Fallow space and the architecture of the legal fringe

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The struggle over space

"Differences are differences of degree, not substance, not in the essential unity of process, engineered as it is by a global ruling class intent on business"[1].

– Andy Merrifield, *The New Urban Question* (2014)

Urbanization today has moved from the bounded growth of cities in opposition to the rural outside into a continuous and expanding process of transformation that encompasses the entire planet. The traditional city, discrete, legible and circumscribed, has dissolved into diffuse zones of extraction, speculation and control. Urban and non-urban territories now merge into an operational continuum creating decentralized networks of peripheries where the challenges of one place are no longer isolated but experienced to varying extents across many geographies [Fig. 01]. As Andy Merrifield's statement points out, the driver behind these transformations is the same homogenizing force –capital accumulation– which governs the reconfiguration of space according to its financial utility.

Space has become both a commodity and a financial instrument driven by and dependent on the imperatives of capital accumulation –investment, credit, speculation. In this regime, buildings and land are treated to a big degree for their capacity to hold or increase capital: dormant assets are reactivated as safe investments, vacancy is engineered as anticipation of future profit, gentrification becomes a tool of value extraction, ... The result is an urban landscape where vacancy, underuse and dispossession are additional features of this financial urbanism. Under this model, vacant and abandoned environments stand as symbols of deeper structural conditions, perpetuating the exploitation of land within and outside cities, representing "a microcosmic instant of what Lefebvre saw as 'planetary urbanization', a process whereby metropolitan expansion becomes hyper-exploitative and hyper-expansive"[2].

Yet within these unstable but regulated conditions, certain independent actors have found room for intervention. This article approaches fallow space as a hinge condition, suspended between devaluation and reactivation, legality and informality. It is within this fringe that many alternative movements operate, and where sometimes architecture can act, not only as a means of physical transformation, but as a strategic interpreter and operator of value systems. Architecture, in this context, becomes a form of legal and spatial intelligence, capable of navigating, revealing and even rewriting the frameworks that govern land, use and property.

Rather than treating law as constraint and the speculative nature of the real estate market as insurmountable, the hypothesis here is that architectural practice can perform an operative reading of regulation, treating it not as a detached set of rules but as an ambiguous, sometimes self-contradicting, interpretable medium whose end goal should be to create a better city for its citizens. Even ordinary architectural production –as opposed to the iconic building of the starchitect system– can serve as leverage for real estate profit. The ambition is not to reclaim an idealized notion of the city, but to locate moments where architecture might tactically engage the machinery of urban production, exposing its logics, exploiting its intervals and holding space open for other trajectories to emerge.

It is in this legal and spatial fringe that multiple forms of engagement emerge, tactical, often ambiguous, and shaped by varying degrees of permanence and institutional entanglement. Some take the form of a collective response against certain urban projects. Others arise as ephemeral interventions, mobilized through independent actors or publicly supported programs, using temporality as a means of testing new models and bypassing planning constraints. Still, others consist of architecture firms that deal within the conventional form of the practice, but which operate within the gaps of the market, leveraging the inconsistencies of zoning laws, ownership regimes and bureaucratic inertia as design parameters. These practices do not necessarily position themselves in direct opposition to normative frameworks but inhabit their margins, exploiting loopholes, omissions and regulatory ambiguity to produce alternative scenarios. All these modes of action suggest a broader ecology of spatial engagement, where architecture is not merely a response to the physical environment, but an instrument that negotiates its legal, economic and institutional foundations.

The legal fringe

Historically, critical thinkers like Henri Lefebvre (*The Urban Revolution*), David Harvey (*Social Justice and the City*) and Manuel Castells (*The Urban Question*) were foundational in analyzing how capitalism molded urban spaces in the transition of cities from an industrial society to contemporary life, deepening social divides and perpetuating cycles of inequality. Each of them contributed to understanding urban spaces as sites of struggle where social movements challenge dominant structures: for Lefebvre, through the production of space, for Castells, via collective consumption, and for Harvey, through spatial justice.

Both Lefebvre and Harvey champion the idea of the right to the city, focusing on how groups should have the power to shape urban life[3]. Castells, while less focused on this concept, also discusses how urban social movements can resist capitalist urbanization[4]. However, today's context has moved beyond the bounded, industrial city that underpinned much of their analysis. As the notion of planetary urbanization shows, the entire globe has become part of an expansion of urbanization, encompassing metropolitan centers, infrastructural corridors, agricultural hinterlands and neglected peripheries alike, whether through their saturation or their abandonment[5]. Andy Merrifield echoes this by highlighting:

"It is possible to conceive planetary urbanization not as simply bricks and mortar, as high-rise buildings and autoroutes, but as a process that produces skyscrapers as well as unpaved streets, highways as well as back roads, by-waters and marginal zones that feel the wrath of the world market –both its absence and its presence. This process involves dispossession of land, of sequestering the commons and eminent domain. The urban now signifies a new kind of 'dependency', justifying cultural, technological and economic obsolescence in rural economies"[6].

The most simple and direct challenges to this commodification include land reclamations and urban occupations among other citizen-led initiatives. Examples range from small squats and self-managed spaces embedded in urban neighborhoods to large scale organized militant movement like the *Zones à Défendre* (ZAD) that exist in France, Belgium and Switzerland. One of the most prominent in recent years was the Notre-Dame-des-Landes ZAD[7], which, from 2009 to 2018, repelled the construction of a second airport on the outskirts of Nantes.

Harvey emphasizes the transformative potential of these citizen movements, arguing that "it remains for revolutionary theory to chart the path from an urbanism based in exploitation to an urbanism appropriate for the human species. And it remains for revolutionary practice to accomplish such a transformation"[8]. In this light, marginal spaces become focal points for both global capitalist interests and activist struggles. Andy Merrifield, in *The New Urban Question*, highlights how squats and informal urban interventions have historically contested these terrains, confronting speculative agendas often presented as serving the public good with counterclaims of environmental advocacy, anti-capitalist critique and the right of local populations to control their territories and pace of development[9]. Yet the social and political charge of these movements is often diluted by narratives portraying them under dichotomies of good vs evil, legal vs illegal, ruling class vs working class, obscuring the more complex negotiations taking place.

Alongside these oppositional models, hybrid forms of spatial engagement have emerged, ones that operate through negotiation and compromise to intervene in the fringes.

They exemplify what Merrifield calls for, a rethinking of urban social movements in light of new and emerging urban problems[10]. These regulated models of occupancy and/or transformation do not act just through direct confrontation, but through a strategic engagement with the structures of power. At times subversive, at others complicit, they navigate zoning codes, property law and temporary use concessions to generate new forms of agency. In Les Grands Voisins (Paris), for example, a coalition of associations negotiated with municipal authorities to transform an abandoned hospital complex into a mixed-use site for housing, workshops and cultural programs under a fixed-term agreement of 5 years, using temporary occupancy laws to delay redevelopment while activating the site for pressing needs[11]. In Milan, MACAO occupied and activated several abandoned buildings since 2012, eventually securing short-term use of a disused market by entering into a lease arrangement that kept them legally present while maintaining autonomy over programming[12]. In both cases, negotiation with authorities was a medium to enter a state of legal ambiguity, allowing them to test alternative models of urban use.

Fallow grounds, the unused and overlooked

There is an economy of value that affects how buildings change. This value is not solely dictated by the market, but also by their utility, symbolic significance and social perception[13]. Many of these abandoned or underused sites can be understood through the concept of 'fallow', a term explored by Michael Chieffalo and Julia Smachylo in the journal *New Geographies* (Issue 10). Traditionally used in agriculture to refer to land left uncultivated to restore fertility, fallow has been adapted in urbanism to describe spaces that have fallen out of active use yet retain latent potential for transformation. As the editors describe, this term highlights "the contemporary interplay between proliferating contexts of decline and corresponding efforts to recapture neglected and marginal spaces to restore social, ecological or economic capacity"[14]. Where the legal fringe speaks to the governance and regulatory ambiguity of space, the fallow describes its temporal and economic suspension as an interlude between decline and revaluation.

The distinction between 'vacant' and 'fallow' lies in their latent potential. Vacant spaces are those that are physically underused or abandoned, but considering them as fallow adds the inherent possibilities for transformation. Fallow land might appear forgotten, but it can act as fertile ground for alternative urban interventions, from reuse and misuse to political appropriation[15]. The figure of the fallow becomes especially relevant here: a space that is neither fully active nor entirely void, but in a condition of latency or suspension. Unlike vacancy, which is often framed in terms of lack, fallowness implies a temporary withdrawal from productivity, opening space to other logics –speculative, ecological or social.

A similar sensibility is found in Ignasi de Solà-Morales's concept of "terrain vague", those interstitial, disused urban areas that escape capitalist productivity and resist codified spatial regimes. He describes them as ambiguous, residual fragments that invite reinterpretation[16]. Though not identical, the notion of fallow resonates with *terrain vague* in its attention to suspended use, open-endedness and resistance to dominant systems of valuation. Both describe zones where uncertainty becomes a form of spatial agency, and where latent potentials not yet absorbed into programs of development linger in tension with the surrounding city. Yet while *terrain vague* is rooted more firmly in the experiential and phenomenological, fallow engages more directly with cycles of value and temporality.

Fallow spaces are socially and politically charged, they represent opportunities for citizen re-appropriation, architectural experimentation and urban renewal. One way to understand this potential is through Jeremy Till's application in architecture of Michael Thompson's Rubbish Theory. According to Thompson, objects follow three possible trajectories: transient (decreasing in value over time), durable (increasing in value), or rubbish (transient becoming worthless). Once something becomes rubbish, only then can it transition to durable status[17]. This approach, applied to architecture, suggests that once a property falls into the category of waste, it faces several possible outcomes. It may be caught in a slow process of abandonment, passing from owner to owner, further losing value over time. Alternatively, it may face demolition, a hard reset. However, there is also the chance that "knockers-through" –as Thompson calls them[18]– seize the opportunity to move rubbish into the durable category through a process of renovation and "the latter imposition of conservation orders and the inexorable logic of the marketplace"[19].

Spaces like these sit at the intersection between devaluation and revaluation, as Chieffalo and Smachylo describe it, a literal hinge[20]. A big part of this process is dependent on how they are perceived socially:

"It may well be an economic fallacy to imagine that a built environment that is also a property can ever be in a truly fallow state –for property is always active, through appreciation or depreciation of value. Yet buildings do become socially fallow, meaning they stop realizing their prescribed use value"[21].

While much of the architectural discourse around vacancy tends to frame interventions in terms of preservation or revitalization, the fallow introduces a more ambiguous terrain, where speculation and resistance can take part conjointly. In this zone, actors operate across blurred boundaries of legality, economic interest and social intent. Among these, the figure of the knocker-through provides a particularly revealing analogy. They identify the precise moment or method through which something once considered worthless might become valuable again –socially, culturally, economically, ...– and act accordingly. It is in recognizing these moments of suspension and acting within them that architecture can become an active negotiator.

The fallow and the fringe as an opportunity

Fallow names more than leftover land, it marks temporal and financial interstices where urban systems hesitate between uses, owners, categories. Practices working on the fringe –juridical, procedural or geographic– treat those pauses as instances for productive action. This section will center on three alternative models for practitioners to engage in these spaces, as a tactic to trace how architectural agency can unfold when conventional categories of legality, ownership or program fall into suspension: as civic legal-hackers, as municipal rule-writers and as architect-developers. In each case, design is a way of reading and rewriting the scripts through which value is assigned and space is governed [Fig. 02].

The first recognizable mode is the figure of the civic legal-hacker, represented by practices such as Recetas Urbanas (Santiago Cirugeda) in Spain, who bend and sometimes openly contest administrative codes, as a strategy to challenge the terms by which spatial legitimacy is produced. Early "recetas" turn mundane permits into civic devices: a licensed construction waste container becomes a self-managed playground for local kids, because the permit regulates size, location and duration –not use– the installation remains legal for the term of the permit[22]. Similarly, a temporary façade-scaffolding permit, filed under maintenance to repaint a protected building that was defaced by Santiago Cirugeda himself, hosts a micro-home for 3 months[23].

After 2008, Spain's landscape of unfinished urban skeletons and bank-owned shells scaled these tactics in projects such as La Carpa, an unlicensed container-based arts space on public land, that grows into a self-managed cultural node[24]. Recetas uses these prototypes to test collaborative governance and to renegotiate with institutions, arguing that playing with regulations opens alternatives to conventional finance and development logics[25]. The broader point is methodological: design begins from the legal context, exploits uncertainty and then publishes the steps so others can replicate them, advancing a change in policy by repetition rather than by exception.

The second mode can be observed in the figure of the municipal rule-writer, a delicate and less accessible role that requires proper governmental backing. Here, architects intervene at the level of policy, proposing frameworks that alter how rules themselves are drafted and

applied. The trajectory of Luigi Snozzi in Monte Carasso, Switzerland, is exemplary in this matter. In the late 1970s, with mayoral backing, Snozzi replaced around 250 local building regulations with seven rules –plus an unwritten eighth stating that all rules can be broken "if the project is better than the rule in question"[26]–, then served alone for twelve years on the public design commission ensuring their application. Over the next 40 years, the density of the town tripled and allowed the plotting of a city.

Snozzi is explicit about the effects of politics on property: densification as a way to work with speculation, reducing minimum lot sizes from 500 m² to 60 m² so ordinary households could build and the need for a strong political counterpart – mayor Flavio Guidotti– to make such legal engineering and its application possible[27]. The Monte Carasso case approaches the fallow and the fringe at a larger scale: instead of exploiting gaps case-by-case, rewrite the frame so that ordinary building production favors the citizen. Snozzi's own verdict is telling, the rules were to make a good city, not necessarily "good architecture"[28], and eventually they succeeded on both terms.

Next, the figure of the architect-developer condenses many of these concerns into a model of direct engagement with property and finance. This is where the collaborative practice brandlhuber+, at least in part, situates their production, engaging in a tactical complicity with property and planning regimes. Where Recetas Urbanas mobilizes collective minor acts of insurgency, b+ works as investor, designer and public advocate at once[29]. The office treats legislation as design material and, similar to Snozzi, speculation as a condition to be instrumentalized. The fallow and the fringe here are the regulatory and economic interstices: the ruin, the nonconforming program, the loophole that turns an exit stair into a shared terrace, the zoning vacuum that allows a new typology.

For instance, in Antivilla (2010–2015), a disused GDR-era factory on the shores of Lake Krampnitz was acquired and minimally adapted into a hybrid living and working space, embracing partial demolition and thermal zoning to reduce costs while reanimating the fallow building[30]. Brunnenstrasse 9 (2007–2010) converted a ruin left over from the 1990s real estate crash into housing and studios, using fire safety regulations to justify expansive shared terraces that fell outside gross floor area calculations[31]. Earlier, Haus 2,56 (1996–1997) had already revealed the firm's capacity to engage regulation directly, persuading authorities to accept a novel arrangement regarding structural liability; this negotiation later entered the German building code as *Verweisbaulast* ("reference construction encumbrances")[32]. More recently, Terrassenhaus Berlin / Lobe Block (2014–2018) exploited planning ambiguities to propose a stepped studio and gallery building whose semi-public terraces are legally defined as fire escapes, creating collective spaces that exist within but also against normative expectations[33].

This engagement extends beyond the built project. Brandlhuber+ also operates through public campaigns, publications and institutional proposals. The "House Europe!"[34] initiative, with its motto "Renovate, don't speculate", reframes the housing crisis as a failure not of supply but of policy and imagination. Meanwhile, editorial collaborations through the *ARCH+* journal, such as *Legislating Architecture* and *The Property Issue: Politics of Space and Data* reflect an enduring investigation and conversation into how space is structured by legal, political and financial systems[35]. The documentary series "Legislating Architecture", directed by Christopher Roth in collaboration with Arno Brandlhuber and other practitioners, extends this work, exploring how architects can affect laws[36]. Nevertheless, b+'s capacity to affect legislation, either through campaigning or through the firm's architectural practice by purchasing and reconfiguring property, presumes access to capital and networks unavailable to most practitioners.

The three models –legal-hacker, rule-writer and architect-developer– do not oppose the logic of speculation but partake in it, treating fallow space as a latent resource and architecture as a vehicle for activating it. Together they suggest an expanded reading of architecture as a form of legal literacy, a way of interpreting, maneuvering within and occasionally rewriting the spatial consequences of law. Recetas Urbanas shows how codes can be bent through tactical use, though always under the shadow of precarious legality; Luigi Snozzi demonstrates how rules can be rewritten with a different political lens to shape collective urban form, but only with sustained governmental backing; and brandlhuber+ illustrates how regulation can be instrumentalized as projective ground, albeit through a complicity that depends on financial leverage. Each practice reveals both the potential and the limits of each model, all while treating the law as not merely a detached reality but a cultural artifact[37]. In this sense, architecture emerges as both a practice of making and a lens of reading: the material interface through which the socio-legal fabric of the city can be reinterpreted and reconfigured.

Conclusions

Urbanization under financialization has transformed space into a commodity and a speculative asset, where vacancy, underuse and dispossession are not only residual effects but instruments of speculation themselves. These landscapes, qualified as fallow –in temporal and economic suspension– and fringe –in physical and regulatory ambiguity–, provide hinge conditions for testing alternatives. In each of the three models explored architecture is not simply the design of built form but the assembly of relationships: between space and law, ownership and use, contingency and value.

The figure of the civic legal-hacker demonstrates how codes can be bent through tactical interventions; the municipal rule-writer shows how they can be rewritten and interpreted at the scale of urban policy; the architect-developer exploits their ambiguities to propose new forms of use and value. Taken together, they reveal how law and speculation can be mobilized as materials for practice, situating architecture within the unstable economies of suspension, ambiguity and delay. Whether through hacking, rewriting or interpreting, each reveals that what is at stake is not only the reuse of space but the redistribution of agency in the face of institutional, legal and economic inertia and to the detriment of the citizen.

What binds these models is not an aesthetic language or a shared ideology, but a tactical awareness of timing, legal frameworks and latent potential. In this sense, they operate with a form of productive opportunism, as a mode of practice attuned to the conditions of contemporary urbanism. They do not mask the economic logics at play; rather, they make visible the ways in which value is constructed through law, narrative and space. In doing so, they reclaim forms of agency often ceded to developers, speculators and bureaucrats, holding space, however provisionally, for other futures to emerge. Unlike the oppositional stance of 'the old urban question', this is not a politics of refusal but of strategic manipulation. What is disruptive here is interpretation: questioning who writes the rules, how they are enforced and what possibilities they contain, turning the city's intervals into platforms for critique and experimentation.

Yet to describe these practices as critical is not to exempt them from critique. Each model carries its limits: precarious legality for Recetas Urbanas, political support and alignment for Luigi Snozzi, sufficient capital and wide network for brandlhuber+. Their capacity to act – spatially, institutionally, economically– is often entangled with the same mechanisms they seek to expose. But this entanglement does not erase their relevance. On the contrary, it underscores the complexities of contemporary practice.

If architecture is to remain operative within the uneven terrain of planetary urbanization, it must engage law not merely as constraint but as material for contextual reinterpretation. Sometimes this requires resistance. Often, it demands complicity. Frequently, it consists simply in holding space open for ambiguity, latency, suspension. As Rem Koolhaas remarked in conversation with Arno Brandlhuber, "a political program is more important than new rules or replacing rules with other

rules”[38]. The fallow and the fringe are not a void in the city but a hinge within it, a site of struggle over value and visibility. Or, as Merrifield suggests, while the ‘old’ urban question sought in the urban a foundation for social movements, today it is social movements that must reconfigure the urban[39].

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Fringe
Planetary urbanization
Urban regulation