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The Boredom of Building Regulation

Liberalism, Modernity and the Withheld Possibilities of Architecture

Liam Ross

The Cultural Role of Architecture / Lincoln / 25.06.10

Boredom and Positivity

Architects are ambivalent about building regulation¹. On the one hand, architects recognise the positive effects of regulation; they establish a set of minimum environmental standards that limit the potential risk posed by building to our health, safety, wellbeing and convenience. Architects appreciate the technical guidelines set by regulation, because they ensure that practitioners satisfy these standards, and compliance frees architects from the risk of litigation associated with these risks. However, the regulations also have a negative effect. Regulations are increasingly prolific and complex, and their satisfaction distracts architects from design. The imposition of minimum standards stifles innovation and creativity, and can lead to monotonous and mundane designs. The Building Regulations might be socially necessary, but they are also boring. It is possible to speculate as to whether changes to the techniques of regulation could deliver the same benefits while mitigating these detrimental effects – increased use of performance criteria, for instance, rather than minimum standards, is thought to leave practitioners more scope for innovation – but nonetheless it is easy to see that the positive and negative effects of regulation are necessarily related, even identical. The building regulations negate the dangerous potential of building by positing a set of pre-ordained ends, and it is this pre-ordination – the fact that regulations free practitioners from the need to engage with the potency of their means – that is boring.

How do architects respond to the boredom of building regulation? Although practitioners are still free to organise building through principles other than those established by regulation, this is increasingly difficult. Contemporary globalised practice is subject to a raft of regulatory requirements – economic, technical, environmental, social, aesthetic – that crowd out the process of design. The role of the architect is, today, increasingly reduced to that of interface manager, responsible for resolving the conflicting advice of a range of external consultants – economic, technical, environmental, social, aesthetic – whose expertise is more readily accountable than theirs. In the context of the disciplinary threat posed by regulation, it is easy to understand why much of contemporary architecture – those practices at the coal-face of globalisation – appears to respond by either giving ground, imitating, or turning themselves into, regulatory practice; Evidence-Based design, for instance, hopes to purge architecture of any subjective content reducing it to a set of evidenced-based guidelines, Parametric design maintains the architect's subjective authority, but only through the theatre of reducing it to an automated process, and even the Signature practices of Iconic Building – that bastion of the useless gesture – is the retreat of architecture to its measurable effect on corporate branding.

Concerned that the regulation of building, and its imitation in contemporary design practices, are a threat to the cultural role of architecture, this paper speculates about an alternative attitude to regulation. It begins by contextualising regulation in relation to two other practices; Liberal Government and Modern Architecture. In doing so, it adopts a Foucauldian terminology, understanding each institution – Building Regulation, Liberalism and Modern Architecture – as an *Apparatus*²; it understands Building, Government, and Architecture as a network of related means – conceptual, technical, legal, physical – that address concrete and strategic ends, producing subjectivity by employing understanding in our governance. The paper calls upon two Foucauldian Scholars – Mitchel Dean and Sven-Olov Wallenstein – and addresses each institution in turn, clarifying their means and ends, and hoping to establish what is at stake when the Modern architect, under Liberal Government, complies with an act of Building Regulation. However, while adopting these sources and

terminology, the paper is also mindful of Giorgio Agamben's development of Foucault's *Apparatus*. It understands that the *positivity*³ of any apparatus (*Dispositif*) is necessarily related to, even identical with, an act of negation. As well as outlining the positive ends of each institution, then, the paper hopes to identify the negativity – that which has been renounced by - Liberalism, Modernity and Regulation. Concludes that although Regulation, as the articulation of both Liberal Government and Modern Architecture, is a means of foreclosing the social and representational potential of building, it does, nonetheless, index that which it negates. Perversely, then, regulation is also a practice through which we witness – in its being withheld – the Open potential⁴ of building.

Liberalism and Government

The object of Liberal Government is the activity of the population, and its governing mentality is its ambition to maximise the productive potential of the population, making it wealthier, healthier, smarter and safer⁵. Following Mitchell Dean⁶, we can recognise Liberal Government as distinct from other modes of government in that it works with and through the freedom of the population; its conducts us through the contention that increased liberty is, to a certain degree, proportional to increased productivity. Liberalism conducts us, on the one hand, through the suite of Rights (economic, political and social) that define our freedom to act productively, and, on the other hand, the legal and regulatory frameworks that protect us from threats to that productivity (fraud, corruption, violence). Liberalism is liberative because it grants us specific liberties, freeing us *to* a certain kind of activity, freeing us *from* certain limits to that activity. The success of this mentality depends upon a dialectical negation: liberalism works to the degree that increased freedom is recognised as identical to increased discipline; the positive constraints imposed by government (law, legislation, regulation) must be recognised as proportionate safeguards to our negative freedom; our freedom from potential threats to our freedom.

This liberal govern-mentality emerged during the 18th century and is commensurate with the development of the Human Sciences - the discovery of Man and his population as a subject for empirical analysis. The new disciplinary practices of the 18th Century - History, sociology, anthropology and economics - were the means through which liberal government came to understand Man and his population as a subjects, and so came to govern them. The study of economics is of particular importance to liberalism, as the discipline through which it measures its liberative effect. Liberalism proves the liberative effect of its constraints through measurements of the national economy - if the national economy grows, the freedoms and constraints established by government are seen to benefit the productive potential of society - but also through its own economy of government - the interventions of modern government must be seen to be proportional to the negative freedoms that they guarantees; any excess of government is understood to impinge upon productivity.

Liberalism governs, then, by enframing social life through a concern for economy. The freedoms granted by liberalism - the free market, in right to vote, freedom of speech – are means of government, because they are means of subjectification – they are the means through which we come to recognise and enjoy the liberties secured for us by governmental constraint. The subjectivity liberalism produces is one of self-discipline; self-related and self-created, emerging from its own disciplinary practices, gaining in hermeneutic depth with every sophistication of its apparatus⁷. The discovery of this self-created subject is historically related to the process of democratising monarchic rule, to the overthrow of an absolutist, or Sovereign subjectivity. The positive proposals of Liberal Government are popular political choices because they appear as means of negating the derivations faced under Sovereignty. As well as being means of subjectification, then, they propose a de-subjectification – the renunciation of a

previous subjectivity. However, this gesture – of subjective renunciation and assumption – is not one of a simple replacement, though. Rather, the previous subjectivity is incorporated precisely through its exclusion; as Dean notes, Liberal Government retains and employs the techniques, rationalities and institutions of Sovereignty – such as taxation, and punishment – and is in fact a means to recodes them within a new governmentality. So, although Liberalism raises the question of our fundamental governability – it offers a critique of Sovereignty - it does not open us up to the Ungovernable. The apparatus of Liberalism points to yet crowds out this ungovernability, limiting it between threats to our freedom and constraints that negate them.

Modernity and Interpretation

Building is, literally, a means of conducting our conduct. Corridors lead, direct and guide. Walls exclude and openings permit. Rooms classify the things and activities that they accommodate, and their general arrangement organises those things into sensible hierarchies. The detailed construction of building, even, gestures toward our conduct - buildings carry themselves in such a way as to suggest how we might carry ourselves. Building is an Apparatus, then; every building has as its end some positive social function – to improve the efficiency of a workforce, fulfil the requirements of a brief, improve the health of a population – and employs a network of related means – empirical research, architectural concepts, legislative requirements – toward that end. Every building, then, is a subjective device that displays a particular govern-mentality – its literal disposition disposes its inhabitants to conduct themselves in a certain way.

Following Sven Olov Wallenstein we might recognise Modern Architecture as one of the subjective devices of Liberal Government, and identifies its govern-mentality as the displacement of co-ercive power to an object. Following Foucault, Wallenstein discovers this govern-mentality in Bentham's Panopticon, which he holds as a paradigm of both liberalism and architectural Modernity⁸. Any prison necessarily exemplifies the apparent contradiction required by Liberal Government, the negative freedom of the population is secured by the increased discipline of criminals. However, Bentham's prison is innovative in the economy of its means, replaces disciplinary techniques of direct violence with that of passive disposition. It's singular, occasionally occupied central observation tower surrounded by multiple individually occupied cells, disposes its inmates to act with self-discipline. The prison achieves a maximum disciplinary effect with a minimum of active force, by subjectifying its inmates; displacing an active force from the guard to the passive disposition of the building, which in turn conducts the 'freedom' of the inmate. Wallenstein contends that this disciplinary diagram – the displacement of co-ercive power to an object – is common to Modern Architecture generally. The hospital – that laboratory for architectural Modernism - was the building type responsible for the widespread distribution of this diagram; innovations in hospital design made sensible an increasing understanding and control over of our conduct as a population, providing a test-bed through which a Modern Architecture came to understand its co-ercive potential.

Wallenstein contends that the discovery of this coercive potential in building effected a kind of subjective re-constitution within architectural thought. Prior to the mid-eighteenth century – during which time Europe remained principally under monarchic rule – architecture functioned under the 'Vitruvian paradigm'⁹. Architecture understood itself as the representation of a transcendental order, and communicated that order through mimetic codes based upon the ideal of a well-ordered body. Architecture, like its sister arts, was the elaboration of a Poetic Regime; the realisation of a set of codes that assigned the correct representational techniques to the correct subject matter, placing both social endeavour and its representation into proper hierarchical order. However, toward the end of the

Eighteenth century began to abandon this regime. Drawing upon the discoveries of the Human Sciences, the architectural treatises of the 18th C turned their attention to a set of newly discovered empirical potentials in building (its ability to improve health, control the spread of fire, organise a work-force, etc). Architecture came understand itself as an instrument *of* order, not its mimetic representation. Architectural Modernity emerges - its govern-metality is defined – at the point when the means of architectural order shifts from the codified image of a transcendent body, to an empirical measurement of a social body. Having lost the hermeneutic codes of the Vitruvian regime, this architecture discovers its communicative potential in the sum of the empirical concerns through which it problematises a given brief¹⁰.

Modern Architecture, like Liberal Government, then, appears to purge a practice of a previous transcendent representational regime, drawing upon the empirical discoveries of the Human Sciences for support. Modern Architecture, like Modern Man, appears to achieves a hermeneutic depth in proportion to its ever increasing means of its scientific study. However, like Liberal Government, we might note that in its positivity, Modernism tends to incorporate precisely that which it claims to negate, and its interpretation remains tied to its historic specificity. The historicity of Modernity is apparent from its title, but is ramified more thoroughly by its generic superlatives. Modern Architecture is always New (as opposed to old), Light (as opposed to dark), Airy (as opposed to stuffy), Open (as opposed to cellular), Functional (as opposed to representational), Practical (as opposed to elaborate), Rational (as opposed to Historical). Modern Architecture is engaged, again, in a play de- and re-subjectification – a subjective assumption and renunciation¹¹. The ‘meaning’ of architectural modernity does not rest in its pure positivity, but depends upon, and indexes, that which it negates. We might conclude, then, that the co-ercive potential identified by Wallenstein as its governing mentality is only a rhetorical figure; that the ‘Functionalism’ of Modern Architecture is not *not* representational, but is rather the trope through which it represents its rhetorical purge of representational content. So, although Modernity raises the question of interpretation in architecture – it offers a critique of Vitruvianism - it does not open us up to the uninterpretable. The apparatus of Modernity points to yet crowds out the interpretative possibilities of architecture, limiting them between the problems its identifies and the solutions it offers.

Regulation and the Open

The governing mentality of the UK Building Regulations is to limit the threat posed by building to our health and to the economy. The Building Act makes provision for regulations that “secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; [that] further the conservation of fuel and power; and [that] further the achievement of sustainable development.”¹² The regulations do this by enforcing minimum standards of structural stability, fire performance, environmental impact, accessibility, noise and energy consumption in building.

The recognition and limit of the danger posed by building is, of course, as old as building, and is perhaps the original object of architectural order. The *Ten Books*, for instance, include extensive prescriptions that anticipate danger and prevent harm, promoting a salubrious built environment. Although a Building Act was drawn up in London in response to the Great Fire, it is again not until the late 18th Century that a modern and nationalised system of building control emerges in the UK, and we can understand building regulation as another part of that “*explosion of numerous and diverse techniques for achieving the... control of populations*”¹³ that Foucault identifies as commensurate with the birth of the Human Sciences. The first national Act’s that empowered local authorities to make byelaws

concerning building were the Public Health Act's of 1875 and 1936¹⁴. These were first concerned the urban environment - the sanitary infrastructure, air-space, drainage, and paving around buildings – but gradually extended their remit to interior of building, limits construction materials and detailing, setting minimum spatial standards, lighting and fire safety. The 1974 Health and Safety at Work Act, extended the scope of regulation to consider both the risks posed by all those concerned with its fabrication and use, but it was not until the 1984 Building Act that a dedicated and consolidated statute concerning building regulation was agreed.

In the context of our analysis so far, it is clear that regulation forms an important part of the apparatus of both Liberal Government and Modern Architecture. Regulation is an important instrument of Liberalism because, while economising on their own means of government, they conduct our conduct by safeguarding our negative freedom, identifying threats to productive activity and mitigating against them. Likewise, they forms part of the Modern Architectural project; regulation establishes a set of empirical design requirements whose simultaneous resolution maximises the coercive potential of building. Extending Wallensteins analysis of the 'hospitalisation of architecture' – from Durand to International Modernism – we might consider the Modernity of our contemporary circumstance as characterised by the more widespread 'hospitalisation of the built'. Decisions about design today are increasingly enframed by a concern for our health, but further - through rafts of associated regulation - the coercive effect of building on wide range of social practices are now subject to empirical analysis. Whether the concern be with our mobility, sociability, criminal activity, consumer choices or aesthetic preference, design today draws upon an increasingly sophisticated understanding of our desires, aspirations, interests and beliefs, in order to economise upon its passive coercive effect. What characterises the Modernity of today in relation to the 'rhetorical' character of Modernism proper, is the economy of its means. Through regulatory processes – which are fully governmental and not properly architectural – building design appears to consummate the purge of representational content promised by Modernism, achieving a more pure Positivity. However, this positivity is still engaged in a process of negation, of subjective assumption and renunciation. The Regulations are a programme for transforming building practice; they index a history of our progressively sophisticated means of understanding building, making positive proposals in order to negate identified problems. What regulation seeks to limit is the unpredictable and potentially dangerous effect building has on our conduct, the extent to which its material fact always exceeds our attempts to understand and control it. We might understand Regulation, then, as an apparatus that points to yet crowds out the Open potential of building, limiting it between the threats building poses to our health and the standards that negate them.

The Withheld Potential of Architecture

What is at stake, then, when the Modern Architect, under Liberal Government, complies with an article of Building Regulation? Regulation enframes building through a concern for our health, safety and convenience. Each article of regulation indexes a coercive potential in building. Regulation is, in turn, employed by two related apparatus – Liberalism and Modernity – who it to limit the Ungovernable in society, and the hermeneutic depth of Architecture. Although both Liberalism and Modernity are themselves subjective projects, the process of their regulation is one of constant self critique; regulatory processes aspire to an economy of means, and through them, the subjective dimension of both governmental and architectural programmes are constantly purged of their explicitly subjective dimension, flattened to apparent objectivity. In this climate of economisation - in the reduction of our means to a pure positivity - it easy to understand why the modes of contemporary

global practice appear like a series of end-games; either clinging on to, or finally conceding, architecture as a subjective practice¹⁵. Within those modes noted – Signature, Parametric or Evidenced Based – this end game takes the form of architecture's giving ground to, imitating, or transforming into regulatory practices.

To speculate, then, on an alternative response, I'd like to return, finally, to the boredom we face before building regulation. We began by noting that that boredom was not accidental, but rather essential to the regulatory apparatus; the purpose of an apparatus is to free us from the need to engage with the open potency of our means, by positing a set of pre-ordained ends. It is this freedom – in this case from the dangerous potentials of building, that bores us. What is it that we experience in boredom? Following Heidegger, we might recognise boredom as having two constitutive moments¹⁶. Firstly, when bored, we experience things as suddenly emptied of any purpose; in 'being-left-empty' we see things bereft of the purpose through which they usually captivate us. Secondly, we see in those empty things the inactive possibilities that are – somehow – withheld from us; our being-held-in-suspense testifies to the possibility of possibility *per se*. Boredom, then, is the state in which we see, momentarily, the open potential of things; we see things for themselves - withheld from any particular potency - but nonetheless testifying to possibility itself. The building regs, then – as an apparatus of boredom – are both instrumental and revelatory; they foreclose the potential of by positing instrumental ends, but also reveal its open potency through its being withheld.

An alternative attitude that architecture might take, then – other than giving ground to, imitating, or transforming into a regulatory practice – would be to enjoy the boredom of the building regulations. In our boredom with building regulation we see – momentarily – building de-captivated from an positive end, testifying to an open potency *per se*. That open potency is the possibility of Architecture as such – the possibility of a subjective project in building. Concerned with the increasing foreclosure of building toward positivistic, rhetorically objective ends, architecture might understand itself, simply, as the discipline that insists upon the Open in building. However, to enjoy the Open in building does not mean to transgress the limits imposed by regulation, nor building buildings that are dangerous. Infact, one tactic would be to submit to these limits more thoroughly. We have seen that, just as having your cake depends on not eating it, enjoying the Open depends on its being withheld. Such an architecture might be interested then, in the diagrams, techniques and rationality of regulation, and address itself explicitly to those aspect of building that have already been conceded to the regulators; stair geometry, circulation, window design, drainage, surface texture, lighting, ventilation, etc. However, for this architecture, these regulations would longer not index a coercive potential – or rather, its ambition would be to free those aspects of building from being enframed by a concern for coercion. For such an architecture, the regulations would simply index an inactive potential in building that its seeks, not to use, but to reveal. It would do this simply by paying an excessive attention to them, freeing them from any economic effect. Working with and through the regulatory diagrams of Liberalism and Modernity, it would hope to render them visible as Apparatus - as subjective projects - engaging in their processes of subjectification, and seeing beyond them that which is given.

¹ Rob Imrie and Emma Street's series of papers on regulation and design practice include survey data that testifies to the complex relationship between architectural design and its regulatory framework, including varied opinion on its benefits and deficits.

Emma Street and Rob Imrie, **Papers in 'The codification and regulation of architects' practices': Architects perception of building regulation**, Kings College 2007

² Drawing upon the interview in 'Power/Knowledge', Agamben summarises what Foucault denotes with his broad term – *apparatus* - through the following three characteristics:

1. "[An apparatus] is a heterogeneous set that includes virtually anything, linguistic and non-linguistic, under the same heading: discourse, institutions, buildings, laws, police measures, philosophical propositions, and so on. The apparatus itself is the network that is established between these elements.
2. The apparatus always has a concrete strategic function and is always located in a power relation.
3. As such, it appears at the intersection of power relations and relations of knowledge."

Giorgio Agamben, **What is an Apparatus?**, Stanford 2009, p. 2-3

Michel Foucault, **Power/Knowledge: Selected Interviews and Other Writing**, New York 1980, p. 194-6

³ Agamben develops Foucault's term *Apparatus*, (or *dispositif*), by drawing our attention to the etymology of the theological term *positivity*. In this theological context, the term denotes an act of separation between that which is properly sacred – Being as such - and that which forms part of the economy – the household management of the world. Agamben employs the term himself to denote "nothing less than a general and massive partitioning of beings into two large groups or classes: on the one hand, living beings (and substances), on the other, apparatuses in which living beings [and substances] are incessantly captured. On the one side then, to return to the terminology of the theologians, lies the ontology of creatures [and substances], and on the other side, the [economy] of apparatuses that seek to govern and guide them toward the good", "Between these two [we have] as a third class, subjects. I call a subject that which results from the relation and, so to speak, from the relentless fight between living beings [and substances] and apparatuses. Naturally, the substances and subjects seem to overlap, but not completely. In this sense for example, the same individual, the same substance, can be the place of multiple processes of subjectification: the user of cellular phones, the web-surfer, the writer of stories, the tango aficionado, the anti-globalisation activist, and so on and so forth."

ibid, p. 14

⁴ The Open – defined by Agamben as the possibility of "knowing being as such, by construing a world" - has a complex relation to our Apparatus. Access to the Open is given by apparatus; we see Being as such through our separation from it, in the process of its being enframed by Apparatus. However, Apparatus also tend to "crowd out" the Open, distracting us from it. The Open is our capacity – as humans – to intervene in our own process of subjectification. However, our being caught dynamically within those process fundamentally limits our ability to understand or engage with them.

ibid, p. 16-17

⁵ The first act of the Scottish Government in 2007 was to align its action around "around five Strategic Objectives that underpin our Purpose and describe the kind of Scotland we want to live in - a Scotland that is Wealthier and Fairer, Smarter, Healthier, Safer and Stronger and Greener. We created a smaller, more effective Ministerial team, and matched this with a simpler and more efficient structure for the Scottish Government. By working together across all of these strategic objectives, we can increase sustainable economic growth so that all of Scotland can flourish."

<http://www.scotland.gov.uk/About/scotPerforms/objectives>

⁶ As Mitchell Dean elaborates, modern governmentality implies a specific mentality that developed in the mid 18th C., and is commensurate with the development of the Human Sciences, particularly the subject of Economics:

"The emergence of this modern governmentality can be identified by a particular regime of government that takes its object as 'the population' and is coincident with the emergence of political economy. Thus government includes the health, welfare, prosperity and happiness of the population. Yet, at the same time, government must be an economic government. To govern properly, to ensure the happiness and prosperity of the population, it is necessary to govern through a particular register, that of the economy. Moreover, government itself must be economic, both fiscally and in its use of power... [T]he notion of governmentality implies a certain relation of government to other forms of power, in particular sovereignty and discipline... While governmentality retain and uses the techniques, rationalities and institutions of both sovereignty and discipline, it departs from them and seeks to reinscribe and recode them. The object of sovereign power is the exercise of authority over the subjects of the state within a defined territory, e.g. the deductive practices of taxes and punishment. The object of disciplinary power is the regulation and ordering of numbers of people within that territory, e.g. in practices of schooling, military training or the organisation of work. The

new object of government, by contrast, regards these subjects, and the forces and capacities of living individuals, as members of a population, as resources to be fostered, to be used and optimised”

Dean notes that this involves the enframing of the population is ‘apparatuses of security’ (establishing the populations dependency on military, police, health, education and welfare system) and the ‘governmentalising the state’ (incorporating disparate arenas of rule concerned with the government of the population into the juridical and administrative apparatus).

Mitchell Dean, **Governmentality: Power and Rule in Modern Society**, Sage 1999, p. 19

⁷ Wallenstein identifies the development of modern governmentality at the end of the eighteenth century in relation to new fields of knowledge, and the emergence of Man as a category “*formed and produced as a subject through disciplinary assemblages, and he acquires a hermeneutic depth in proportion to the increase in sophistication of the techniques of interrogation... In this emerging formation of knowledge, new questions pose themselves: how do people live, how is their domicile structured, what is their hygienic and medical status, how do they mate, under what conditions does the family become happy and when does it turn into a source of disease? Amassing knowledge also requires a different form of governing, or ‘governmentality’ that deals with the sexed and desiring individual both in his singularity and as part of a biological collective with a productive and reproductive force”*

Sven-Olov Wallenstein, **Bio-Politics and the Emergence of Modern Architecture**, Princeton 2009, p. 11

⁸ Adopting Foucauldian and Deleuzian terms, Wallenstein reminds us that we should not see the Panopticon as a particular building, but rather as a ‘diagram’, proper to Modern Architecture *per se*; it is “*an abstract machine out of which power relations emerge, and which is capable of assuming many different physical shapes (hospital, prison, military barracks, factory, school, and so on). The essential aspect of Bentham’s Panopticon is its capacity to exert a maximum influence over a population by the minimal use of physical force. To do this by means of transferring an active force to an ‘object’ that thereby becomes individualised and ‘subjectivised’ as the bearer of responsibility and the locus of agency, which in turn becomes folded into a ‘for-itself’ and thus endowed with a certain freedom, is the task of the diagram.*”

Ibib, p. 35

⁹ Wallenstein names as the ‘Vitruvian Paradigm’ that “*elaborate discourse of imitation, or mimesis, evolving from the renaissance onwards in the guise of a theory of orders and rules of creation”*. Wallenstein identifies the Vitruvian Paradigm as the threshold of emergence of a Modern Architecture, understood here as an architecture that plays “*an essential part of the biopolitical machine”* and whose primary goal is to produce subjectivity. This periodisation, from Vitruvian to Modern, references and broadly parallels Rancière’s terms of the ‘poetic’ and ‘aesthetic’ regimes.

Ibib, p. 20

Jacques Rancière, **The Politics of Aesthetics: The Distribution of the Sensible**, Continuum 2004

¹⁰ It is with Durand’s ‘*Precis des leçons d’architecture*’ (1802) that Wallenstein sees architecture finally reduced to its own problematisation; citing Perez-Gomez, he notes that, with Durand, “*we first encounter “the irrelevance of any transcendental justification”; architecture will henceforth “merely be assured of its usefulness in a material world ruled by pragmatic values”*”.

Ibib, p. 26

¹¹ This subjective renunciation and assumption is made particularly clear by Berthold Lubetkin’s explanatory illustrations for the Finsbury Health Centre. The design is presented through a series of cartoons and captions that itemise the set of positive ‘new’ features provided by the design (“*ENTRANCE HALL FLOODED WITH LIGHT THROUGH WALL OF GLASS BRICKS. CLEAN SURFACES AND BRIGHT COLOURS PRODUCE CHEERFUL EFFECT. AIR OF EFFICIENCY GIVES CONFIDENCE TO PATIENTS*”). However, each of these positive proposals is required to wear on its shoulders a minor cartoon that describes a speculative ‘old’ design to be replaced (“*PRISON ATMOSPHERE*”, “*DIRTY*”, “*DARK*”, “*DINGY*”, “*LACK OF CONFIDENCE EVERYWHERE*”). The positive claims made by Lubetkin’s architecture, then – and perhaps by Modernism generally – appear as significant specifically in relation to that which they negate.

¹² These are the key governmental objectives that the Building (Scotland) Act 2003 empowers Ministers to regulate over. <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/about>

¹³ Michel Foucault, **The History of Sexuality: Vol.1: The Will to Knowledge**, London 1998

¹⁴ John Stephenson, **Building Regulations Explained, Sixth Edition**, Spon Press

¹⁵ The Modernity of contemporary global practice appears like a number of end-games; tactics for clinging on, or finally dispatching, architecture as a practice. Evidence Based Design puts an end to any subjective architectural project by bringing the design of building fully under the control of policy makers. For Evidence Based Design any subjective

content in our enjoyment of building is only a statistical error that must, in time, be corrected for. Generative or Parametric Architecture is rhetorically identical to Evidence Based Design; its practitioners appropriate rule-based designed techniques, and – rather than making subjective design decisions – use these to optimise designs to specified performance criteria. At the Imaginary level, though, parametric designs differ – always looking like Bio-technological fantasies, they present the obscene compliment to the benign social-engineering of EBD. It's clear, though, that the rhetorical positivism of Parametric design is theatrical; the performative claims made by its practitioners are usually spurious, and always wilfully complex. The Real meaning of parametric practices lies in this complexity; it safeguards the architectural discipline by generating the desire for a useless complexity, which requires an architectural education to achieve. Finally, the Signature practices of Iconic building; although these cling openly to useless, even meaningless, gestures, nonetheless, they nonetheless reduce architecture to an expanded functionalism; branding exercises always appear to be expensive and unnecessary, but they are nonetheless a fully accountable part of any business. The retreat of architecture into branding not only reduces the amount of any one building that architects enjoy control over – the more excessive the gesture, the tighter the economy elsewhere - but also the amount of buildings that we might consider to be architectural.

¹⁶ Referring to Heidegger's *Sein und Zeit*, Agamben notes that identifies Profound boredom occurs through two structural moments. The first is our Being-left-empty; we are momentarily abandoned by our usual constant occupation and things appear to have nothing to offer us, but nonetheless "*In becoming bored we are nonetheless precisely still held fast by that which is boring, we do not yet let it go, or we are compelled by it, bound to it for whatever reason*". The second moment is our Being-held-in-suspense; in our boredom, we bear witness to the possibilities that remain inactive in things. It is this momentary "*deactivation of concrete possibilities [that] makes manifest for the first time what makes pure possibility possible*". Profound Boredom is the mood (*stimmung*) through which we access the Open; through which our apparatus reveal to us the pure possibility of construing a world.
Giorgio Agamben, The Open: Man and Animal, Stanford 2004, p. 65