created in parallel with *Architecture: Landscapes of Quarantine,* curated by Nicola Twiley and Geoff Manaugh and exhibited at the *Storefront for Arts and Architecture* in New York (March 10 - April 24 2010).

Quarantine is a calculation that forces the precautionary incarceration of a certain amount of people for the sake of an even larger number. Its architectural implication is the intrinsic potential of each building to become an incarcerating space. Although some spaces of quarantine have been specifically designed to host this function — in hospitals or harbors, for example, — the speed of an epidemic can be so fast that any space can potentially be transformed into a quarantine territory. Albert Camus's novel, *The Plague* (1947), is a good example as it depicts the entire city of Oran in Algeria imprisoned from the rest of the world as an epidemic of plague occurs within its walls.

Quarantine is the quintessence of the territorialization of the law. It applies to anybody present on a given territory, whether their body is contaminated or not, without distinction of social status or any other discriminating characteristics. In that

case, the law unfolds the incarcerating power of architecture. Architecture, whether a single building or a city, does not require a change in its physical characteristics in order to enforce containment of its users/subjects who soon experience its uncompromising power through its physical elements: walls, floors, ceilings. Under the regime of quarantine, architecture, which was materially enforcing the law of property by preventing other bodies from coming in, now prevents the bodies already inside from exiting.

The temporary status of such a law — etymologically, quarantine signifies 40 days — justifies its extreme power. As we know, however, such temporary status can easily be prolonged, and the state of exception can become the permanent legislation.

The following document is courtesy of MAP Architects (David A. Garcia, MAP Architects © 2010)

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Originally published on August 14th 2012

TIMELINE OF QUARANTINE

In the wake of the bubonic plague, the Byzantine emperor Justinian enacts a law meant to hinder and isolate people arriving from plague-infested regions.

The Council of Lyons restricts lepers from freely associating with healthy persons.

China has a well-established policy to detain plague-stricken sailors and foreign travelers who arrive in Chinese ports.

The Third Lateran Council decrees living arrangements for lepers and how their necessary separation from society is to take place.

Europe now has some 19,000 leprosaria, or houses for leper patients; France alone boasts roughly 2,000.

European and Asian countries enforce quarantines of infected regions by encircling them with armed guards.

Venice establishes the world's first institutionalized system of quarantine, giving a council the power to detain ships cargoes and individuals, in the Venetian lagoon for up to 40 days.

The Duke of Milan draws up an edict mandating that all those suffering from plague should be taken outside the city to a field or forest until they either recover or die. Three years later, the town of Ragusa, now Dubrovnik, establishes a quarantine station where all people arriving from plague-infested regions are kept isolated for a month for "purification by sun and wind."

Venice establishes the world's first known maritime quarantine station, or lazaretto, on Santa Maria di Nazareth, an island in the Venetian lagoon.

France's first maritime quarantine opens at Marseilles. A century later, city officials enact a law forbidding travelers from entering the city without a preliminary medical examination.

ESTIMATED DEATHS

0 — 1 MILL. — 10 MILL. — 100 MILL. — 500 MILL.

549 BC · 430 BC · 165-180 · 251-266 · 541-750 · 583 · 600s · 1179 · 1200 · 1300s · 1348-1350 · 1346 · 1374 · 1400 · 1403 · 1485 · 1489 · 1518 · 1520s · 1521 · 1528 · 1520 · 1542 · 1600s · 1618-1619 · 1618-1648 · 1629

PLAGUE OF ATHENS, TYPHOID FEVER
Athens, killed 25% of the population

ANTONINE PLAGUE, POSSIBLY SMALLPOX OR MEASLES
Italy, up to 5 million deaths

PLAGUE OF CYPRIAN, POSSIBLY SMALLPOX
Italy, 5,000 per day died in Rome

PLAGUE OF JUSTINIAN, BUBONIC PLAGUE
Byzantine Empire, 100 million deaths

BLACK DEATH, BUBONIC PLAGUE
Worldwide, 450 million deaths

BLACK DEATH, BUBONIC PLAGUE
Worldwide, 350 million deaths

SWEATING SICKNESS, INFLUENZA
Britain, 400,000 deaths

TYPHUS, RICKETTSIA BACTERIA
Spain, killed 20,000 soldiers

SMALLPOX, VARIOLA VISUR
Hispaniola Island, killed 50% of the indigenous population

SMALLPOX
Mexico, killed 150,000 in Tenochtitlán alone and 3 million Aztecs

TYPHUS, RICKETTSIA BACTERIA
Italy, killed 18,000 French troops

MEASLES
Cuba, killed 2/3 of the the indigenous population

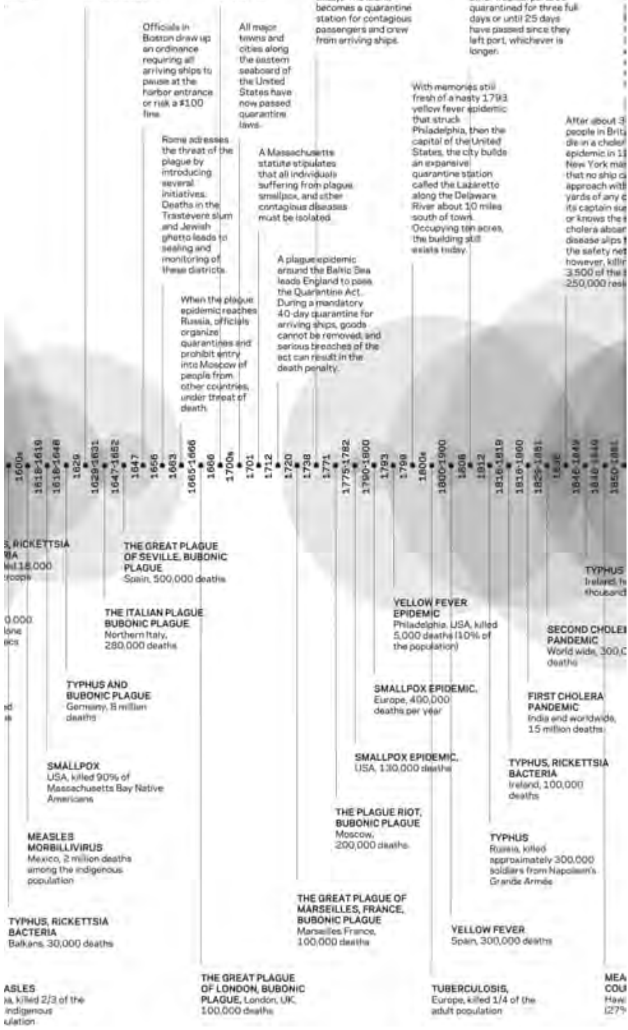
TYPHUS, RICKET
BACTERIA
Balkans, 30,000 d

MEASLES MORBILLIVIR
Mexico, 2 milli among the ind population

SMALLP
USA, kille Massach American

TYPH BUB
Germ deat

TIMELINE OF EPIDEMICS



Sanitary legislation in Venice requires health officers to visit houses during plague epidemics and isolate those infected in pest-houses situated away from populated areas.
The city of Frankfurt prohibits people living in plague-infected houses from visiting churches or markets.
With smallpox and yellow fever threatening to strike New York, the City Council sets up a quarantine anchorage off Bedloe's Island (home of the Statue of Liberty today). The island becomes a quarantine station for contagious passengers and crew from arriving ships.
The Boston Board of Health orders that, between May and October of every year, ships arriving from the Caribbean, Mediterranean, and other tropical ports be quarantined for three full days or until 25 days have passed since they left port, whichever is longer.
Officials in Boston draw up an ordinance requiring all arriving ships to pause at the harbor entrance or risk a $100 fine.
All major towns and cities along the eastern seaboard of the United States have now passed quarantine laws.
With memories still fresh of a nasty 1793 yellow fever epidemic that struck Philadelphia, then the capital of the United States, the city builds an expansive quarantine station called the Lazaretto along the Delaware River about 10 miles south of town. Occupying ten acres, the building still exists today.
Rome adresses the threat of the plague by introducing several initiatives. Deaths in the Trastevere slum and Jewish ghetto leads to sealing and monitoring of these districts.
A Massachusetts statute stipulates that all individuals suffering from plague, smallpox, and other contagious diseases must be isolated.
A plague epidemic around the Baltic Sea leads England to pass the Quarantine Act. During a mandatory 40-day quarantine for arriving ships, goods cannot be removed, and serious breaches of the act can result in the death penalty.
When the plague epidemic reaches Russia, officials organize quarantines and prohibit entry into Moscow of people from other countries, under threat of death.
1600s
1618-1619
1618-1648
1629
1629-1631
1647-1652
1647
1656
1663
1665-1666
1666
1700s
1701
1712
1720
1738
1771
1775-1782
1790-1800
1793
1799
1800s
1800-1900
1806
1812
1816-1819
1816-1860
1826-1851
1846-1849
1850-1851
THE GREAT PLAGUE OF SEVILLE, BUBONIC PLAGUE
Spain, 500,000 deaths
THE ITALIAN PLAGUE BUBONIC PLAGUE
Northern Italy, 280,000 deaths
TYPHUS AND BUBONIC PLAGUE
Germany, 8 million deaths
SMALLPOX
USA, killed 90% of Massachusetts Bay Native Americans
MEASLES MORBILLIVIRUS
Mexico, 2 million deaths among the indigenous population
TYPHUS, RICKETTSIA BACTERIA
Balkans, 30,000 deaths
THE GREAT PLAGUE OF LONDON, BUBONIC PLAGUE, London, UK, 100,000 deaths
THE GREAT PLAGUE OF MARSEILLES, FRANCE, BUBONIC PLAGUE
Marseilles France, 100,000 deaths
THE PLAGUE RIOT, BUBONIC PLAGUE
Moscow, 200,000 deaths
SMALLPOX EPIDEMIC,
USA, 130,000 deaths
SMALLPOX EPIDEMIC,
Europe, 400,000 deaths per year
YELLOW FEVER EPIDEMIC
Philadelphia, USA, killed 5,000 deaths (10% of the population)
TUBERCULOSIS,
Europe, killed 1/4 of the adult population
YELLOW FEVER
Spain, 300,000 deaths
TYPHUS
Russia, killed approximately 300,000 soldiers from Napoleon's Grande Armée
TYPHUS, RICKETTSIA BACTERIA
Ireland, 100,000 deaths
FIRST CHOLERA PANDEMIC
India and worldwide, 15 million deaths
SECOND CHOLERA PANDEMIC
TYPHUS

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The Boston Board of Health orders that, between May and October of every year, ships arriving from the Caribbean, Mediterranean, and other tropical ports be quarantined for three full days or until 25 days have passed since they left port, whichever is longer.

Following horrific epidemics of plague and cholera that spread through Europe from Egypt and Turkey towards the middle of the 19th century, the first international sanitary conference is held in Paris, with an eye to making quarantine an international cooperative effort. These sanitary conferences continue well into the 20th century.

In April the steamer Virginia arrives in New York harbor from Liverpool, its passengers riddled with cholera. Discovering that 35 steerage passengers and two crew have died during the voyage, the city's health officer orders a swift quarantine limiting deaths to about 600, a modest number compared to previous outbreaks.

As the era of bacteriology arrives and major diseases like typhoid and cholera are determined to arise from germs, the length and nature of quarantine evolves.

In March, Chic
proprietor of a
bubonic plagu
Chinese quart
Authorities im
25,000 Chine
the quarantine

With memories still fresh of a nasty 1793 yellow fever epidemic that struck Philadelphia, then the capital of the United States, the city builds an expensive quarantine station called the Lazaretto along the Delaware River about 10 miles south of town. Occupying ten acres, the building still exists today.

After about 30,000 people in Britain alone die in a cholera epidemic in 1831-32, New York mandates that no ship can approach within 300 yards of any dock if its captain suspects or knows the ship has cholera aboard. The disease slips through the safety net, however, killing nearly 3,500 of the city's 250,000 residents.

New York State's new Quarantine Act calls for a quarantine office run by a health officer who has the power to detain any ship entering the port of New York for as long as he deems necessary. The health officer can also order all cargo to be removed and a ship cleaned and fumigated.

The U.S. Congress passes the National Quarantine Act, a national system of quarantine. It codifies standards for medically inspecting immigrants, ships, and cargoes.

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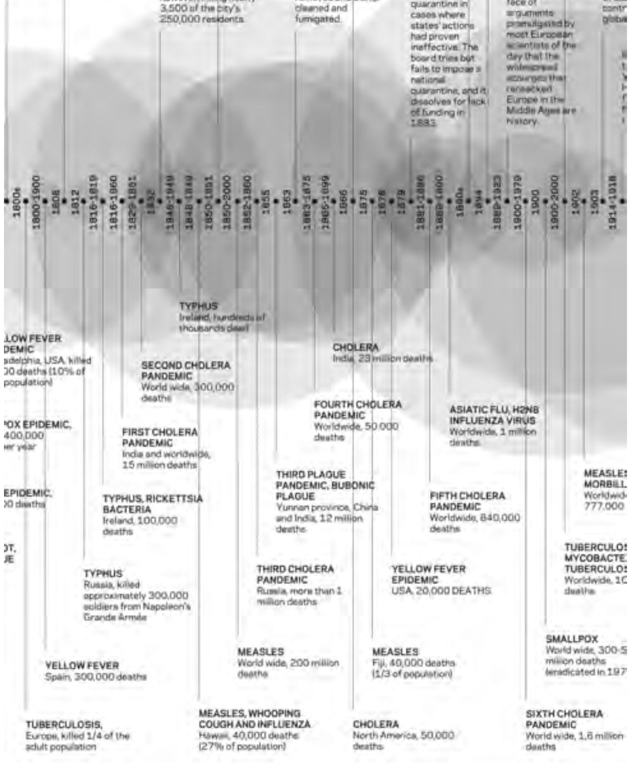
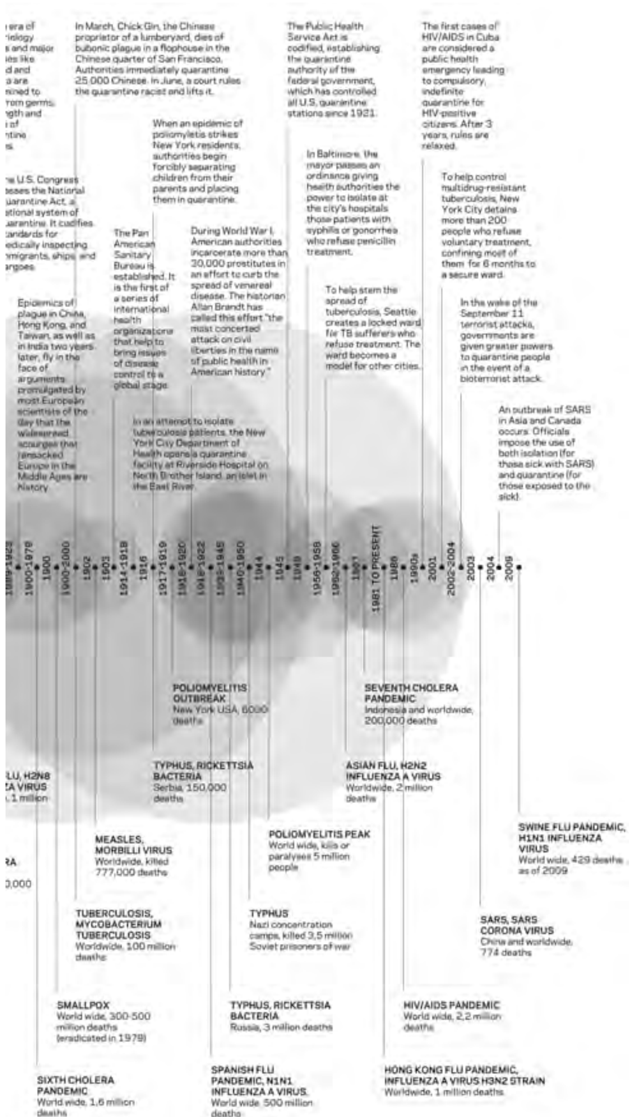
Amid concern about yellow fever, the U.S. Congress establishes the National Board of Health, in part to assume responsibility for quarantine in cases where states' actions had proven ineffective. The board tries but fails to impose a national quarantine, and it dissolves for lack of funding in 1883.

Epidemics of plague in China, Hong Kong, and Taiwan, as well as in India two years later, fly in the face of arguments promulgated by most European scientists of the day that the widespread scourges that ransacked Europe in the Middle Ages are history.




In March, Chick Gin, the Chinese proprietor of a lumberyard, dies of bubonic plague in a flophouse in the Chinese quarter of San Francisco. Authorities immediately quarantine 25,000 Chinese. In June, a court rules the quarantine racist and lifts it.
The Public Health Service Act is codified, establishing the quarantine authority of the federal government, which has controlled all U.S. quarantine stations since 1921.
The first cases of HIV/AIDS in Cuba are considered a public health emergency leading to compulsory, indefinite quarantine for HIV-positive citizens. After 3 years, rules are relaxed.
When an epidemic of poliomyelitis strikes New York residents, authorities begin forcibly separating children from their parents and placing them in quarantine.
In Baltimore, the mayor passes an ordinance giving health authorities the power to isolate at the city's hospitals those patients with syphilis or gonorrhea who refuse penicillin treatment.
To help control multidrug-resistant tuberculosis, New York City detains more than 200 people who refuse voluntary treatment, confining most of them for 6 months to a secure ward.
The Pan American Sanitary Bureau is established. It is the first of a series of international health organizations that help to bring issues of disease control to a global stage.
During World War I, American authorities incarcerate more than 30,000 prostitutes in an effort to curb the spread of venereal disease. The historian Allan Brandt has called this effort "the most concerted attack on civil liberties in the name of public health in American history."
To help stem the spread of tuberculosis, Seattle creates a locked ward for TB sufferers who refuse treatment. The ward becomes a model for other cities.
Epidemics of plague in China, Hong Kong, and Taiwan, as well as in India two years later, fly in the face of arguments promulgated by most European scientists of the day that the widespread scourges that ransacked Europe in the Middle Ages are history.
In the wake of the September 11 terrorist attacks, governments are given greater powers to quarantine people in the event of a bioterrorist attack.
In an attempt to isolate tuberculosis patients, the New York City Department of Health opens a quarantine facility at Riverside Hospital on North Brother Island, an islet in the East River.
An outbreak of SARS in Asia and Canada occurs. Officials impose the use of both isolation (for those sick with SARS) and quarantine (for those exposed to the sick).
1900-1979
1900
1900-2000
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1914-1918
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1917-1919
1918-1920
1918-1922
1939-1945
1940-1950
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1949
1956-1958
1962-1966
1961
1981 TO PRESENT
1986
1990s
2001
2002-2004
2003
2004
2009
POLIOMYELITIS OUTBREAK
New York USA, 6000 deaths
SEVENTH CHOLERA PANDEMIC
Indonesia and worldwide, 200,000 deaths
TYPHUS, RICKETTSIA BACTERIA
Serbia, 150,000 deaths
ASIAN FLU, H2N2 INFLUENZA A VIRUS
Worldwide, 2 million deaths
POLIOMYELITIS PEAK
World wide, kills or paralyses 5 million people
SWINE FLU PANDEMIC, H1N1 INFLUENZA VIRUS
World wide, 429 deaths as of 2009
MEASLES, MORBILLI VIRUS
Worldwide, killed 777,000 deaths
TUBERCULOSIS, MYCOBACTERIUM TUBERCULOSIS
Worldwide, 100 million deaths
TYPHUS
Nazi concentration camps, killed 3,5 million Soviet prisoners of war
SARS, SARS CORONA VIRUS
China and worldwide, 774 deaths
SMALLPOX
World wide, 300-500 million deaths (eradicated in 1979)
TYPHUS, RICKETTSIA BACTERIA
Russia, 3 million deaths
HIV/AIDS PANDEMIC
World wide, 2,2 million deaths
SIXTH CHOLERA PANDEMIC
World wide, 1,6 million deaths
SPANISH FLU PANDEMIC, N1N1 INFLUENZA A VIRUS
World wide 500 million deaths
HONG KONG FLU PANDEMIC, INFLUENZA A VIRUS H3N2 STRAIN
Worldwide, 1 million deaths

15

COLLISION, SEXUALITY AND RESISTANCE

[also in The Funambulist Pamphlets Volume 9: SCIENCE FICTION]

COLLISION, SEXUALITY AND RESISTANCE ///
(abstract originally written for the *Melbourne Doctoral Forum on Legal Theory*)

Calling for papers about law and its accident is indubitably recognizing that law is a technology, and that each technology implies the invention of its own failure, as Paul Virilio points out. Accident could be defined as the moment when technology ceases to function after its collision with another body. The violence of such collision is normally understood as unfortunate, if not fatal.

In 1973, the English author James Graham Ballard published *Crash,* a novel that extensively describes a new form of sexuality reaching its climax at the very moment of the accident. He uses the car as the paradigm of modern technocracy and introduces his characters as the pioneers of this sexuality. Each scar is a trace of a previous accident, and becomes a new orifice that constructs these characters' desire until the next machinist orgasm. The orgasm is produced by the sudden penetration of the piece of technology into the human body. This event celebrates the death of technology and often implies the death of the human body that depende on it.
This brief exposé of Ballard's novel does not immediately call

forth an analogy to law, but if we reconsider the accident as defined above, we can think of the various national revolutions throughout history — including the most recent ones in the Arab world — as a collision of the law with another body — the people — before its complete suspension that marks the end of a regime.

Revolution is based on the production of a desire that ultimately effectuates itself through a punctual and jubilatory event that we can metaphorically envision as a collective orgasm. Just like in *Crash*, technology does not 'die' without the violence of the collision, and the various suppressions that we observed in the Arab world are symptomatic of such violence. In Iran, for example, this suppression implied the law to its highest degree: organizing trials and condemning numerous activists of the Green Revolution to death. Various emergency laws adopted in several countries also carry this violence, as they suspend the law within the very frame of the legal system.

Just as sexuality, a revolution should not be characterized by its finality, what we called here the accident. Rather, it should be characterized by the continuous production of desire that precedes this event. During the recent Egyptian revolution, the intensive moment was not as much Husni Mubarak's termination as the eighteen days spent by the protesters on Tahrir Square in Cairo. These three weeks constituted the desire for democracy within its own production at the scale of a micro-society. Gilles Deleuze and Félix Guattari are fundamental to understand this mechanism as they define the body as a productive machine of desire (see *The Funambulist Pamphlets Volume 03: Deleuze*), while defining machine as the martial formation of *devenir révolutionnaire* (revolutionary becoming). This *devenir révolutionnaire* has a name: *resistance*.

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Originally published on January 28th 2012

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THE SPATIAL ISSUES AT STAKE IN OCCUPY WALL STREET: CONSIDERING THE PRIVATELY OWNED PUBLIC SPACES

[also in The Funambulist Pamphlets Volume 5: OCCUPY WALL STREET]

Occupy Wall Street raises an interesting spatial issue that, despite its specificity to New York, evokes a broader urban problem about public space.[1] The legal status of Liberty Square — also known as Zuccotti Park — as well as other squares used by us, *occupiers*, for our working group's sessions, is a "privately owned public space." That legislation results from a 1961 deal between the City of New York and private corporations who wanted to transgress the urban code by building higher towers: in exchange for a significant area of public space on their parcel, corporations and private owners would be authorized to build their towers higher. The legislation is not detailed and it remains easy for the owners to strictly control access and activities in these spaces.

Despite an appearance of openness, privately owned public spaces are more or less directly selective of their public. Employees working in the towers are of course welcome; these

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1 This article was written in October 2011, when several hundreds of people were occupying Liberty Square in downtown Manhattan as part of the *Occupy* Movement about which the Volume 5 of *The Funambulist Pamphlets* is dedicated.

open spaces are part of a biopolitical capitalism that falsely appears to take good care of its subjects. People who spend money on those sites to buy coffee, hot dogs, or newspapers are also wanted. Others are regarded as unwelcome, if not suspect, and can be asked to leave if they are involved in "subversive" activities such as playing ball, taking pictures, or picnicking.

Both corporations and governments are satisfied with these public spaces: corporations are able to build taller skyscrapers, to provide open space for their employees, and to develop commercial activities, while governments see their public space maintained by private actors and any potential space of gathering controlled and supervised…until now. We *occupiers* reclaimed a territory that should have been simply declared public rather than left to a legal ambiguity that ultimately favors their owners.

This point is really important as it raises a problem that is not only specific to New York City. The right to public space has been too often abandoned, as the regular suppression to which we are often subjected is so embedded within our imaginary. Most public parks close at night, signs prohibiting to play ball games, skateboarding or walking on the grass have proliferated everywhere without making us react. Although these activities do not seem as crucial in a human existence as the right to assembly or simply to be present in that space, the fact of forbidding them continuously contributes to normalize our imaginary and behaviors.

In January 2002, Bordeaux Mayor Alain Juppé — also former French Secretary of Foreign Affairs during Nicolas Sarkozy's presidency — passed a decree that prevented sitting or laying down in the street if it was somehow obstructing the path of pedestrians. Whatever stops the flux, and thus constitutes

a small speck of dust in the cogs of the machine, is considered antagonistic, and for this reason, declared outlawed.

The previous illustration is a photograph of the interior privately owned public space at 60 Wall Street, used on a daily basis by the *occupiers* between September and December 2011. Photograph by the author, (October 18, 2011).

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Originally published on October 20th 2011

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STRATEGIES FOR SUBVERSIVE URBAN OCCUPATION BY RECETAS URBANAS

Recetas Urbanas (Urban Prescriptions) is an architecture office in Seville, created by Santiago Cirugeda. This office is interesting because it conceives its projects in the ambiguous folds of the city code. I often refer to the work of *Recetas Urbanas* as something between the important works of Teddy Cruz who negotiate with governmental institutions to achieve legal projects, and Max Rameau, who requisitions Miami's speculative land to compose homeless villages (see next chapter). This practice requires an exhaustive knowledge of the legal frame of the environment.

Explaining the approach of a project like *Andamios* is highly illustrative of this attitude as it plays with the code in a very simple and explicit way. Seville's urban code allows to set up a scaffolding on one's facade in order to repaint it — because of a graffito on it, for example. As long as this operation is backed by a licensed architect who can sign the health and safety form, one can interpret this piece of legislation in order to install a balcony on the apartment at the same time. Such a balcony creates an interface between public space and private space and therefore contributes to the practice of the city.

Building Yourself an Urban Reserve: Scaffolding
How:

1. Apply in your local Urban Planning office (or similar) for license for a minor alteration to paint the facade of the building to which you want to fix yourself, where you want to inlay, against which you want to lean, or simply which you want to enlarge.

1.A. The degree of heritage protection of the building may force you to sign that you will stick to the existing color, but that should not bother you.

1.B. If the facade does not need a coat of paint you can make a few loud color paintings on it to justify the re-painting of it.

2.Ask a friend or relation, who should be an architect (there are plenty), to sign the scaffolding project, together with the preliminary health and safety plan. This is a very simple project and can be easily copied. When it comes to talk about wages, a few beers will do.

3- With the paid minor alteration license (some 3000 pts. / 18 euros) and the local authorities permit for the project (some 4000 pts. / 24 euros), we can actually apply for the license to place the scaffold, because, although it is true that you must define how long the work will take, you can obtain it without a tick in the appropriate box and so make it last indefinitely (experience backs me up). Anyway, I am personally

interested in few-months-stays, so I can install myself in different places one after the other and keep the temporary character of it (such attribute frightens the architects' guild).

4. Design your own urban reserve using your favorite materials and styles.

5. Once you have the license (approximately one month later) install the scaffolding along with the reserve.

All following photographs are courtesy of Recetas Urbanas.

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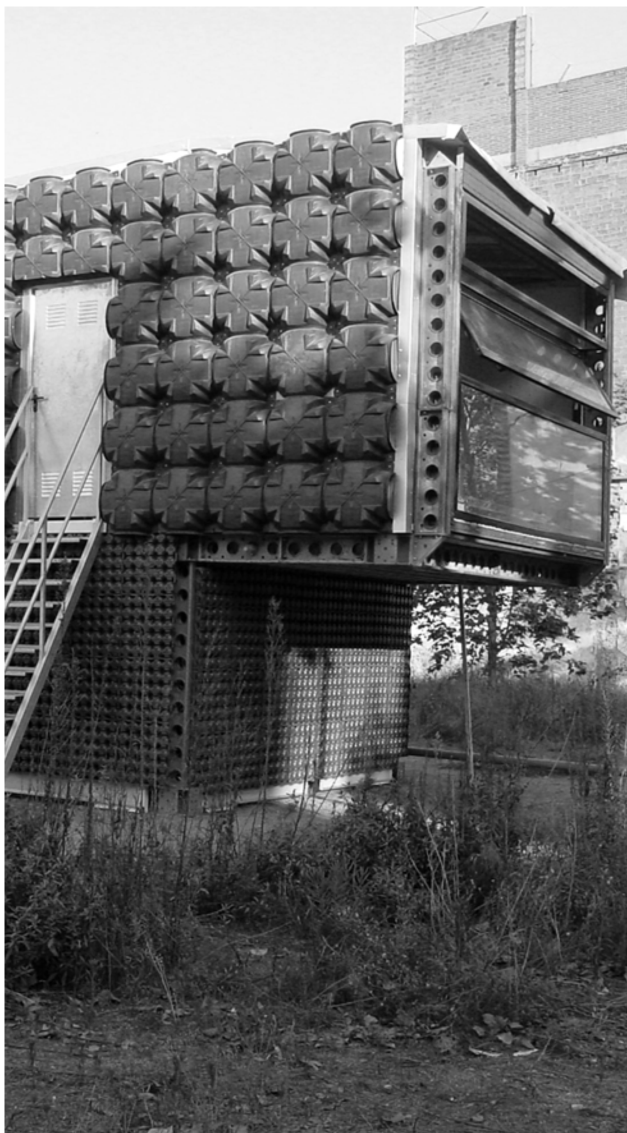
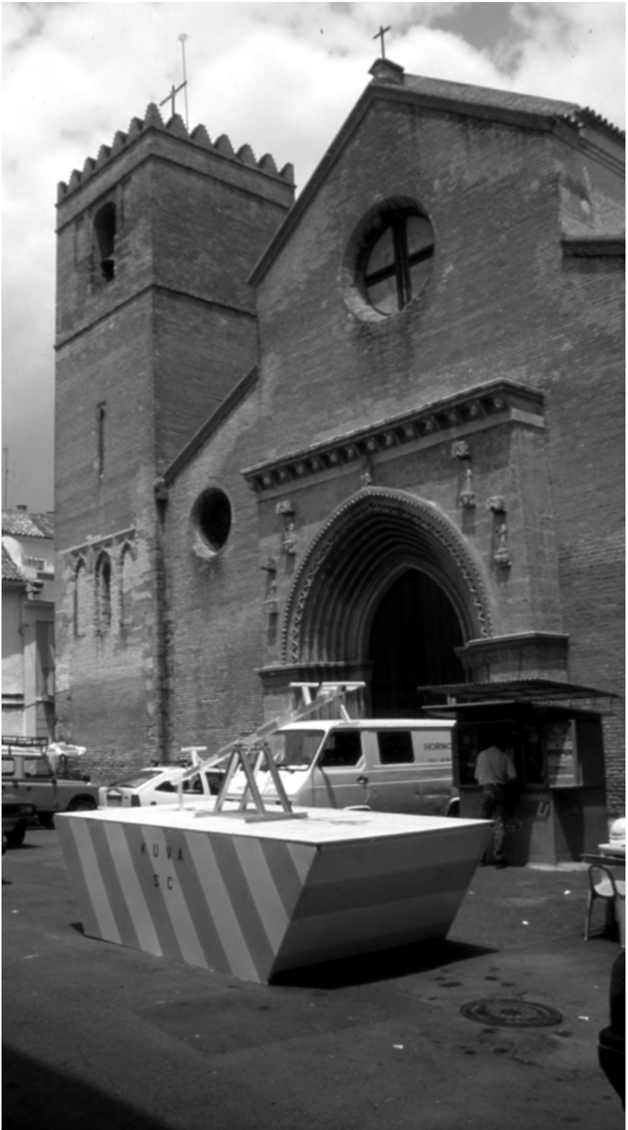
Originally published on February 24th 2011

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ARCHITECTURAL GAMES S.C.
KETAMINA, LA DROGA
300
EPISODIOS PARA ADORAR LOS SIMPSON
SHAKIRA
2003
MTV
EN SU FIESTA ME COLÉ
EMINEM
A 8 MILLAS DEL OSCAR
LA VENTA

18

IS HOUSING A HUMAN RIGHT? CONSIDERING THE "TAKE BACK THE LAND" MANIFESTO

In Florida, the movement *Take Back the Land* allows to ask interesting questions about civil disobedience and fundamental rights. This movement, often represented by Max Rameau, constitutes, to my knowledge, the most expressive and efficient illegal practice of architecture. The movement reclaims city's space that suffered from speculative operations (vacant parcels, foreclosed homes) in order to accommodate those who were the human victims of the same operations. The resistive actions orchestrated by *Take Back the Land*, beyond simple civil disobedience, are also implemented within a broader framework of dialogue with the local community (neighbors and other people helped by these actions). Such a dialogue allows for a more harmonious occupation of the space concerned by these actions, but it also sustains the illegal operations in time, as it creates processes of defensiveness within a whole neighborhood, thus able to potentially put pressure on the municipal authorities and the police.

The movement's objectives clearly explain what these resistive operations are trying to achieve:

- Fundamentally transform land relationships;
- Elevate housing to the level of a human right;

- Community control over land and housing;
- Empower impacted communities, particularly low income communities of color. ("Principles and Objectives," http://takebacktheland.org)

In the frame of this chapter, I would like to examine the second of these objectives that is probably the most ambitious, as it proposes to reconsider fundamental legal documents at the national level (constitution) or at the international level (charter or the *1948 Universal Declaration of Human Rights*). Declaring housing a human right was probably irrelevant a few centuries ago; in most cities, one could find a piece of land and build one's own house without fearing to be expelled from it by law. Both bureaucratic communism — in China for example — and capitalist systems — again in China, but also in the Western world — have elaborated some logic in which one can never be sure to keep one's home for any given amount of time. Whether we consider eminent domain, 100-year lease, gentrification or the continuous debt that mortgage constitutes, an economical legal system exists, which evidently does not recognize housing as a human right.

Democracies congratulate themselves on considering the right to vote fundamental but, in many of them, a person is required to have an address to be able to effectively vote, and therefore be considered a citizen. Of course, someone who struggles to survive on a daily basis has more urgent issues to solve than claiming the right to vote; however, this contradiction is illustrative of the deep problem at stake.

What the members of *Take Back the Land* have in mind when they fight for the fundamental right to housing, is based on governmental policies on public housing and foreclosure regulations; however, it is probably also interesting to consider the problem in a more abstract way. Along with globalized

control and ownership of the land, the hyper-development of cities makes it impossible to build and own a home without serious financial implications or unrelenting suppression by the authorities — see the systematic evictions of the gypsies in France and more generally in Europe. Try tomorrow to build a small shelter in a city's streets and you will soon understand the absolute impossibility for some of us to have a home.

In these conditions, housing as a human right does not necessarily start with an active production of homes for all — even though this solution is much more appreciable — but rather as the abandonment of suppressive policies against any form of action like the ones organized by *Take Back the Land* as well as their legalization. What it means is that homes cannot be the object of financial "games," and that governmentally-owned empty buildings should systematically be made available to serve the purpose of housing. Our body is necessarily occupying a part of space, and a space should be able to accommodate it in a way that is not harmful to it.

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Originally published on September 2nd 2012

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CENTER FOR URBAN PEDAGOGY

The *Center for Urban Pedagogy*, also known as *CUP*, is a non-profit organization that attempts to make the legislation visible in the clearest manner. The predicate of the law is that nobody shall ignore it; in reality however, little is done to make the law known to all. The risk involved in a society that maintains the ignorance of its law actively or passively, is that a legal aristocracy develops. Knowing your rights allows everyone to practice the law. It also participates in a thorough and voluntary defense if there is contention. The *Center for Urban Pedagogy*, through an articulated graphic design strategy, has produced various booklets and posters in this spirit. All of them can be bought, but they are also downloadable as PDF on their website.[1] *Vendor Power* (2009), for example, informs New York street vendors of their rights and useful behavior to follow in case of trouble with a zealous police officer. *I Got Arrested! Now What?* (2010) is addressed to American teenagers who have been arrested by the police — often for minor offenses — so that they could know their rights and apprehend this experience in a less traumatic way. *Know Your Lines* (2011) investigates the voting zones in the United States to develop an awareness of the various policies that modify the lines of those zones for electoral motivations. *What is Affordable Housing?* (2010) is a small book that establishes an inventory of government assisted forms of hous-

1 http://welcometocup.org/

ing in the United States, and in New York more specifically, as well as criteria required to apply. This document does not fail to notice that many of these programs have been lacking public development and interest, especially public housing whose construction was stopped after the 1974 moratorium ordered by President Richard Nixon. Many more manuals can be found on the *Center for Urban Pedagogy*'s website. Moreover, similar initiatives exist for other cities and countries, and can be considered models of a strategy of legal sensitization and empowerment.

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Originally published on October 3rd 2012

ABOUT

THE FUNAMBULIST: a blog written and edited by Léopold Lambert. It finds its name in the consideration for architecture's representative medium, the line, and its philosophical and political power when it materializes and subjectivizes bodies. If the white page represents a given milieu — a desert, for example — and one (an architect, for example) comes to trace a line on it, (s)he will virtually split this same milieu into two distinct impermeable parts through its embodiment, the wall. The Funambulist, also known as a tightrope walker, is the character who, somehow, subverts this power by walking on the line.

CENTER FOR TRANSFORMATIVE MEDIA, Parsons The New School for Design: a transdisciplinary media research initiative bridging design and the social sciences, and dedicated to the exploration of the transformative potential of emerging technologies upon the foundational practices of everyday life across a range of settings.

PUNCTUM BOOKS: spontaneous acts of scholarly combustion is an open-access and print-on-demand independent publisher dedicated to radically creative modes of intellectual inquiry and writing across a whimsical para-humanities assemblage. punctum books seeks to curate the open spaces of writing or writing-as-opening, the crucial tiny portals on whose capacious thresholds all writing properly and improperly takes place. Pricking, puncturing, perforating = publishing in the mode of an unconditional hospitality and friendship, making space for what Eve Sedgwick called "queer little gods" – the "ontologically intermediate and teratological figures" of y/our thought.We seek to pierce and disturb the wednesdayish, business-as-usual protocols of both the generic university studium and its individual cells or holding tanks. We also take in strays.

THE FUNAMBULIST PAMPHLETS
VOLUME 4: LEGAL THEORY

The law requires architecture to crystalize the territory where it applies — the example of private property is the most obvious, — and architecture, in its inherent power to control the bodies, cannot help but create new laws for each diagrammatic line it materializes into walls.

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http://punctumbooks.com