

BIROn - Birkbeck Institutional Research Online

Tzanakopoulou, Maria (2025) Wildfires, legal geography and the constitution. International Journal of Constitutional Law Blog ,

Downloaded from: <https://eprints.bbk.ac.uk/id/eprint/56096/>

Usage Guidelines:

Please refer to usage guidelines at <https://eprints.bbk.ac.uk/policies.html> or alternatively contact lib-eprints@bbk.ac.uk.

Wildfires, Legal Geography, and the Constitution

Maria Tzanakopoulou Senior lecturer, Birkbeck School of Law

Amid [record temperatures across Europe](#), the continent is once again confronted by [multiple wildfire fronts](#). [Several deaths](#) have been reported while thousands have been evacuated. The EU has [triggered](#) its [Civil Protection Mechanism](#) to offer emergency assistance, as domestic civil protection services struggle to cope.

In this post, I draw on legal geography to argue that the implementation of EU-derived civil protection law in Greece has (re-)constituted space as a non-society and that, conversely, the space of non-society has (re-)constituted the right to life as a right to mere individualised survival.

Legal background

Central to civil protection in the EU is the [1991 Council Decision establishing the single European emergency call number 112](#), currently repealed and replaced by the [European Electronic Communications Code \(EECC\) Directive](#). The 112 infrastructure is a telecommunications service designed for use in emergency situations, accessed through Member States' public telephone networks. Initiated as a plain emergency call technology, 112 has today evolved into a public warning mechanism to be triggered during emergencies. The legal framework as laid down in articles 109-111 of the EECC Directive creates obligations for the establishment of effective national public warning systems (art. 110 (1) (2)).

There is [little](#) systematic research on how different Member States have been using emergency warnings. A notable pattern, however, is the Greek government's use of the country's public warning system to issue evacuation orders in response to fires on a near-continuous basis (see [here](#), [here](#), [here](#), and [here](#)). While this may seem a welcome practice to defend human life, problems arise. From a policy perspective, an important question is whether the Greek government [has been using the 112 warning as a cure-all mechanism](#) to absolve itself of proactive civil protection-related responsibilities. As the rest of this post proposes, the matter is just as problematic from the perspective of constitutional protections seen through the prism of legal geography.

Evacuation orders through legal geography

In 1974, French philosopher Henri Lefebvre proposed that space is socially produced rather than immutable. Thus produced, space served, for Lefebvre, as a power-reinforcing instrument of thought, action, control, domination, all while retaining the ability to escape from the constraints that the state forced upon it. Building on this general framework, today's cross-disciplinary methodology of legal geography ([here](#), and [here](#)) approaches space and law as co-constitutive categories, proceeding "[from the premise that the legal co-creates the spatial and the social while the social and the spatial co-create the legal](#)": the law does not intervene *ex post* into an already constituted space but is always present in a space's ontology.

Seen this way, an evacuation order gives rise to a legal cartography that divides space into safe and emergency zones, constituting the latter as de facto zones of exception. Therein, even after the emergency situation has passed, social and economic life rarely resumes in full even if biological (human) life is preserved. Space becomes a void, and the evacuated zone is re-constituted as [a non-](#)

[society](#). As the law re-constitutes space into a non-society so too does the newly emerged space re-constitute the law: life, as a constitutionally protected value, is reframed as bare survival stripped of its social attributes. Below, I elaborate on these two points in the context of the Greek case.

Evacuated space as a non-society

The message of any 112-issued order by the Greek authorities to affected citizens is that an immediate threat to life compels the abandonment of the means and material conditions of their livelihoods, from their home and surrounding environment to animals and work tools to—crucially—the more vulnerable. In Greece, a logic of “every man for himself-save yourself if you can” has underwritten recent governmental responses to life-threatening wildfires.

When Margaret Thatcher (in)famously declared that “[there is no such thing as society](#)”, the underlying—distinctly Hayekian--idea was that a life shaped by collective values and organised for the common good [ran counter to the natural, spontaneous, order of individuals pursuing their personal interest](#). This is the space created by the technology of evacuation: collective bonds, holding a community together, give way to individual survival during and also after the emergency. This is one way in which the law of emergency warnings, as implemented in Greece, has produced a distinct form of space: the non-society.

Bare life in the non-society

An evacuation order de facto suspends constitutional protections, including freedom of movement and protection of property. Rather than implying a prioritization of property over life, property here is understood as a [life-adjacent right enabling a conception of the right to life beyond mere biological survival](#). This extension is neither new nor radical. Constitutional courts and the ECtHR have often extended the right to life to encompass various other rights. The [Indian Supreme Court](#) has read a right to housing in the right to life while the ECtHR has found a violation of the right to life in a case of [prolonged environmental degradation](#). The [Greek constitution](#) itself enshrines the right to life in article 5, which provides an umbrella protection of the “free development of one’s personality” and the “right to participation in the social, economic and political life of the country.”

The reconstituted space of non-society obliterates “[not just the forest, but also all social and economic life that depends on it](#)”. This forces a capitulated interpretation of the right to life as mere survival. However, once situated in the context of the country’s governmental narrative, the space of non-society also produces a distinctly class-laden interpretation of life. “[Houses can be rebuilt and trees will grow again, but human life cannot be replaced](#)”, the PM said to deflect criticisms of evacuation overuse. This has a strong life-as-survival resonance. But it silently admits something further: life--good life--belongs to those who can afford rebuilding their houses. For the majority of the fire-hit population, many of whom still live in containers ([here](#) and [here](#)), rebuilding a house is no option. The space of Greek non-society thus leaves no room for a dignified life—except for the rich.