

# Absent Environments

## Theorising Environmental Law and the City

Andreas Philippopoulos-Mihalopoulos

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## Theorising Environmental Law and the City

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*Absent Environments* offers a novel transdisciplinary approach to environmental law, its principles and its mechanics, as tested in its contextual application to the urban environment. The book traces the conceptual and material absence of communication between the human and the natural, and controversially includes such an absence within a system of law and a system of geography which effectively remain closed to environmental considerations. The theoretical springboard of the book is Niklas Luhmann's theory of autopoietic closure, whose key concepts and operations are introduced, contextualised and eventually opened up to critical analysis. Indeed, in contrast to most discussions on autopoiesis, this book proposes a radically different reading of the theory, in line with critical legal, political, sociological, urban and ecological theories, while drawing from writings by Husserl and Derrida, as well as Latour, Blanchot, Haraway, Agamben and Nancy.

In terms of environmental law, the examined concepts include environmental risk, the precautionary principle, intergenerational equity, environmental rights and urban waste, as well as discourses on community, nature, science and identity. In terms of urban geography, the city is submitted to a phenomenological analysis that builds on the existing body of work on corporeal and spatial theories, and repositions the city with regard to society, utopia, language, memory and ecological collapse. Within both law and the city, a space of absence is drawn, which signals the limitations of knowledge and accommodates thresholds of ignorance.

The book redefines the traditional foundations of environmental law and urban geography and suggests a radical way of dealing with scientific ignorance, cultural differences and environmental degradation within the perceived need for legal delivery of certainty.

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## Law, Science and Society

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Law's role has often been understood as one of implementing political decisions concerning the relationship between science and society. Increasingly, however, as our understanding of the complex dynamic between law, science and society deepens, this instrumental characterisation is seen to be inadequate, but as yet we have only a limited conception of what might take its place. If progress is to be made in our legal and scientific understanding of the problems society faces, then there needs to be space for innovative and radical thinking about law and science. *Law, Science and Society* is intended to provide that space.

The overarching aim of the series is to support the publication of new and groundbreaking empirical or theoretical contributions that will advance understanding between the disciplines of law, and the social, pure and applied sciences. General topics relevant to the series include studies of:

- law and the international trade in science and technology;
- risk and the regulation of science and technology;
- law, science and the environment;
- the reception of scientific discourses by law and the legal process;
- law, chaos and complexity;
- law and the brain.

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to my family

– the space in which I can be absent

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In the night, everything has disappeared. This is the first night.  
Here absence approaches – silence, repose, night . . . But when everything  
has disappeared in the night, ‘everything has disappeared’ appears.  
This is the *other* night.  
Night is this apparition: ‘everything has disappeared.’

Blanchot, 1982:163

So, why does this city exist?  
What is the line that separates the inside from the outside,  
the rumbling of the wheels from the scream of the wolves?

Calvino, 1993:33

C'est une ville de nulle part, pensais-je, et hors du temps.

Henry, 1977:8

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