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Spatial, Design, Landscape & Socio-economic Dimensions

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The Forecasts of the Witches: the State of Exception in Planning Practices

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Abstract

Agamben argues that the state of exception is not a special kind of law, but it is a zone of anomie, where all legal determinations are deactivated (Agamben, 2005: 50). Conditions of exception do not just occur when a hegemonic power poses itself above the law; they also occur when laws are made in order to exercise control and subjection.

Agamben's state of exception theory describes those contexts where the circumvention of laws and suspension of norms do occur, having as result the production and reproduction of spatial areas as zones which are characterized by a void of law. These phenomena can be found not just in the case of occupying or hegemonic powers, but also in the Western European democratic countries. Many examples testify the 'suspension of norms' as a common practice, which affects in particular planning activities. According to the state of exception theory, planning quite often becomes an extension (and an efficient field of application) of the mechanism of suspension of the norm, due to the (rhetorical) justification of emergency reasons.

This paper reorients this model from politics to spatial domain, illustrating that the condition of exception is not confined into political arenas, but it is also deployed to produce zones of exception (spaces of 'void of law'), where people are excluded from the domain of the law and are stripped of the rights of space. Through the model of exception, the discipline of planning is an extension of the mechanism of suspension of the law. Consequently, planning is one of the instruments that can be used to exercise power, manipulating technical skills and circumventing rules and norms.

Drawing on examples from many contexts around the world, this paper highlights other contexts in which the paradigm of exception has been deployed. This study shows that there are many examples of spaces of exception globally; the paper will consider the flow – and multiple declinations - of the 'state of exception' model in different contexts.

The rhetorical of a context of emergency (as a result of the inefficiency of planning tools and procedures, as well as a consequence of the weakness of public institutions and officers) has justified the manipulation of the (planning) juridical system by circumventing constitutional principles (eg. the safeguard of natural landscape) and by suspending the existing law (eg. the duty of taking into consideration planning norms and rules). Agamben (2005) highlights how this 'emptiness of law' can be instrumentally used in order to legalize what cannot be legal in the name of necessity: emergency, that is necessity, becomes the source of law and it is used as a legitimate principle in order to suspend existing norms.

Examining various examples from different contexts around the world, the paper shows that the model of exception is deployed to exercise power over space and to deprive citizens of their rights in the spatial dimension. Consequently, the concept of right collapses in the space of exception and in the name of necessity new laws and technicalities are instrumentally invented to exercise power over people and space. The metaphor of the forecasts of the witches in Shakespeare's *Macbeth* will be used in order to introduce these reflections.

Keywords: State of exception; planning laws; manipulation and circumvention of norms; emergency.

References

Agamben G. (2005), *State of Exception*, University of Chicago Press, Chicago.