# Building Law:
## A Critical Reading of the Lebanese Case

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Building law consists of text, numbers and figures that draw the strict uncompromising line between the architecturally legal and illegal, the permissible and impermissible in space. It is a reference text that dictates the square meters of building that a land can provide and the formal boundaries within which these square meters can be shaped. In doing so it establishes criteria for existence in space such as the establishment of certain building typologies and the interpretation of rural/urban differences...etc. Thus, the understanding of everyday physical environment is generated in relation to spatial criteria determined by the text of the law. It is significant to mention that the legal text I am considering in this paper is the section of the Lebanese Building Law that defines dimensions and criteria of design; rather than Building codes such as the fire code or the code for the disabled. The former has direct implication on building form while the latter is more concerned with ensuring the possibility of certain practices in future buildings. Building law design criteria include building height limits, surface exploitation, total built up area, building volume, street and neighbor setbacks, minimum opening sizes, and so forth. The legal power given to these criteria enable them to dictate the possible shapes of our everyday spaces (from the most public to the most intimate) while they conceal its historical/stylistic specificity; that is, the conditions and preferences according to which the legal text was written. This paper is part of an ongoing research that attempts to read, on the one hand, the stylistic and historical dimensions of the text of the Lebanese building law at the point of its conception, and on the other, the social implication of the building law as a public authority document. In doing so, this work aims to activate or to make visible the paradoxical/contradictory states of the law as a text that contains universal spatial values at the same time that it preserves the authors' personal visions as well as particular social and political structures.

I will examine building law against three legally defined social bodies and the paper is structured accordingly. First, the knowing body that is the group of professionals that writes the text of the law and the political agents that assign them and approve their texts. The second social body is the 'good' body that works in accordance with the law, these are professionals and developers and users that inhabit the legal domain. The third is the criminal body specifically those who transgress the law either at small instances (i.e. they can be part of the good body and perform inconsequential criminal acts) or who transgress it in its entirety (outlaw criminals). The paper will conclude with some observations on possible relationships among these three social bodies.

### WRITING THE LAW—THE KNOWING BODY

The current Lebanese Building Law was officially written in 1940 even though a 'modern' form of building legislation was already in practice since 1919. The initial writing of the current law occurred during the so-called French mandate period in Lebanon, , and was based on the French model. Since then, the law has undergone several revisions mainly in 1954, 1971, 1983, and 1992. It is significant to mention here that these revisions, as it is obvious from their dates, did not occur in accordance with specific periodical procedure, instead the Directorate Generale du Urbanisme (DGU) sensing the need for change, would assign a committee of professionals to revise the law and present its recommendation. However, the directives, principles, guidelines, visions that were to structure the work of the committee have been particular to the sensibility and understanding of the members of the committee and interests of the approval agents, the DGU director and the current minister primarily. It is important to emphasize here that the numerical figures that are enacted as law are figures drawn out of the authors' specific spatial vision, related to an actual urban scheme that they have developed in the process.

At this point I can distinguish three levels of control or limitation the face the making of the building law document. The first is disciplinary; the exclusivity of the spatial field to a specific committee of selected professionals whose social and disciplinary background sets the scope of the law while it excludes other possible 'different' interventions. The second is a formal one; the discussion, arguments and spatial schemes that the committee develops are not presented in the legal document; it is only the conclusions of these discussions that are presented as legal statements with occasional diagrams. The prescriptive format which results does not only define spatial conditions in relationship to linguistic limitations, but also present the legal items as points of truth without relating them to their original thinking. The third level of control is bureaucratic; this level includes the administrative procedures and

bodies that work on making the developed text a law. Building laws, finally, are announced as state decrees approved by ministers and state president, a form that overshadows the structural relationship that exists between the text and its authors. Practically the committee that authored the items of law has no control over revising or altering them. In what follows, I will attempt to read the text of the Lebanese building law as a representation of the author's ideological paradigms and their consequent spatial implications to identify factors and issues that articulate the social and political roles of this legal document.

One decade ago, the specification of the reference plane in relationship to which building heights were measured in Lebanon was changed from being parallel to the natural land to become horizontal. The simple shift of wording from 'parallel' to 'horizontal' has fundamentally changed Lebanese topography in all inhabited areas, as land is flattened to accommodate the multistory building designed in conformance with the imaginary abstract plane (of the law), disregarding the existing land configuration.

*Fig. 1. Bsalim. Lebanon: new suburban developments that show the way the landscape is flattened to accommodate residential block in accordance with legal specifications.*

I argue that at the time of writing, the committee of authors find themselves in a powerful position vis à vis the national landscape as they are handed in the mission to establish spatial order in the land. Assuming such a position, the text of the law becomes a site of construction of individualistic spatio-ideological utopias represented across and through new legal numbers and figures. The text of the law objectifies in the process of its production the consciousness of the geographic and historical augmentation of the authors' self, which brings a historical significance to the role of these professionals (architects and engineers), as it bestows on them the right to "legislate the legitimate interpretation of the world."[1] An exclusivity that dictates a paternal structure, which measures practices in space in relationship to good ones, that is, in relationship to the ones seen fit by the committee of authors. This exclusivity to 'good' practices in space is established through certification, which indulges the academic institutions, the professional agencies, and the state establishments. Such modernist elitism only confirms the hierarchical structure that positions selected professionals as state agents who institute themselves and the very system that produces them into the environment through building practices. An obvious manifestation of this phenomenon is the historical occurrence of the building law with professional certification and the introduction of architecture engineering to university education in Lebanon, hence, an establishment of a complete social system.

In effect, I would like to argue that the current Lebanese Building Law is an extension of the Modernist-Colonialist project especially as the current Law was instated during the French mandate period, and as it was written and updated by a committee of architects educated in Europe under the 'Modernist masters.' This has two main consequences for contemporary building practices in Lebanon:

First, a disjunction occurs between contemporary architectural concerns and the architectural possibilities embedded in practice. The law as it eternalizes modernist spatial paradigms in its text, exerts power generated by the past—the Modern-colonial legacy—onto contemporary practices mapped onto the national landscape. To illustrate, in the mid-seventies there was rising interest among architects in indigenous building as an expression of 'local identity'. This concern was formalized by introducing indigenous elements on building facades, while restricted any change in building volume, internal articulation, or urban interface.

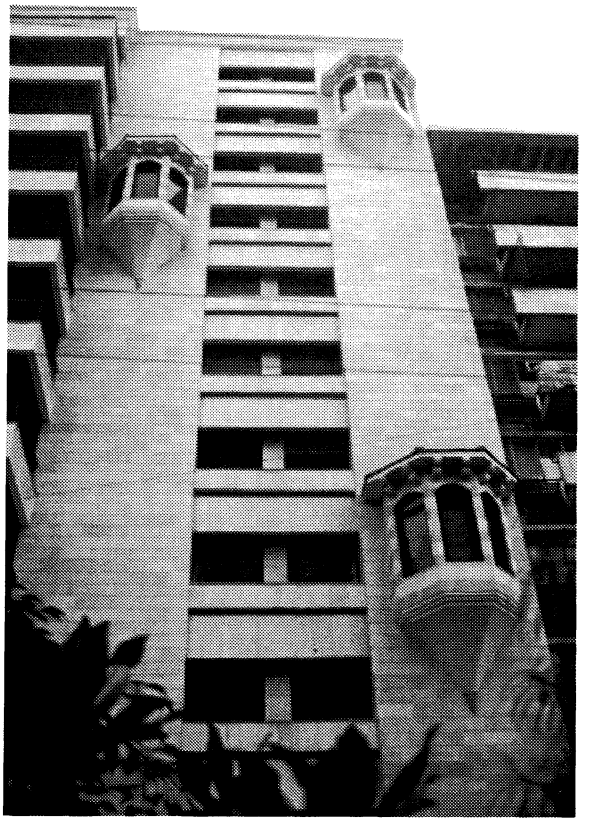

*Fig. 2. Ras Beirut apartment building, Beirut: 'historical' additions to the modern residential block.*

*Fig. 3. Sultan Mohammad Al-Fateh Mosque and Office Building. Beirut: eclectic application of historical motifs on the building facades.*

This phenomenon was largely an outcome of the law that strictly regulates the building plan and section while elevations receive scant regulations. In this context, a total re-evaluation of building design in accordance with architectural concerns of the contemporary period is impossible. New architectural elements have to be reinterpreted in the language of the law, or against the list of elements described by the law, which evidently can only be limited to the architectural vocabulary of its authors at the time of writing. Pilotis, louvers, sun breakers, ornamentation, cornice, setbacks...etc—specters of Modernity haunt the text of law that reduces contemporary architectural practices to variation on an already given spatial structure.

Second, the pioneers of the Modern Movement in Lebanon come from particular families that were socially and politically dominant, specifically feudal lords and amonied urban bourgoisie of the 19th century, which became the politically dominant families during Lebanon's 'Age of Democracy' during the first half of the 20th century. Arguably, these were the families that were financially capable and that had the aspiration to send their children to the West to be cultivated, and to thereby elevate their social status locally. Children of these politically dominant families—Trad, Khoury, Tabet, Salam, Edde...—represent the first and second generation of the nation's architects. It is also these architects who comprised the committees that came to legislate architectural practice in Lebanon. Consequently, the writing of a Building Law which eventually instated the handing in of building matters to licensed architects and engineers, hence gave preference to Western cultural practices over more indigenous modern practices such as the ones followed by local builders. Furthermore, it reinforced the dominance of certain politically dominant families over the environment. The licensing practice also preserved the association of that political role with specific groups, as 'legitimate heirs to symbolic capital', via restricted access to the mechanisms and the particularity of the knowledge embodied in the text of the Law. Law as such is a reduction of practices to certain paradigms to which only the class of its authors can access. A fact that not only marginalizes all alternative existing and future practices in space, but also displaces the practice of spatial discourse to politically allocated power positions. A subject that I will elaborate on in the next section.

## PRACTICING THE LAW—THE 'GOOD' BODY

The law defines control variables according to which building practices are conditioned. It is hard to figure out why a 1:4 width to height proportion of space in-between buildings is the limit of legality, but any design in Lebanon would be compelled to work in accordance with that figure. These abstract numbers and figures, initially produced out of certain stylistic preferences, are significant in defining the limits of legality, and in that sense they act as reference figures for design acts. These figures do not only regulate setbacks, building heights, surface and total exploitation, proper natural lighting, and so forth, but they also comprise parameters through which the built environment is perceived. Through the history of their application and the habit of thinking through them, these control variables are objectified and incorporated within our social subjectivity; or rather they formulate the perceptual field of spatial practice.[2] I will try to explain the implication of legal requirements on the social perception of space by analyzing the legally required architectural drawings of the building permit document in addition to the approval procedure that these drawing have to go through.

Working on a two-floor addition for an existing residential building in a Lebanese village, the architect had to face the fact that the law has recently changed. The new building law specified a 3-meter side setback, while the existing building allowed a 2-meter setback. As a good number of the existing columns were in the 1-meter illegal zone, the new addition was designed to use the first floor to transfer the load back towards the 3-meter setback on the second floor. The building permit was denied for this design, and the various attempts to negotiate the case for eleven months continued in vain. Finally the permit was issued after the design was altered to adhere to the newly instated legal setbacks. This meant losing a good percentage of structural points; it also meant constructing structural walls on the existing slab, which is not only professionally absurd, but also structurally unsound.

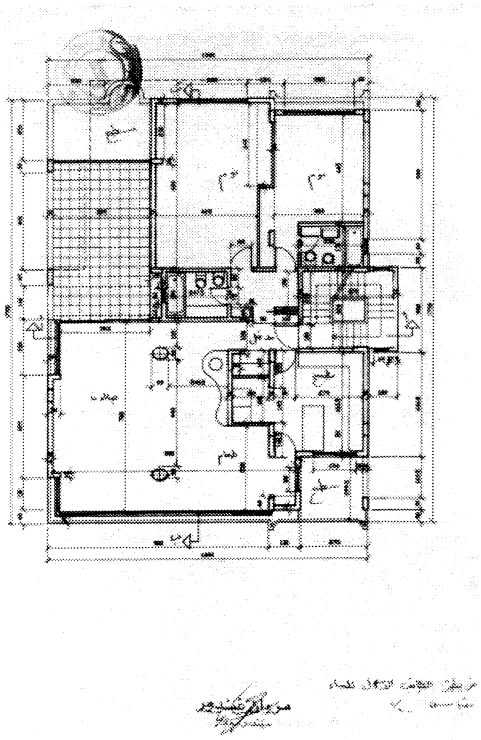

*Fig. 4. Rejected building permit first floor plan — eventually built design.*

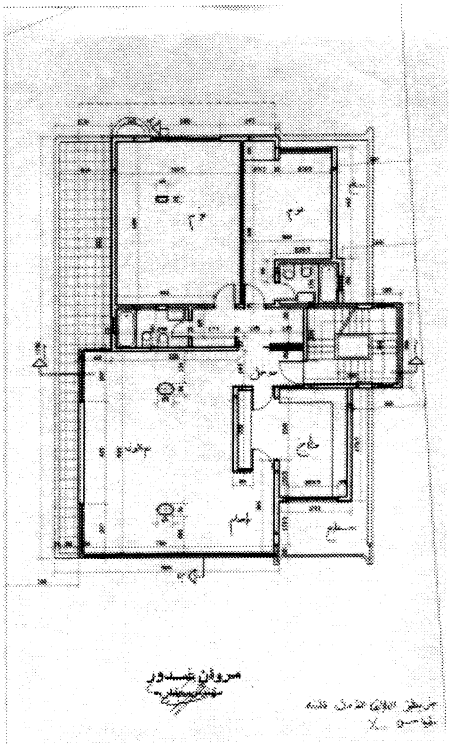

*Fig. 5. The legally approved building permit first floor plan.*

However, the legal bureaucratic procedure remained intact! Eventually the illegal design was constructed, made possible by the owner providing bribery money to state control agents throughout the construction period. This was done with tacit agreement of all the parties involved. The preservation of appropriate mechanisms of application and breakage of the law become the aim, where the relative social power positions are unharmed. As in most bureaucratic procedures, the passage of the building permit file through the required stages of approvals pinpoint the various power positions of the different parties involved in the process: i.e. clients, professionals, technocrats, and state agents. Hence, the text of the law acts as a pretext to an expression of authority. In that sense, the law does not serve the profession in practice, but empowers professional bureaucrats and state agents to use the built environment as space for practicing authority and producing unforeseen micro economies.

On the other hand, building designs are discussed and approved using a specific set of required visual representations: plans, sections, and elevations with a specified scale of 1:100. Evidently, certain figures specified by the law should appear on these drawings. The 1:100 drawings define the building officially and as such they are the production objects relative to which spatial designs are measured. They are the apparatus through which building space is desired, discussed, and produced. Buildings are mere representations of these objects-as-drawings to which any legal relationship to space is reduced.

*Fig. 6. Shanay, Lebanon: typical rural residential development following the Building Law specifications: note the pilotis ground floor.*

The representations and the control variables they incorporate do not only specify modes of professional practice but as they acquire material value, as they are socially internalized. The limits these legal control variables set are also perceived to be the scope within which interventions in space must occur. In other words, these variables set what Bourdieu calls the "universe of possibles": that is the perceived discourse (initiated by the law) onto which knowledge and pleasure are constructed (in space).[3] The history of pleasures that evolved around the items of law overwhelms and conse-

quently masks the historical specificity of the legal text. Consequently, cultural production works in view of the limits of the law, within the possibilities it provides, which furnishes what is regarded to be the 'common-sense' of the world.[4] The environment is thus seen in the logic of the control variables of the law where inhabited space is conceived through the legal administrative units (zoning), which are differentiated through the quantities of similar surfaces they yield. 'Empty' space is conceived as a lack of that prospective building, which is perceived through figures and numbers. To question legal variables is to challenge not simply 'good taste' but the fundamental elements onto which taste is structured, that is, the visual codes embedded within the social appreciation of the built environment. In that sense, the social production of the built space can be viewed against a normative construction of culture in which the subject and the object are dialectically interrelated, constantly assimilated (incorporated) and reproduced (by one another).[5] Building law provides a measuring tool and an exchange value for space. It plays a central role in bringing in a logic of visualization that precedes the domain of the physically visible. It also constructs a potential and prospective image in the built environment; an image, which acquires socially tangible attributes as space accumulates physical and symbolic value. In summary, practicing the building law works on preserving the power structures it embodies. The legal items together with legal procedures are disguised as common spatial practices, as they seem to be the only mechanism through which space can be perceived, imagined and desired.

## TRANSGRESSING THE LAW—THE CRIMINAL BODY

The previous section locates all social practices in space within a field of practice that is controlled by a body of professionals and politicians and shaped by the building law. Within this approach, individual interaction with the making of space seems to be improbable without transgressing the limits set by the law. It is in the gaps of the legal text or in the procedural breaches that difference can occur—in the illegal realm. While the illegal realm can be discussed in small practices, such as enclosing a balcony to become a room adding few square meters to an apartment, I choose here to discuss it in relation to much larger gestures such as the various areas in Lebanon in which the building law is neither considered nor even consulted. These areas are mostly illegal settlement and squatter zones which have been mushrooming in Lebanon throughout its modern history, but specifically during the period of the civil war, 1975-1990. In addition to the location of labor markets, the starting points of these settlements are mostly instigated by political turmoil such as Palestinian Diaspora and forced migration or redistribution of the Lebanese people in accordance with the geographic evolution of the green lines. The following story, which is based on Hiba Bu Akar's thesis work on the Ouzaii area, an illegal suburb in southern Beirut, illustrate a different way of interacting with the built environment. The story goes as follows:

Abd-El-Rahman and his wife were among the first settlers in the Ouzaii area coming from their southern village. They rented a room amidst the green open land. This was in 1958. As the area got congested, Abd-El-Rahman confiscated land around his shack.

In 1961, Ali is born; Abd-El-Rahman added a new room to the existing one. Slowly the family started growing and so did the house. The two rooms grew into a U-shaped (semi-courtyard) house leaving an open space in between for the children to play in, a transition space between the rooms and the public alley.

When Ilham, the eldest daughter, got married, the ground floor had six rooms and construction was on the way on the upper floor. The upper floor construction was made 'neater' than the rest of the house with better finishes, since the father wanted to retire and felt he deserved a 'good' house. Ilham and her husband were given two out of the six rooms on the ground floor. Two of the others were given to Ali who got married shortly after Ilham. Finding there was ample space in the garden, Ali took part of the garden and built two new rooms for his growing family. For more privacy, Ilham and Ali then established separate guest entrances to their houses from the garden. When asked about the two other rooms, Abd-El-Rahman replied: "These are for my son Abed who is still single but who will have his family one-day, meanwhile I am leasing the rooms to two migrant workers."

Abd-El-Rahman still has Salma at home, the youngest daughter but nobody knows yet where her 'house' will be![6]

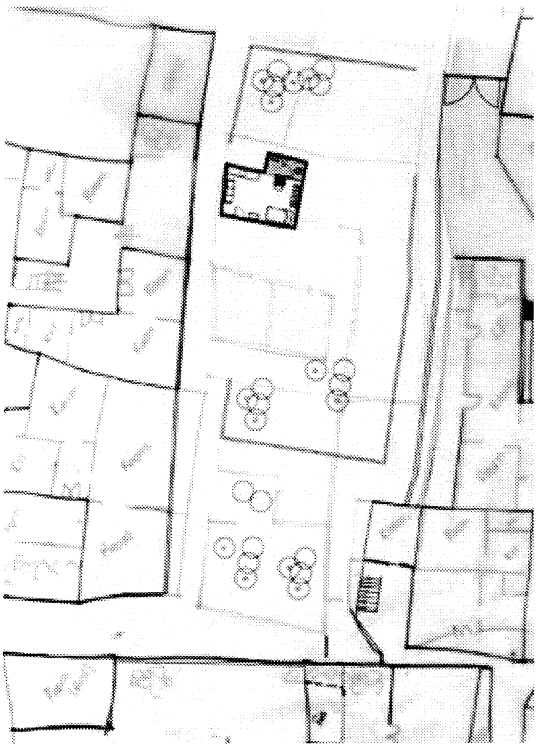

*Fig. 7. Reconstructed plan of the room that Abd-El-Rahman rented in 1958.*

*Fig. 8. The first and second floor plans of Abd-El-Rahman house as it stands today.*

What interest me about this story is the degree to which the daily life of Abd-El-Rahman family is shaped by space at the same time that it is shaping the space around them. Spatial boundaries, differences, continuities are negotiated on a daily level. Space in all its constituents is a public discourse, closely associated with the social evolution of Abd-El-Rahman family. Since Abd-El-Rahman is living within an illegal realm, a realm where no forms are to be filled, where no approval is to be drawn, where no procedures are to be adopted; space remains a social discourse that does not need to be defined in accordance with labels and architectural typologies but can rather be understood through life experiences. This quality of life constituted a condition that has been largely terminated by the establishment of the profession throughout the modernization period. But this illegal realm is also associated with poor and unkept dirty streets, due to the lack of infrastructure; with unsafe buildings, due to the lack of technical support; with closed communities, due to the lack of urban integration. In-spite of these problematic physical and social conditions, such illegal buildings show alternative relationships between people and the spaces they inhabit commonly dismissed through the field of spatial production that is dominated by laws and procedures overseen by politicians and their professional agents. It presents a condition that resists any notion of the determinate and complete model of space. A condition in which space is considered as a living social entity, a space that can be imagined one-act-at-a-time.

## CONCLUDING REMARKS

In conclusion I want to discuss the dynamics existing between these three social bodies to locate architectural discourse as it relates to the social. The 'criminals' and their practices are the target of the legal process—laws are written to prevent 'criminal' practices. The makers of the law state agents or the professionals look at these 'criminals' as they are objectify them as 'other'. These same professionals and agents (the knowing body) are objectified and othered by the law itself once their text becomes a state decree. Subjects of their law and the agency that they have fabricated, the 'knowing body' has no access to revise and alter items of law as these items institute the establishment of consolidated political and social power dispositions. Furthermore, the 'good' who live under and practice the law are the ones that re-produce and further consolidate the power dispositions with every building practice, it is to this dominant body that the majority of the architects belong even those responsible for the writing of the law. What is significant to this discussion is that these architects own the exclusive right to build legally, that is, their practice is automatically 'good' as qualities of 'good space' are already inscribed in the text of the law. Architects are facilitators or agents for building practice; they have knowledge of the law and exclusive privilege to practice it. To think critically in architecture practice can jeopardize the architect's position, as such thinking is apt to conflict with legal items, hence, driving the 'good' architect towards 'criminal' acts. Building law has minimized discourse on space within architectural practice; it is precisely within the criminal body that any discourse on space and the built environment can occur even as that discourse may take shape in something other than architectural forms.

## NOTES

I want to thank Richard Becherer and Karim Nader for their remarks on this paper.

[1]In discussing Bourdieu's theory of practice, Louis Pinto problematize scholarly knowledge "The academic establishment of which the scholar is the product does not merely procure legitimate knowledge, it also guarantees the legitimacy of those who are licensed to legislate the legitimate interpretations of the world." Louis Pinto, "Theory in Practice" in Richard Shusterman, ed., *Bourdieu: A Critical Reader* (Oxford: Blakewell Publishers, 1999).

[2]"[T]he dispositions durably inculcated by the possibilities and impossibilities, freedoms and necessities, opportunities and prohibitions inscribed in the objective conditions...generate dispositions objectively compatible with these conditions and in a sense pre-adapted to their demands. The most improbable practices are therefore excluded, as unthinkable, by a kind of immediate submission to order that inclines agents to make a virtue of necessity, that is, to refuse what is anyway denied and to will the inevitable". Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1999) p. 54.

[3]"What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse." Michel Foucault, *The Foucault Reader*, Edited by Paul Rabinow, (New York: Pantheon Books, 1984) p. 61.

[4][T]he conservation of the social order is decisively reinforced by what Durkheim called 'logical conformity', i.e., the orchestration of categories of perception of the social world, which being adjusted to the divisions of the established order (and thereby to the interest of those who dominate it) and common to all minds structured in accordance to those structures, present every appearance of necessity." Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Cambridge: Harvard University Press, 1984) p. 471.

[5]"[T]he dispositions which govern choices between the goods of legitimate culture cannot be fully understood unless they are reintegrated into the system of dispositions, unless 'culture', in the restricted normative sense of ordinary usage is reinserted into 'culture' in the broad, anthropological sense and the elaborated taste for the most refined objects is brought back into relation with the elementary taste for the flavors of food." Pierre Bourdieu, *Distinction*, p.99.

[6]This story is based on the survey and text done by Hiba Bou Akar & Sirine Kalash.