Centre of Law and Society
Canolfan y Gyfraith a Chymdeithas

CLS Interdisciplinary Workshop Dysfunctional governance

"Crisis", "Scandal", "Tragedy", "Emergency"

15th and 16th May 2025

School of Law and Politics, Cardiff University

PROGRAMME

Thursday 15th May – *Room 1.28, Law Building or Online:* Join the meeting now		
11:00 – 11:30	**Opening and Introductions**	**Room 1.28 and online**
11:30 – 13:00	**Housing Crises: Local and Global Perspectives** **Paper 1 - Dave Cowan and Alex Marsh** "The housing crisis goes to law" Abstract: In this paper, we consider how constructions of a "housing crisis" or the "housing problem" have impacted on judicial consideration of the rights of applicants for social housing and homelessness assistance. In much of the literature about housing crisis, it is considered as a discursive narrative which affects parts of the policy process. We argue that it also jumps track, and permeates other systems, which are cognitively open to such considerations. In considering the legal system, we argue that constructions of housing crisis are sedimented in mostly boilerplated decision letters (the 'primary definers'), enabled by the widescale development of ICT, and reinforced in witness evidence to the courts ('secondary definers'). They become legal artefacts, which form key parts of the document bundle before the court and are translated into as well as franked by law. Our point is a relatively simple one - these documents facilitate the courts in construing public administrators' legal duties narrowly (by no means all the time, but commonly). We draw on Bacci's WPR (what's the problem represented to be?) framework to problematise the politics of access to social housing in this venue. **Paper 2: Helen Carr & Mark Jordan** "Interrogating the conundrum of empty homes in a 'housing crisis': a local perspective" Abstract: This paper is part of a larger project investigating the contours of the broken housing market at the local level, specifically in Southampton, a port city on the south coast of England. Southampton, in common with many cities, but with a unique confluence of circumstances, is experiencing declining owner occupation, an expanding student population, rising private rents, generically poor housing quality and a degraded environment. In addition the lack of enforcement of housing regulation by the local authority suggests a destructive level of governmental dysfunctionality. In this paper we begin by expanding upon what might be described as the pluri-crisis of housing in Southampton, pointing out that its impact is experienced differentially; indeed private	

sector landlords have celebrated Southampton as one of the best cities in which to be a landlord. We then focus on one conundrum of the housing crisis, asking why more than 200,000 houses, that could profitably be used to address the chronic shortage of housing in England, are left empty, despite a regulatory framework that (however contingently) enables them to be brought back into use? The answer we suggest, drawing on empirical work in Southampton as well as analysis of media coverage, practice and policy documentation and decisions of the FTT (Property Chamber) is complex, reflecting not only that contemporary capitalism has resulted in the investment potential of high value properties far exceeding their use value, but also that it has impoverished the state and many home owners. In our analysis we draw on Ireland's recent monograph, 'Property in Contemporary Capitalism' in which he advocates a theoretically informed and empirically grounded approach to reveal not only property's contingent and highly contested nature but also its intimate relationship with contemporary capitalism. We conclude by agreeing with Madden and Marcuse that while it may be currently irresolvable, the shape of capitalism can be contested, modified and changed (2016: 6). We suggest that interest in the injustices of empty homes and a more nuanced understanding of their empirical realities provides us with evidence of how capitalism can be contested potentially contributing to the emergence of a more inclusive and participatory model of property.

Paper 3: Khadijah Na'eem

"Free market discourses and the use of combustible materials on Grenfell Tower"

Abstract:
Categorisation of the Grenfell Tower fire using discursive labels such as "tragedy" has been popular since the 14th of June 2017, including in the Public Inquiry's final report. However, such labels could be seen as shifting attention away from historically institutionalised and organisational causes of the fire and towards events or failures that are recent and visible. The Public Inquiry has focused mainly on the "immediate cause or causes of the fire," the "adequacy of building regulations," regulatory compliance, and more. Subsequently, despite the absence of qualified experts in the area, the panel concluded that race or class played no role in the fire. Its conclusions about the role of economy and structure were also limited. While it made some headline-grabbing criticisms about deregulation, these have been limited to the Red Tape Challenge and One In and Out policies.
Adopting a Foucauldian lens, I present my analysis of free market discourses from the end of World War II to the 14th of June 2017. Discourse is valuable to government rule because it facilitates the manifestation of its intended reality amongst subjects. Through discourse, civil servants, regulators and the regulated are directed towards serving the political economy while government officials remain distant from those activities. In the current study, key free-market discourses are linked to the testimonies of regulators responsible for facilitating the use of combustible materials on Grenfell Tower. It is argued that powerful discourses directed key regulators to be vehicles of neoliberal governmentality until they became facilitators of corporate misconduct. This framing facilitates analysis of the fire not as a tragedy, scandal or "moment of rupture," but as part of a process or system that demonised health and safety to preserve the free market. Overall, the approach in this paper is based on using the history of political discourses surrounding health and safety regulations to understand the behaviour of regulators responsible for the fire.

Paper 4: Jamie Johnson, Victoria Basham and Owen Thomas

"The System Isn't Broken, It Was Built This Way': Tragedy, Scandal, and Crisis in the Shadows of Grenfell"

Abstract

	Societies make sense of dysfunctionality and disorder through established narrative frameworks of tragedy, scandal, and crisis. As we have previously argued, each of these frameworks offers a competing account of the origins and meanings of disorder (Johnson et al, 2022). In turn, each provides a particular way of locating responsibility and generating political responses. This paper develops and extends this analysis by exploring how these frameworks are instantiated through the public inquiry as a socio-legal event. We focus on the Grenfell Tower Inquiry as a socio-legal event, comprising a series of contested moments in which sense-making is authorised, adjudicated, disseminated, and scrutinised. To illustrate this argument we focus upon a series of interactions during the lifecycle of the inquiry: from the determination of the inquiry's scope, through its public hearings, to its reporting and public reception. We show how the inquiry performs a series of revelations (including staged exposures and consequent omissions) through which the violence of the Grenfell Tower Fire is made legible and governable as an aberration. Nonetheless, these attempts to produce the authoritative account of the Grenfell Tower Fire remain haunted by those who refuse this staging. As Grenfell United, a survivor-led advocacy group, have argued in response to the publication of the Phase 2 report: 'There's a reading of the inquiry hiding in plain sight… the system isn't broken, it was built this way.'	
13:00 – 14:00	Refreshments	**Room 1.27b**
14:00 – 15:30	**Responding to Crises and Scandals: Limits and Possibilities** **Paper 5: Sonia Macleod and Fanni Gyuko** "'Crisis' and 'tragedy': Covid-19 vaccine-injured people's perceptions of the national redress scheme and trust in the government in the UK" <u>Abstract:</u> This paper examines Covid-19 vaccine-injured people's experiences in the UK with the process of seeking redress, especially focusing on seeking redress from the Government's Vaccine Damage Payment Scheme. This paper engages with the wider topic of how we can understand the government's role in dealing with 'crisis' and 'emergency' (Covid-19 pandemic) and another possibly emerging 'tragedy' and 'scandal' around inadequate provision for those who suffered adverse effects from the Covid-19 vaccine. In the heart of this paper lies the narrative of eroding trust in government, merging from the narratives of those who have been trying to seek both financial redress and acknowledgement of what happened to them. The on-going Covid-19 public inquiry, which also deals with the question of providing support for those who suffered adverse effects by reforming the Vaccine Damage Payment Scheme (VDPS), makes this paper is highly topical. The VDPS pre-dates the pandemic. It was established in 1979, primarily for adverse events due to childhood vaccinations. It is expressly not a compensation scheme. It is a statutory mechanism for the government to deliver ex gratia payments to those who are deemed sufficiently disabled (at least 60% disablement). In the global context the VDPS is highly unusual in awarding fixed sum awards (£120,000) to successful claimants, almost every other known scheme has greater flexibility in quantifying awards. This paper draws on vaccine injured people's experiences to explore some of the tensions between the Government's measures during the pandemic and personal access to justice. This qualitative investigation also considers the legal, social and political context in which vaccine-injury compensation schemes operate. The paper is based on a combination of an online survey, which received over 240 (218 valid) answers from UK claimants of the VDPS. Additionally, we conducted 12 individual in-depth interviews with claimants and stakeholders. The interviews and free-text data from the survey were analysed thematically, other data from the survey was analysed with quantitative methods. The paper asked the following research questions: How do claimants experience the process of applying for compensation through the VDPS in terms of access to justice? What is people's perception and understanding of the purpose of the VDPS? How has people's understanding of the function and purpose of the VDPS impacted the wider management of the Covid-19 pandemic in the UK and	**Room 1.28 and online**

what can we learn from this for future possible pandemics? Analysing the data through a lens of legal consciousness revealed how the perceived (and real) mis-functioning of a compensation can create a deeper sense of distrust in the government opposed to increased trust in vaccines and the healthcare system. There is a Covid-19 public inquiry, however vaccine-injured people are often wrongly labelled as being conspiracy theorist - literature on vaccine hesitancy and misinformation is not helping this labelling – which effects whether and how their voices are taken into account. While the public supports the victim of other scandals, we found that people who suffered adverse reaction can be shunned by the medical professional, other members of the society and family members.

Paper 6: Sally Day and Richard Moorhead

"From Agnosis to Accidental Activism: Infinite regress and the Post Office Scandal"

Abstract:
The Post Office Scandal implicates executives, lawyers, courts and politicians in ways both spectacular and mundane. Routine abuse of legal power by lawyers, the complicity of the courts, the role of government through PPI, privatisation, owner of the PO; and progenitor of multiple compensation schemes render this a state-corporate crime of many phases. This paper will consider the experiences of the subjects of this scandal as both victims and *accidental activists* (e.g. Hyatt) from data we have collected through 28 in-depth interviews. Through their transition from faith in law to isolation and punishment, to shame to anger, and then action to activism their journey has been fed by the notion of scandal and institutional responses. We will trace the shifts in their own *legal consciousness*, and their responses to strategies of *agnosis* (e.g. Barton et al) and *attrition* deployed at each stage of the story. The notion of Scandal has defined and driven each phase: in 'flat earth' civil litigation (the Bates Case); the affronts to justice partially recognised; experiences of the Public Inquiry; the mass quashing of convictions; and ongoing compensation schemes. We will show how the notion of Scandal, and the (generally legal) approaches to addressing that, have driven the accidental activism that has nourished and sustained, but also revictimized them. "Scandal" and its chaos is personal, legal and political. It has enabled accidental, unpredictable challenge to institutional and legal power with some unusual signs of success. And yet our findings suggest the need for structural and systemic change to ensure that victims/survivors of harms/crimes of the powerful do not become embroiled in an infinite regress of injustice and that the success of victim activism is not so dependant on accident and solidarity forged in misery.

Paper 7: Thomas Guiney and Harry Annison

"Crisis and Penal Policymaking in England and Wales: Concepts, Theories and Future Directions"

Abstract:
Reference to crisis and scandal are widespread in almost every branch of contemporary criminological scholarship. And yet, there remains a lack of definitional clarity about what is meant by this value-laden terminology, how crises shape the penal system and what they reveal about the nature of penal policymaking in the early decades of the 21st century. Moreover, with a few notable exceptions (e.g. Hall et al., 1979), the disciplines of criminology and criminal justice continue to view the concept of crisis in rather linear terms as the product of broader macro-structural forces that either trigger, or create the conditions for, a subsequent policy realignment. Our central claim in this paper is that such 'big picture' accounts of penal policymaking can obscure the dynamic processes by which crises are (re)constructed and mediated through the contemporary political system in new and unpredictable ways. Drawing upon findings form a recent research

	collaboration with the Prison Reform Trust we argue that greater analytical sensitivity to these policy feedback dynamics can help us to explain the peculiar and contradictory shape of contemporary penal crises and better understand the unique pressures these events place upon policy-makers, practitioners, individuals with first-hand experience of the penal system, victims, families and the wider community.	
16:00 – 17:30	**Dysfunctional Governance and Moving Beyond Dysfunction** **Paper 8: Okalunle Michael Folami** "Dysfunctional Security Culture: A Critical Review of Government Emergency Declarations in Nigeria" Abstract: Constitutional power to provide security of life and property rests with the government. It is worrisome to note that the power has been eroded by unbridled man-made security threats such as kidnapping and terrorism. Governmet laws for combating kidnapping and terrorism have failed to curb the menace. Government has declared that terrorists' apologies are in every facet of administration including the military, police, immigration and legislature. The unprecedented spread of terrorism and kidnapping that cut across the country could be described as dysfunctional security culture which have almost led the country to ungovernable condition. This paper argues that a government emergency declaration could prevent a dysfunctional security situation in the country. The study aims to examine when a state emergency situation is necessary. It also examines the effect of emergency declarations on life and property. It sets out to suggest vetting as an important means of making a functional security culture. The study is anchored on Talcott Parsons' Theory of Functionalism. The theory postulates that a system becomes dysfunctional when it fails to support societal needs, toxic and working at cross purposes with the desired values and goals of a society, and its parts that threaten social stability. Secondary data was used to gather information used in this study. It was found that dysfunctional security systems exhibit signs of failing to follow society policies and procedures; failing to protect sensitive infrastructure, cultural inheritance, borders, life and property. Dysfunctional security systems also depitch lack of law enforcement awareness training and failure to adequately protect against breaches. The study therefore concluded that emergency declaration will allow vetting, assess current situation, strategy development and effective communication to ensure everyone understands their role in the security system. **Paper 9: Lydia Morgan** "Cultivating the conditions for scandal: the opposing trends of 'barricade' and 'respective' secrecy" Abstract: Ordered liberal democratic societies, if they ever existed or continue to exist, hold open justice as a core tenet, as part and parcel of the need for transparency to facilitate accountability processes. A core tenet of open justice as part of the rule of law is that justice is seen to be done beyond the justness of the outcome. Traditionally, courts are open to the public for this reason. There are several exceptions that enable courts to sit in secret, called 'in camera' or closed courts, where the court is not open to the public and the contents of the judgment may be sealed. Often, these are engaged to protect the vulnerabilities of the parties involved or because they arise in traditionally determined 'private spaces' such as the court of protection and the family court. As such I shall call this 'respective secrecy', as it seeks to take individuals persons and circumstances as its justification, building protective harbours for them. In the last 30 years court secrecy has instead been concerned with protecting the actions, evidence and, in some cases, determinations of the state. The justification for these procedures, including 'Closed	**Room 1.28 and online**

Material Procedures', 'Special Advocates', and the development of 'specialist' tribunals, is different in kind and force than 'respective secrecy' which focuses on the persons and their constitutive social ties before them. This second kind of court secrecy, 'barricade secrecy,' takes the collective body politik as its justification, often concealing actions which are couched in exception and emergency, focused on pre-emption and supposedly prevention of harm to the general public and the state. Taking seriously the demand that justice must be seen to be done, this paper explores the ways in which these justifications fail to make justice seen or even heard and focus on protecting state interests, procedures and evidence. The paper argues that these two opposing trends in court secrecy cultivate the conditions for scandal and government dysfunction by reducing the ability of courts to operate as a legitimate element in the separation of powers in a liberal democratic constitutional structure both in principle and in practice without being coopted by government agendas. In so doing, it perhaps contributes to the hegemonic force of the concept of national security over and above liberal democratic conceptions which purport to value constitutive power. Weighing these justifications, it concludes that not is only is open justice being rejected, it is damaging the protection respective secrecy is seeking to offer and leads to reliance on scandal, whistleblowing, and other means, to ameliorate government dysfunction.

Paper 10: Hope Johnson

"The Political Economy of Emergency: Postcolonialism, Crisis Governance, and Decolonial Alternatives"

Abstract:

International intervention in the Horn of Africa, as in many regions globally, is often framed through a lens of 'crisis', 'tragedy', and 'emergency'. These terms not only shape the perception of these states but also fundamentally influence both domestic policies and international interventions, creating a cycle that perpetuates dysfunction and instability. In the context of the Horn of Africa, states such as Somalia and South Sudan are routinely described in terms of failure, terrorism, famine, and conflict, presenting these countries as ever in a state of emergency. This discourse positions them as 'exceptional' cases in need of constant external oversight, often sidelining local political agencies and reinforcing cycles of dependency.

At the heart of these crisis narratives is the question of governance: not just how states are governed, but who governs, and to what end. Rather than simply being moments of disruption, the 'crisis' has become the prevailing condition of governance itself. In Somalia, the framing of the country as a failed state overrun by terrorism has justified extensive foreign interventions, ranging from peacekeeping forces to development aid, which, while often well-intentioned, tend to sideline indigenous governance structures. In South Sudan, prolonged instability is likewise framed as a crisis to which international interventions are proposed as solutions, often ignoring deeper structural issues such as state sovereignty, accountability, and political inclusion. This political turmoil is labelled as a perpetual crisis, which allows military elites to consolidate power, under the guise of restoring order, while external actors broker fragile peace agreements. These labels—crisis, scandal, emergency—serve not only as descriptors but as powerful tools of governance, shaping policies and international strategies while often concealing the structural political and economic inequalities that drive the dysfunction.

The use of these labels can be seen as both a means of explaining and controlling governmental dysfunction. However, they also obscure deeper questions of political agency, inclusion, and structural inequalities. As the pluri-crisis era unfolds, governance becomes increasingly characterised not by moments of stability punctuated by crises, but by crises that are so frequent and entrenched that they normalise dysfunction. Further, these labels, rather than being a call for reform, often perpetuate the very systems they seek to critique. They create a form of governance where emergency rule

	becomes the norm, not the exception. In doing so, these labels maintain the authority of external actors, while leaving little room for locally driven political solutions. Drawing on post and decolonial frameworks, we can interrogate the use of these labels and their implications for governance in the Horn of Africa. Rather than simply accepting them as neutral terms, it is crucial to examine how these labels are rooted in colonial power dynamics, reinforcing the idea that local political solutions are insufficient, and that external intervention is the only viable response. By analysing these narratives through the lens of colonial and postcolonial critique, we can better understand how governance in these regions is structured around a persistent state of emergency, and how these narratives obscure the underlying political and economic inequalities. In this context, the question arises: how can we begin to decolonise governance practices? By engaging with African epistemologies of governance, such as indigenous conflict resolution mechanisms and pan-African diplomatic traditions, it is possible to rethink governance in the global south beyond the crisis paradigm. This invites the exploration of Afrocentric alternatives that prioritise local political agency and challenge the perpetual emergency rhetoric. By reimagining governance through decolonial lenses, we may find pathways out of the cycles of dysfunction and towards sustainable political autonomy in the Horn of Africa.	
17:30	Closing remarks	
17:45	Close	

Friday 16th May – *Room 1.28, Law Building or Online:* Join the meeting now		
09:00 – 09:30	Refreshments	**Room 1.27b**
09:30 – 11:00	**Crisis, Transitions, and Transformations** **Paper 11: Kieran McEvoy** "The Rise and Fall of the Johnson Amnesty: Witch-hunts, Lawfare and Transitional Justice in the Post Truth Era" <u>Abstract:</u> When running for the leadership of the Conservative Party in Boris Johnson completed a Sun newspaper pledge to 'stop the witchhunt' against British army veterans who served in Northern Ireland. In March 2020 his government duly claimed that the 'exceptional circumstances' of this witch-hunt warranted exceptional measures, announcing plans to introduce an amnesty to end all prosecutions and legal processes related to the Northern Ireland conflict. This initiative provoked universal opposition from the Irish government, all Northern Ireland political parties, victims, churches and other civil society stakeholders. In May 2024 the resultant Northern Ireland Troubles (Legacy and Reconciliation Act) came into force enacting the conditional amnesty and establishing a Commission (the membership of which was hand-picked by the Conservative government) to replace all conflict related investigations and legal processes. Following a determination in the Northern Ireland high court and Court of Appeal that the	**Room 1.28 and online**

amnesty was unlawful, the new Labour government have abandoned the amnesty but are seeking to refine rather than replace the Commission created by the Tories. The latter remains the object of legal challenges before the UK Supreme Court and an Irish government interstate challenge before the European Court of Human Rights.

This article examines the origins and evolution of that witch-hunt narrative and its lack of grounding in empirical or legal reality. Drawing on the literature from historical institutionalism, the paper opens with a justification for a focus on this dysfunctional period of British policy towards Northern Ireland as a *critical juncture* which offers broader insights into British political and cultural attitudes to the jurisdiction as a place apart. It then explores a number of themes linked to the passage of this Act. These include: the view that veterans had been the objects of *lawfare* – politically motivated investigations and prosecutions - originally applied to the actions of some British soldiers in Iraq and Afghanistan then transposed to Northern Ireland; the ways in which veterans became symbols of a broader sense of *moral injury* on the part of the right in British politics, wherein the flow of increasing embarrassing details of the state's role in the conflict (via legal processes and investigations) needed to be stemmed and a more 'balanced' account of the conflict presented. Finally, this experience of addressing (or not) past violence is linked to the contemporary prevalence of *post truth* discourses wherein assumptions about law as a route to truth recovery have long been an axiom but which now seem quite anachronistic in an era when liars are emboldened, and denial is celebrated.

Paper 12: Eleanor Williams

"Scandal, Crisis, and the Politics of Peace: How Controversy Shaped Northern Ireland's Negotiations"

Abstract:
This paper considers whether scandal and crisis impact the manner in which governments communicate during negotiations, using the Northern Ireland case study, specifically the negotiations leading up to the Downing Street Declaration (1993) and the Good Friday Agreement (1998). To do this, the author works with the Quill Project at the University at Oxford, which uses software to map out the process of negotiation during the Northern Ireland peace process. This software can tell us, firstly, what events/ scandals/ and crisis were occurring at varying points of the negotiations. Secondly, whether or not these scandals and crisis were raised during the negotiations. And finally, why they were raised or not, and how such events impacted the negotiations. On initial viewing it appears that events involving victims and survivors tended not to be raised unless there was mounting public pressure, due to controversial and emotive nature of such events. However, political scandals such as the Irish Government finding out that the British Government was talking to the IRA behind their backs, had very overt and negative impact on negotiations.

Paper 13: Rowan Alcock

"Polanyi on crisis"

Abstract:
This paper focuses on analytical resources available to analyse crisis. It argues that Karl Polanyi provides an important resource to understand our current situation. Polanyi's *magnum opus*, *The Great Transformation*, is well understood as a book describing the crisis of economic liberalism generally and its degeneration into fascism and World War in the 1930s. However, less well understood is that the acute crisis of the 1930s arises as the result of 'the

	measures which society adopted in order not to be, in its turn, annihilated by the action of the self-regulating market' (Polanyi, 2001, p. 257). Through this understanding of Polanyi's work, the protective 'countermovement' to liberal economics is the internal mechanism that creates a fatal crisis within economic liberalism. This reading fully contradicts the 'soft' reading of Polanyi which argues the countermovement checks and balances the self-regulating market allowing the formation of a stable form of 'embedded liberalism' which avoids a cataclysmic crisis. It also challenges the 'hard' reading of Polanyi which argues countermovements are social movements which form ideological alternatives to economic liberalism and positively usher in alternatives to the general crisis of economic liberalism. The countermovement is in fact an internally destructive force within liberalism which unwittingly destroys the market mechanism and creates the crisis that allows fascism and socialism to establish themselves. Polanyi's *TGT*, read in this way, can be an important analytical resource to analyse our current crisis. While economic liberalism contains recurring and continued crises, protective measures can ameliorate the negative effects of these crisis for a significant portion of society for a limited time. However, these protections begin to undermine the system – both the physical mechanisms of the system and the moral/theoretical justification for the system. Developing on Polanyi's thought, I argue that the reason our current crisis is ushering in the far-right across Europe and the USA, is that the meta-crisis of ecological break-down stemming from liberal economic ideology has no liberal economic solution. Therefore protective countermovements are beginning to gain a critical mass further restricting the market mechanism and increasing the speed of economic break-down. Once this mechanism is sufficiently undermined groups and individuals look for solutions outside of the liberal market mechanism with the far-right currently being most able to persuade countermovements towards their cause. This reading of Polanyi first calls for scholars to look, not just to ideological social movements to understand crisis, but towards non-ideological atomised movements to understand the crisis of economic liberalism. This presentation will also question how this reading of Polanyi helps us understand contemporary far-right politics. Polanyi argues fascism in the 1930s was a real solution to the disembedding of economics and politics that a market-society creates. Polanyi's analysis of the crisis that caused fascism will be used to question if political projects such as Trumpism are a re-embedding fascist project that can solve the contemporary liberal economic crisis (albeit in an inhumane way) or a hyper-disemmbedding capitalist phenomenon ready to collapse into something worse.	
11:30 – 13:00	**Whose Crisis? Constellations of Harm** **Paper 14: Jessica Hambly** "From Quickening to Slickening: Critical Legal Logistics and Functional Stupidity in Border Control" <u>Abstract:</u> This paper considers the temporal features of 'crises' (and associated labels) and how these not only condition the framing of (so-called) crises, as moments in time, but also legitimise certain kinds of responses. The paper focuses on border governance as a scene construed as in perpetual 'crisis', where 'tragedies' occur frequently, and 'emergency' measures are constantly invoked. But, as the author has argued elsewhere (Hambly, 2020), such labels distract from the wider processes of crisis and inevitably (deliberately?) fail to attend to the root causes of forced displacement. Drawing on a significant body of ethnographic work, we (Gill, Hoellerer, Hambly, Fisher) have argued that mistakes and incompetence, far from being exceptional or unpredictable, are baked into refugee status determination procedures and act	**Room 1.28 and online**

as de facto border control mechanisms. This argument speaks to a strand of management literature which has identified the functionality of stupidity and systematic dysfunction (Graeber, 2015; Alvesson and Spicer, 2016). The idea here is that ignorance – for example focusing on narrow, myopic tasks with minimal reflexivity, or being unresponsive to mistakes - can be productive and actually benefit organisational goals.

Mistakes can be related to the speed of decision-making and efficiency pressures, in other words, the intended design of procedures. Indeed, speed and maximum efficiency have come to characterise the way asylum procedures are staged, built on rationales of responding to backlogs and filtering out 'abusive' cases. Familiar techniques of legal quickening often lack procedural safeguards and give rise to qualitatively inferior determination processes (Hambly and Gill, 2020).
But this paper argues that there has been a further shift from 'quickening' to 'slickening', whereby asylum procedures are not only being sped up and fast-tracked, but such acceleration is also accompanied by bordering processes where people's feet are barely even allowed to touch the ground. Such techniques include pushbacks at sea, expulsion from territory, and other physical modes of neo-refoulement in and around border zone infrastructure.

To make this argument, the paper develops a conceptual intervention advanced in a previous paper with Gill et al. on the idea of critical legal logistics. Political geographers have articulated logistics as the "art and science' of 'managing things in time and space' to maximise efficiency and flow…' (Gill et al citing Nielson 2012 and Lecavalier 2016). Logistics – as applied to border control and management - are far from benign; they carry logics and rationalities of dehumanisation and deterrence. The operationalisation of slickening techniques is propped up by a huge cast of actors and technologies. Critical legal logistics is proposed as a methodology for studying the shady innovations of border governance and migration management by digging into the 'hidden stuff that lies behind' (Braverman, 2011) and asking what this tells us about the future of international refugee protection.

Returning to the theme of this workshop, the paper pursues Hall and Massey's call to think about crisis as conjuncture, and what this means for the framing of, and response to, so-called refugee crises. An overly restrictive interpretation of the spatio-temporal dimensions of crisis can give rise to logistical solutions including techniques of quickening and slickening which do more to perpetuate crises (of violent borders and deadly migration routes) than opening up (or returning to?) better ways of governing.

Paper 15: Simon Jones

"Drugs, Devolution and Disregard: Scotland's Drug Deaths Crisis and 'National Mission'"

Abstract:
In 2021 the devolved Scottish Government declared a 'National Drugs Mission' to reduce deaths from drug use over the course of the parliamentary term to 2026. However deaths had been increasing precipitously since 2013, meeting little official attention and even 25% funding cuts to drug services. The 'national' crisis framing only emerged when data showed the highest rate of drug deaths in Europe, "Scotland's shame," per press reports and parliamentary debates. Despite ample public and professional awareness that the rise in deaths was the result of compounding intersectional inequalities in the wake of deindustrialisation, official responses emphasised narrow technical interventions under the rhetoric of taking 'a public health approach' to the

	problem rather than one rooted in criminal justice, framing Scotland as more humanitarian than the Westminster administration. Legal and political responsibility for drugs policy and equalities sit unmistakably at UK level, creating constitutional logjams around safe consumption rooms, human rights legislation and other possible responses which have been exploited by pro-independence and pro-union advocates, all while deaths have remained at historically high levels and people who use drugs enjoy no more legal protection than they did at the outset of the 'National Mission'. The ambiguous constitutional ambitions of the Scottish Government during this period complicate attempts to read the crisis response as an expression of any specific political position. This analysis extends social theory on the politics of grief and inequality, together with socio-legal analysis of the Scottish response, to demonstrate that disregard, not control, of community interests and individual circumstances, has been the driver of this aspect of devolved politics. **Paper 16: Hannah Richards** "Intimacy and crisis in the military courts" <u>Abstract:</u> Over the past decade, media reports of racialised and sexualised violence experienced by British armed forces personnel have emerged at an alarming rate. Each report is met with an almost formulaic response: a military spokesperson issues an apology and draws attention to the measures adopted to tackle such 'unacceptable behaviours'. In these responses, sexual and racist violence are figured as failures of governance, failures that can be rectified through reform, obscuring the military's role in producing and supporting the very violences that they claim to address (Phipps 2025). In this paper, I ask how it is that the military positions itself as able to legitimately investigate the issue of racial and sexual violence perpetrated by those within its ranks. Drawing inspiration from Alison Phipps' (2025) theorising on sexual violence within academia, I explore how intersecting narratives of crisis, in particular the crisis of military recruitment and the crisis of 'unacceptable behaviour', infuse a general "crisis-shaped subjectivity" (Berlant 2011, p.85) within the British armed forces. Based on the analysis of observations of 15 hearings held at a British military court centre, I show how these intersecting narratives of crisis within the courtroom are enacted upon and reproduced through the soldiering body. The intimate, embodied nature of crisis-shaped subjectivity, I argue, plays an important role in sustaining specific imaginaries of military violence. Through the formation of intimate collectives – collectives that variously expel and exclude certain soldiering bodies – the Court Centre foregrounds the proximity of military personnel to the institution. In so doing, the legal/official narratives of events of the hearings enlist these bodies in the reproduction of a unitary imaginary of the military as the institution best placed to provide protection for its personnel.	
13:00 – 13:30	Closing remarks	
13:30	**Close**	