Law in an Age of Permacrisis

24th International Roundtables for the Semiotics of Law Annual Round Table

Funded by the *Society of Legal Scholars*

WEDNESDAY 17 JULY 2024

9:00AM – 5:30PM

Keele Hall, Keele University

Outline of the Day Plan

Times & Venues	Activity
9.00-9.20 Fireplace Room	**Registration and morning refreshments**
9.20-9.30 Fireplace Room	**Welcome** Prof. Mark Featherstone, Keele University, School of Social Sciences
9.30-11.00	**Parallel Sessions A**
Old Library Panel 1: *Law, Crisis and the Political process*	Chair: Dr. Tony Kearon, School of Social Sciences, Keele University 1. *Permacrisis as a Political Tool: (In)stability Under the Law* - Jennifer Eagleton 2. *Clothing, Law, and the Perma-Crisis: A Semiotic Analysis of the Karnataka Hijab Row* - Rob Kahn 3. *The parallels of law: From contested diplomatic status to retroactive diplomatic immunity - An analysis of contemporary power manifestations at the helm of favourable legal outcomes* - Hanna Nsugbe
Sneyd Room Panel 2: *Law and the Digital Crisis*	Chair: Prof. Tsachi Keren-Paz, Law School, Sheffield University 1. *Disinformation in the age of permacrisis: The route to lawlessness?* - Rui Sousa-Silva 2. *Crises of Norm Communication: Analysing Accessibility of Czech Legal Platforms to Visually Impaired Individuals* - Levíček & Glogar 3. *Hate Speech and Multi-modal Meaning Making in South African Workspaces: The Convergence of Past, Poly-crisis Present and Dystopian Digital Future* - Rene Cornish
11.00-12.30	**Parallel Sessions B**
Old Library Panel 3: *Law and the conceptual meaning of crisis*	Chair: Prof. Anthony Wrigley, School of Law, Keele University 1. *"Contradiction" Continuous Revolution, and the Semiotics of Instability in and Through its Legalities* (Larry Catá Backer) 2. *We are the Symptoms of the "Crisis": The Constant Change of Governmentality* - Chris Dent 3. *Law, Crisis, Myth(s)* - Guilherme Vasconcelos Vilaça
Sneyd Room Panel 4: *Constitution and Crisis*	Chair: Dr. Phil Catney, School of Social Sciences, Keele University 1. *A Permanent Human Rights Emergency? What the Insertion of an Emergency Clause Means for the Constitution* - Keisuke Mark Abe 2. *The Constitutional Crisis in Turkey: The Prerogative State in Action* - Deniz Türker 3. *Austria's Constitution and asymmetric threats of the 21st century* - Daniel Peter Schimdt

12.30-13.15 Fireplace Room	**Buffet Lunch**
13.15-13.45 Old Library	**Keynote Talk** Prof. Matthew Flinders, Professor of Politics Founding Director of the Sir Bernard Crick Centre at the University of Sheffield Vice-President of the Political Studies Association Chair: Prof. Mark Featherstone School of Social Sciences Keele University
13.45-15.25	**Parallel Sessions C**
Old Library Panel 5: *Law, Crisis, Critique*	Chair: Prof. Ronnie Lippens, School of Justice Studies, John Moores University 1. *Law in Crisis: The Possibility of Critique* - Peter Langford 2. *Are Rights Merely Talk on Stilts? Gender, Violence, Democracy* - Valeria Giordano 3. *Overcoming the 'North/South' dichotomy* - Antionio Tucci 4. *Permacrisis or Polycrisis? A Green Criminological Analysis* - Rafe McGregor
Sneyd Room Panel 6: *Law, society and the age of permacrisis*	Chair: Dr. Abi Pearson, School of Law, Keele University 1. *Critical Futures: The Problem of the Future in the Age of Meta-Crisis* - Mark Featherstone 2. *The crisis of law (or the death of law?) in the age of permacrisis* - José Manuel Aroso Linhares 3. *Ageing in an Age of Permacrisis* - Elaine Dewhurst 4. *Human Rights (and) Law within the contemporary scenario of Permacrisis: A Semiotic Analysis* -
15.25-15.45 Fireplace room	**Afternoon Refreshments**
15.45-17.15	**Parallel Sessions D**
Old Library Panel 7: *Corporate sector and crisis*	Chair: Dr. Santiago Abel Amietta, School of Social Sciences, Keele University 1. *The Social Construction of "Essential": Crisis Classification in the COVID-19 Pandemic* - Joshuamorris Hurwitz 2. *Responsible hotel management during the COVID-19 Crisis: the legal linguistics perspective* - Daniel Green, Januš C. Varburgh 3. *Rethinking corporate social responsibility in the times of geopolitical uncertainty* - Mariia Domina
Sneyd Room Panel 8: *Law, Politics, Crises*	Chair: Prof. Guilherme Vasconcelos Vilaca, ITAM Law 1. *Endgame: A Role for Impeachment in the EU's Democratic and Rule-of-Law Crises?* - John Cotter 2. *Irresponsibility without Liability: Political Dishonesty in Modern British Politics* - Phil Catney, Gemma Loomes 3. *Social Media: The Changing Nature of Politics and Politicians – from MPs to 'Celebrities'* - Laura Higson-Bliss
17.15-17.30 Fireplace Room	**End of Conference**

9.30am-11.00am - Parallel Sessions A

Old Library
Panel 1: *Law, Crisis and the Political process*
Chair: Dr. Tony Kearon, School of Social Sciences, Keele University

1. *Permacrisis as a Political Tool: (In)stability Under the Law*
Jennifer Eagleton, Independent researcher of Hong Kong politics

Abstract: Colonial governments in Hong Kong saw the city's "stability" as a reason for its success, compared to the every-changing political movements next door. Post 1997, the risks to Hong Kong's "stability & prosperity" (稳定繁荣) were used to urge delay the political reform promised in the Basic Law (Eagleton 2022). Since the anti-extradition law protests (2019) and the National Security Law (2020), "stability" has been foregrounded in all areas of Hong Kong life resulting in constraints on civil society. However, the Hong Kong government continues to see the city's "core values" as the rule of law, freedom of assembly, speech, and information. This presentation, based on the critical discourse analysis approach (Fairclough 1992, Wodak 2001) will analyze this by focusing on official texts, both written and visual, showing why these constraints on society are necessary by re-defining what these "core values" mean (Hayek 1944). The ever-present threat of instability (caused by threats to national security) could be seen as a "permacrisis" of uncertainty.
References: Eagleton, J. (2022). *Discursive Change in Hong Kong: Sociopolitical Dynamics, Metaphor, and One Country, Two Systems*. Rowman & Littlefield; Fairclough, N. (1992). *Discourse and Social Change*. Polity Press; Hayek, F.A. (1944). *The Road to Serfdom;* Wodak, R. (2001). "The Discourse-historical Approach". In R. Wodak and M. Meyer, *Methods of Critical Discourse Analysis* (p. 63-94.). Sage.

2. *Clothing, Law, and the Perma-Crisis: A Semiotic Analysis of the Karnataka Hijab Row*
Prof. Rob Kahn, Professor of Law, University of St. Thomas, Law School, Minnesota

Abstract: In February 2022, the BJP led government of Karnataka uncovered a "crisis" – Muslim junior college students were attending classes wearing hijabs. In response, the government enacted a hijab ban which was upheld by the Karnataka High Court the following month. The case went to a two-judge panel of the Indian Supreme Court which, in October 2022, split 1-1, effectively maintaining the ban. The case then went to a larger panel of the Supreme Court, which for over a year did nothing. It was only in December 2023, that a new Congress Party government in Karnataka proposed ending the hijab ban (and the "crisis"). The Karnataka hijab row shows the interplay between law, crisis, the political system, and the human body. While the BJP government (and the Karnataka High Court) moved quickly, once the case reached the Supreme Court, the wheels of justice slowed down. Instead, the crisis came to an end through political, not legal means, which raises questions about law's role in an age of perma-crisis. Meanwhile, the two-year hijab-ban, and the judicial opinions upholding it, highlight the vulnerability of the human body in the post-COVID era. The power of the state to dictate how one presents oneself in public is increasingly unquestioned by courts. To develop this comparison, I briefly compare the Karnataka hijab row to controversies in the United States involving "crisis" situations and masking.

3. *The parallels of law: From contested diplomatic status to retroactive diplomatic immunity - An analysis of contemporary power manifestations at the helm of favourable legal outcomes.*
Hanna Nsugbe, PhD candidate, Liverpool John Moores University, International Relations and Politics

Abstract: Diplomatic immunity is a doctrine enshrined within international law affording legal immunity to diplomats. The Vienna Convention on Diplomatic Relations (VCDR) outlines this immunity alongside other privileges relating to diplomatic personnel and how they are to apply. Yet the convention makes no mention of whether they can be applied retroactively to acts preceding appointment, nor does it outline protocol where a non-diplomat has evidently attained diplomatic position solely to gain its accompanying immunity to evade prosecution. This crisis by which law endures an augmented evolution tailored to specific circumstances is indeed the problem of retroactive diplomatic immunity, demonstrating the way in which powerful states and individuals of influence restructure aspects of law to fit their desired definitions and interests. Illustrating wider patterns of crisis within international law, where power relations progressively dominate legal frameworks. As such, this paper identifies and analyses the principal actors and institutions that enable such immunity abuse, exploring particularly this retroactive phenomenon as a measurement and manifestation of power. Through the lens of hegemony and political dominance, this paper places contextual focus on the international law framing of legal immunities, identifying the parallels between the laws that bestow immunity to those at national level that initially seek to prosecute. To evaluate, the paper examines cases of retroactive immunity use by non-diplomats, from the Harry Dunn case in the UK to similar instances in the US Abdulaziz v. Metropolitan Dale County. Exploring whether law becomes a measurement of influence and power and whether law may in fact be dictated more by politics and the power elites than it at first appears. Addressing similarly the VCDR treatment of the doctrine and whether through its ambiguity it lends itself to unrestrained state and elite abuse

Sneyd Room
Panel 2: *Law and the Digital Crisis*
Chair: Prof. Tsachi Keren-Paz, Law School, Sheffield University

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1. *Disinformation in the age of permacrisis: The route to lawlessness?*
Rui Sousa-Silva, Faculdade de Letras, Universidade do Porto - Faculty of Arts and Humanities and Centre for Linguistics of the University of Porto

Abstract: Although disinformation has long been used to manipulate the political debate, (e.g., the American Founding Fathers are now known to have spread disinformation to attack their opponents), it has gained particular attention recently, especially in the political domain. In the face of the recent technological developments, disinformationists have been offered sophisticated tools to spread disinformation quickly and more efficiently, while challenging mainstream media and spreading chaos. Consequently, the world has been dwelling with a (dis)information crisis, which cannot be dissociated from a more in-depth Democracy crisis. As democratic systems build upon the principles of free speech, little attention is paid to control mechanisms over the extended democratisation of information and knowledge sources, which enables disinformationists, typically akin to authoritarian regimes, to take advantage of that freedom. The known use of social media for spreading disinformation is now accompanied by sophisticated artificial intelligence (AI) tools (Sousa-Silva, 2024). This context encourages the disinformation crisis, which is likely to increase in the future. Since large language models and generative AI operate as black boxes, not only is it impossible to control their output, but also an efficient use of prompt engineering enables users to produce disinformation instantaneously and massively. This presentation discusses disinformation in the age of permacrisis. It argues that contemporary disinformation takes on a cross-border threatening nature that has the potential to instigate an environment of lawlessness (and eventually further the Democracy crises) and concludes by showing how linguistic analysis has the potential to counter this progression.

2. *Crises of Norm Communication: Analysing Accessibility of Czech Legal Platforms to Visually Impaired Individual*s
Dominik Levíček, PhD candidate, Institute for Research in Inclusive Education, Faculty of Education, Masaryk University, Brno, Czech Republic

Ondřej Glogar, PhD candidate, Department of Legal Theory, Faculty of Law, Masaryk University, Brno, Czech Republic

Abstract: In an increasingly digital society, ensuring equal access to legal information for all citizens is imperative. This presentation investigates the challenges in communicating legal norms to individuals with visual impairments, shedding light on the crises within the Czech Republic's official platforms of legal regulation. Focused on the integration of assistive technologies, our research explores the adaptability of these platforms to cater to the unique needs of visually impaired community. Our case study goes beyond a theoretical examination; we actively identify and evaluate existing platforms, considering their accessibility and the binding nature of the information they provide. Particularly noteworthy is the scrutiny of the newly launched e-sbirka.cz, the sole official online platform of laws in the Czech Republic as of early 2024. We closely examine this platform to identify bugs and flaws, critically assessing its ability to deliver legal information to those with visual impairments. Our findings illuminate the hurdles faced by the visually impaired population when accessing critical legal information, emphasizing the importance of inclusive design in official platforms. The presentation discusses potential solutions and improvements, considering advancements in assistive technologies and international best practices. By addressing the crises of communication faced by this demographic and providing a detailed evaluation of platforms, our research aims to contribute to the development of more accessible and inclusive legal platforms. This will foster a society where every individual, irrespective of visual ability, can actively engage with and understand the norms that govern their lives.
Keywords: Accessibility of Law, Assistive Technologies, Inclusivity, Legal Communication, Visual Impairment

3. *Hate Speech and Multi-modal Meaning Making in South African Workspaces: The Convergence of Past, Poly-crisis Present and Dystopian Digital Future*

Rene Cornish, PhD candidate, Tutor, Queensland University of Technology, Humans Technology Law Centre

Abstract: The digital has facilitated a lexicon and an iconography of hate. In the South African context, discriminatory social media narratives reiterate historical and established representations of hate in combination with digitally unique hateful signifiers of the present. Through the deployment of multimodal meaning-making, cultural actors proliferate hate through textual (words), non-textual (images) and meta-textual referents of hate (via extra-linguistic features such as semantic typography, non-standard orthography and polysemous digital pictograms). This contribution examines primary legal materials (arbitration awards of first instance employment law decision-makers) not primarily as legal texts, but as a found archive of records of hateful social media conduct. In doing so, the paper demonstrates that although social media offers a ‘new’ computer-mediated communication channel in the South African workspace, the circulation of ‘old’ ingrained racialised discourse that endure as legacies of settler colonisation and apartheid persist in the digital poly-crisis present. A present seeped in socio-economic inequalities and perpetual social dislocation – a dysfunctional dystopian digital that the legislature seeks to deter through law.

11.00am-12.30pm - Parallel Sessions B

Old Library
Panel 3: *Law and the conceptual meaning of crisis*
Chair: Prof. Anthony Wrigley, Professor of Ethics, School of Law, Keele University

1. *"Contradiction," Continuous Revolution, and the Semiotics of Instability in and Through its Legalities*
Prof. Larry Catá Backer, W. Richard and Mary Eshelman Faculty Scholar; Professor of Law and International Affairs, Penn State University Ombuds

Abstract: The idea of perma-, poly-, and perpetual crisis is almost as old as the development of ontologies of social relations in the political field, appearing both as an impulse toward cyclicity (Aristotle; Ibn Khaldun) or toward an inevitable goal (Abrahamic Bibles; Enlightenment theoretics; Marxism). And yet, crisis has taken on a set of characteristics in the current stage of global history, the semiotics of which appear to be potentially transformative. The dialectics of history, or rather the signification of crisis in time, has taken on a new character as its epistemologies have seen a crisis of its own in the form of the anti-dialective of generative non-carbon-based intelligence. The semiotics of crisis may be as remarkable as the (at last) realization of its crisis and its permanence. Though many may worry about the question: "what must be done?"; this paper explores the fundamental structure within which it is possible to understand that question. To that end, it may be useful to consider the permanence of crisis within its semiotic framework and its consequential framing of the question of the crises of legality. Moving outward from Mao Zedong's "On Contradiction" (1937) and the theory of continuous revolution (继续革命论), one can consider the various mutations of the great impulsive trajectories of both liberalism and Marxism toward a semiotics of progress in the shadow of cyclicity--now mutated into crises dislocations that remind one that revolutions are not tea parties, nor are the cycles or directions of change always pacific, nor fixed in any particular direction, nor directed always by vanguards. Its semiotics reveals cognitive pathways that produce variations in applied theory--from notions of constant revolution or of its prissy transformation into the vanguard technocracies of a Leninist or liberal democratic apparatus. And at its limit: to the delegation of whatever is left of the tatters of free will (collective or individual) to those generative programs into which these idealized notions of progress or cyclicity, like the breadth of God into the clay that became humanity, will have been transferred.

2. *We are the Symptoms of the "Crisis": The Constant Change of Governmentality*
Prof. Chris Dent, School of Law and Criminology, Murdoch University

Abstract: From a Foucauldian perspective, there is a distinction between a problematisation ("war-on-terror", "cost-of-living") and the grander scale of changes in the strategies and tactics of governmentality. It is the latter that better explains our current circumstances. The twenty-first century, and the rise of the digital sphere, has seen a fourth family of this form of governance. In it, populations (in the Foucauldian sense) are fracturing, as are the selves of individuals constituted by an increasingly wide set of bodies of knowledge – some disciplined, some irregulated. More broadly, there has not been a singular "law" for decades. There is the quasi-juridical criminal law, capitalist contract law, the risk management law of insurance, tort and occupational health and safety, and the quotidian road rules. The targeted populations may be narrowing, or unstable intersections may be increasing. Some norms are shared, some compete – this is evident online with respect to speech and individuals' relationships with their different communities. It is also evident in formalised knowledge. What counts as "Truth" in legal

commentary now is radically broader than what was acceptable in the nineteenth century, when law became more widely taught in universities. This conference would be incomprehensible, as statements of legal analysis, to John Austin, and yet we accept this fracturing of legal knowledge. Through our teaching and writing, we spread it to the next generation. We, as agents of State, challenge "Truth", claiming the right to do it, based on our own rules. We are the "crisis".

3. *Law, Crisis, Myth(s)*
Prof. Guilherme Vasconcelos Vilaça, Professor Titular / Tenured Professor ITAM Law Mexico

Abstract: This submission wishes to push back against the idea that our historical moment is somehow an exception in what regards living under a permanent crisis. Instead, I argue that our perception of living under a permanent crisis has much more to do with the mythical model of law we have developed during the 20th century, a model that charged law with the task of creating a perfectionist normative horizon largely based upon human rights and the triumph of law over politics. In other words, the perception and feeling of crisis must be studied more as the result of the failure to measure up against the expectations of our conceptual and axiological model of the law and less with empirical events. I develop this point by arguing how we have created a mythological conception of legal order that has "immobilized" the world and show that the result of this illusion was a specific relation between law and affects; one that now makes us feel impotent before change. I further propose that performance art can be used to make us experience in the first-person a new model of law and affects, helping us to understand better how to inhabit our present world.

Sneyd Room
Panel 4: *Constitution and Crisis*
Chair: Dr. Phil Catney, School of Social Sciences, Keele University

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1. *A Permanent Human Rights Emergency? What the Insertion of an Emergency Clause Means for the Constitution*
Prof. Keisuke Mark Abe, Professor of Law, Seikei University, Japan

Abstract: Japanese Prime Minister Kishida has recently begun to emphasize his desire to revise the Constitution. A two-thirds majority of both houses of the Parliament is required to propose such a revision. Considering the archaic nature of the ruling Liberal Democratic Party's draft constitution, which repositions the Self-Defense Forces as a "military" and puts obligations, not rights, of the people at the forefront, it will be extremely difficult to obtain the necessary number of affirmative votes. The prime minister may be setting an unattainable goal in an attempt to appeal to the ultraconservative base. Currently, the most controversial issue is the insertion of an emergency clause. This would give the government the right to legislate and vote on budget bills. Human rights guarantees would also be suspended. The ruling party cites the state of emergency declared during the spread of the new coronavirus and stresses its importance, but declaring a state of emergency is different from an emergency clause. Pandemics can be handled by laws such as the Quarantine Law, and there is no need for a new constitutional provision. A related proposal, to extend the terms of parliamentarians in emergency situations, is strongly opposed by the Bar, as it could lead to an abuse of the Cabinet's authority. If the principles of constitutionalism are trampled on because of the state of emergency, the human rights emergency could be perpetuated. Facing the reality that one crisis leads to more crises will clarify the most pressing legal and political challenges.

2. *The Constitutional Crisis in Turkey: The Prerogative State in Action*
Assist. Prof. Deniz Türker, Dept. of Political Science and Public Administration, Altınbaş University Istanbul

Abstract: Authoritarian regimes are on the rise all around the world. Yet, remarkably, the administrative agencies of such states still play a major role in safeguarding the legal order. In The Dual State (1941), Ernst Fraenkel analyzed this process in relation to the Nazi regime. On the one hand, he found the normative state: the regular administration endowed with elaborate powers for safeguarding the legal order through statutes, court decisions and the administrative agencies. On the other hand, there was the prerogative state: a system of unlimited arbitrariness and violence unchecked by any legal guarantees. While the normative state ensures that capitalist system works, the prerogative state aims for the annihilation of the 'enemies of the state'. This paper examines developments in Turkish authoritarianism through the lens of Fraenkel's dual state theory. It does so via the case of Can Atalay, Hatay MP of the Workers' Party of Turkey, who is in prison for the Gezi Park protests. On January 30, 2024, the Constitutional Court decided that Atalay's right to engage in political activity had been violated. However, the 'violation of rights' decision of the Constitutional Court was not implemented on the grounds that the Constitutional Court had exceeded its authority. For the first time ever, a decision of the Constitutional Court has not been implemented. The paper treats the current constitutional crisis as an indicator of Turkey's dual state, evidence of the prerogative state's violation of legal norms to annihilate the state's enemies.

3. *Austria's Constitution and asymmetric threats of the 21st century*
Daniel Peter Schimdt, Institute for Austrian and European Public Law, Vienna University of Economics and Business

Abstract: When the Republic of Austria was founded in 1919, only a few emergency competencies of a rather organizational nature were adopted to empower the state organs in exceptional cases. These emergency competencies are, in turn, strictly limited by a system of checks and balances. In terms of its crisis reactivity, the Austrian Constitution thus stands in clear contrast to the state of exception by Carl Schmitt and also differentiates from modern state of emergency concepts like Ackermann's. Although several state crises in the 1930s revealed the systematic limits of the Austrian Constitution, existing emergency powers have not been expanded until today. In addition, considerable legal and factual hurdles exist to exercise these emergency competencies. This constitutes a considerable challenge in the 21st century when states face an ever-growing number of asymmetric threats, e.g., terror attacks. In contrast to the constitutional status quo, these asymmetric threats often demand far-reaching discretionary executive power to restore normality. This paper will shed light on the issue of whether the Austrian Constitution still provides effective means to counter such asymmetric threats and where there is a potential need for reform. Chapter I outlines Austria's existing constitutional emergency model. Following this, Chapter II explores the existing constitutional limits in case of asymmetric threats, thereby focusing on the reactivity of state organs and the effectiveness of emergency measures. In a final step, the learnings generated in Chapter II are used to propose potential reforms of the existing emergency competencies, exemplified by three case studies in Chapter III.

12.30pm -13.15pm, Buffet Lunch

Fireplace Room

13.15pm - 13.45pm, Keynote Talk

Old Library
Prof. Matthew Flinders, Professor of Politics
Founding Director of the Sir Bernard Crick Centre at the University of Sheffield
Vice-President of the Political Studies Association
Chair: Prof. Mark Featherstone School of Social Sciences Keele University

13.45pm - 15.25pm, Parallel Sessions C

Old Library
Panel 5: *Law, Crisis, Critique*
Chair: Prof. Ronnie Lippens, School of Justice Studies, John Moores University

1. *Law in Crisis: The Possibility of Critique*
Dr Peter Langford, Department of Law, Criminology & Policing, Edge Hill University

Abstract: The paper commences by situating law in relation to the modified understanding of crisis, as permacrisis. From this perspective, law in crisis, entails a comprehension of the legal intelligibility of the modified notion of crisis, and, on this basis, it proceeds to consider the effect of this legal comprehension on the capacity for law to engage in critique. Law, as a normative framework, has a predominant understanding of crisis as an exceptional, unforeseen event, to which law responds with exceptional measures to minimize the immediate effects of the crisis. These measures have the further, longer-term purpose of restoring the situation to one in which law, as a normative framework, operates conventionally. Within this normative framework, the distinction between norm and exception is rendered more complex by the presence, of subjective rights, as human rights, through which it has the capacity for critique. For human rights enable law to reflect not only upon their guarantee, through the relevant correlative duties, but also upon the distinction between norm and exception insofar the exception affects the limitation or suspension of human rights and their correlative duties. With the modified understanding of crisis, as permacrisis, the preceding understanding – legal intelligibility – of a situation of crisis places into question the conventional division between norm and exception together with the position of human rights. In this manner, the capacity for law to engage in critique itself affected. The analysis then proceeds to indicate the legal intelligibility of permacrisis and, with it, the continued possibility for critique.

2. *Are Rights Merely Talk on Stilts? Gender, Violence, Democracy*
Dr Valeria Giordano, Salerno

Abstract: The plural voices of 20th century feminism critically redefined the relationship between biology, society and culture, problematising the dichotomies traditionally expressive of patriarchy. Today, these dichotomies appear strongly in tension in the neo-liberal scenario, in which the use of empowerment devices raises multiple questions about the limits of law versus respect to bare life, generating a profound reflection on the boundaries between self-determination and social vulnerability. The recovery of a genuinely democratic policy that is able to rewrite a grammar of equality, not devaluing gender issues within an emergency narrative or in the forms of purely economic imbalance, but, instead, unmasking the ideological encrustations existing in society and in the legal system itself, therefore appears to be essential.

3. *Overcoming the 'North/South' dichotomy*
Prof Antionio Tucci, Salerno

Abstract: This paper aims to investigate the effects of geopolitical transformations induced by global capitalism and the consequent rethinking of the categories of Global South and North. The crisis of the national sovereigntist system imposes an overcoming of spatial dichotomies such as inside/outside, internal/external, marking other classifications and trajectories that are concrete and real, albeit precarious and transitory. We want to show how the global North and South no longer look like separate spatial realms and domains, and how, instead, they overlap in the global political scenario. In other words, the lines of domination and exploitation are drawn on lines of continuity and discontinuity with respect to the definite demarcations of sovereigntist rationality. On a concrete and practical level, exploitation and domination colonize the centre of the 'western' metropolis; on a conceptual level, the categories of citizenship and border are revised in terms of selective and differential inclusiveness, with an approach that is often rhetorical and frequently bears factual inequalities. Therefore, a rethinking of welfare and labour is compelling: we need to imagine a 'new welfare', that can be disengaged from the sovereigntist and centralist representation of constitutional social rights and placed in the sphere of social practices and political subjectivations. This is an approach that can embrace, following the example of postcolonial thought on gender and race, the attitude of creating spaces of agency and decision-making by the governed.

4. *Permacrisis or Polycrisis? A Green Criminological Analysis*
Dr Rafe McGregor, Department of Law, Criminology & Policing, Edge Hill University

Abstract: The purpose of this paper is twofold, to argue that the permacrisis of the first quarter of the 21st century is most pragmatically understood as: (1) a polycrisis rather than a permacrisis; and (2) being underpinned by 'ecocide' rather than 'climate change' or 'global warming'. I begin with Adam Tooze's (2021) conception of the contemporary crisis beginning in 2008 and being constituted by a multiplicity of crises that include the Russo-Ukrainian War in 2014, the COVID-19 pandemic in 2020, and an increasing number of extreme weather events. The danger is not the extended duration of a crisis, but the simultaneity, interrelation, and complexity of multiple crises. The most significant of these crises is the environmental crisis and I trace the development of the concept of ecocide in criminology from the moral (a crime against nature) to the legal (a crime against peace), zemiological (a mass harm), and anthropocidal (a global catastrophe). The International Panel for Climate Change's (2022) is renowned for both its rigorous practice and conservative estimates, but nonetheless recognises the likelihood of mass violence long before large parts of the planet become uninhabitable, in consequence of which ecocide should be conceived as the foundation of the contemporary polycrisis.

Sneyd Room
Panel 6: *Law, society and the age of permacrisis*
Chair: Dr. Abi Pearson, School of Law, Keele University

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1. *Critical Futures: The Problem of the Future in the Age of Meta-Crisis*
Prof. Mark Featherstone, School of Social Sciences, Keele University

Abstract: We have been living in a state of crisis from the moment it became clear we were in the process of moving from a world characterised by stable, feudal, structures of social, political, economic, and cultural organisation to a form of society defined by endless revolutionary change. As Marx and

Engels noted in their Communist Manifesto, 'all that is solid melts into air'. However, despite the revolutionary nature of modernity, it would be possible to say that there was a certain predictability or path dependence about the nature of radical change in this new period of history. Revolution was itself subject to a kind of repetitious logic. On the one hand, in the liberal capitalist worldview change was supposedly guided by the principle of progress, development, humanisation, and the arrow of time shot straight into the future. There was nothing random or chaotic about relentless change. It was progressive. This was always change for the better. On the other hand, even those who doubted the merits of the new endlessly mobile social form of modernity, sought to emphasise the relationship between the modern and the concept of revolution. Although revolution would throw humanity into the future, the arrow of time was no longer simply targeted at infinite change and development, but rather curved back upon itself towards a new and improved version of the past. Hence Marx and Engels imagined the modern communist society modelled on the primitive communism of the earliest humans. Akin to the original utopian, Plato, who imagined the turn to the Republic of the Philosopher Kings passing through the dystopia of the tyrannical city, and the Ancient Hebrews who thought about salvation on the other side of apocalypse, Marx and Engels' vision of the good society was founded upon a notion of a kind of prehistoric future past. That was then, but what about now. On the other, post-historical side of the really existing Marxist utopia of workers, which had long since degenerated into state totalitarianism before the wall came down, we have no sense of a realistic future characterised by either the capitalist arrow of time towards progress or the communist pre-historical society of gifting and generosity. That is to say that the contemporary crisis of the social, political, economic, and cultural imagination appears purposeless, directionless, and unmotivated. It is, in other words, a crisis of the very idea of crisis, a crisis of the future, and a crisis of the transformative potential of humanity. We no longer believe in our own ability to change in ways which will render the world liveable for the majority. Under these conditions we might speculate that if there is a law of crisis in the contemporary world it is no longer the law of creative destruction endlessly projecting capitalism into a prosperous future or the law of the revolutionary utopia that finds salvation in the prehistoric past, but rather a hopeless law of endless repetition and the Freudian death drive pushing humanity closer and closer to the abyss of self-destruction. We are living in nihilistic, catastrophic times. How, then, can we respond to this gloomy situation? The purpose of this paper is to trace the outline of the current meta-crisis, or crisis of crisis, with a view to suggesting an escape route from our common predicament premised upon a grim logic of survival and understandings of embodiment, exhaustion, limitation, and vulnerability. In this model the law is a law of human limits, a law of ecological boundaries, and a law of finitude that suggests that any vision of a liveable future must pass through the critique of Peter Sloterdijk's terrible children of modernity who refuse every form of prohibition.

2. *The crisis of law (or the death of law?) in the age of permacrisis*

Prof. José Manuel Aroso Linhares, Professor of Legal Theory, Methodology and Philosophy of Law, Faculty of Law, University of Coimbra, Portugal

Abstract: Whilst developing an approach (or a research agenda) capable of treating Law ─ a certain Law, claiming the protective shadow of the Western Text (and its ways of producing meaning) ─ as an unmistakable cultural artifact, i.e. as a non-universal answer to the universal (anthropologically necessary) problem of the institutionalization of a social order, our contemporary limit-situation needs a reflexive (if not reflexively radical) experience, which, taking the autonomy of juridical aspirations seriously (both in themselves, as practical commitments or desiderata, and in their effective social institutionalization) treats Law simultaneously and inextricably as a form of life, a practical project and a tradition. How does however this reconstitution (which is simultaneously a deconstruction) deals with the experience of perma-crisis and poly-crisis)? Is it just a matter of facing a relentless succession of societal challenges, whilst treating them as a contingent ensemble of relevant events or types of problems (demanding for legal plausible responses)? Or is it rather a matter of recognizing that the

crisis at stake is precisely that of Law itself, which means discussing its continuity as a project or at least its autonomy as a tradition or way of life? And if the latter is the alternative to consider, what will we gain from admitting that we need to subject the diagnosis of this crisis to the dialectical fire of critical discourse? What kind of critical discourse could and/or should this one be, in an Age that on the one hand seems sceptical regarding the possibilities of "humanitas" ─ or at least regarding the contemporarily assimilated heritage of the "first humanism" (Heidegger) ─ and that on the other hand admits having renounced the plausibility of the binomial crisis/criticism, whilst acknowledging "l'impossibilité du sens" (Jean-Luc Nancy)? Can Greimas' narrative semiotics, despite its external perspective, help us to solve this puzzle? These are the guiding questions that this paper aims to explore.

3. *Ageing in an Age of Permacrisis*

Dr. Elaine Dewhurst, School of Social Sciences, University of Manchester

Abstract: For many, later life in the UK is characterised by uncertainty and insecurity. This uncertainty is exacerbated further by inequalities based on gender, ethnicity and disability. Recent crises, such as covid and the current cost of living crisis, has further entrenched these inequalities and presents the law with two distinct challenges: (a) how should the law respond to the inequalities faced by older people, particularly older women, and (b) how should the law react to the intergenerational stagnation presented by these crises. The paper will seek to answer these questions through the lens of the 'Uncertain Futures' project, a unique art and research project co-produced by an artist, Dr Suzanne Lacy, Manchester Art Gallery, a research team led by the University of Manchester and Manchester Metropolitan University, as well as an Advisory Group of women leaders from across Greater Manchester. The project set out to uncover the inequalities facing women over 50 in Manchester with respect to work and retirement, with a distinct focus on the impact of crisis in the lives of these women. The project team coined the phrase the 'Covid+ effect' to describe the compounding effect of inequalities during the Covid crisis. The paper will begin with an overview of what it is like to grow older in an age of permacrisis, before delving into the questions of how the law responds to these inequalities and how the law should respond to prevent further intergenerational stagnation of these inequalities.

4. *Human Rights (and) Law within the contemporary scenario of Permacrisis: A Semiotic Analysis*

Dr. Ana Margarida Simões Gaudêncio, Associate Professor, Faculty of Law, University of Coimbra, Portugal

Abstract: Starting from the signifier "Permacrisis" – and considering some of its different possible declinations as plurally signified –, as recently has been exemplarily exposed by Gordon Brown, Mohamed El-Erian, and Michael Spence – "An extended period of instability and insecurity, especially one resulting from a series of catastrophic events" – , the proposed reflection aims at a confrontation with the present and future evolution of Human Rights (and) Law, mostly looking for the effectively corresponding normative contents and practical roles, in historical, cultural, and geopolitical strategic terms, within the contemporary political conflicts and climate changes. By critically debating the mobilizations of diverse institutional and non-institutional discourses on Human Rights – concerning, exemplarily, their philosophical natures (as natural and/or political), their theoretical constructions (as formal-liberal and/or material-critical), and their practical scopes (as universalistic and/or relativistic). And, therefore, reflecting on the significations of the diagnoses concerning the end of Human Rights, as proposed by Costas Douzinas – even when seeming unattainable, but, still, surviving in the search for their specific (utopian) end… –, and, consequently, exposing their consequences in the relationships between law and power.

15.25pm - 15.45pm Afternoon Refreshments

Fireplace room

15.45pm - 17.15pm Parallel Sessions D

Old Library
Panel 7: *Corporate sector and crisis*
Chair: Dr. Santiago Abel Amietta, School of Social Sciences, Keele University

1. *The Social Construction of "Essential": Crisis Classification in the COVID-19 Pandemic*
Dr Joshuamorris Hurwitz, Lecturer, Management School, University of Liverpool

Abstract: The management of public crises often requires that policymakers create a division between those activities whose continuity is to be preserved and those that will be suspended. By influencing the allocation of resources, such classifications can be decisive for the State's successful navigation of a crisis. Yet relatively little is known about the practices of constructing classifications of loss and continuity in crisis. Grounding in the literatures on crisis management, loss, and classification, this paper probes the emergent taxonomy of "essential workers" and "essential businesses" during the early stages of the COVID-19 pandemic in the United States, a distinction which had significant implications for workers and businesses, as well as for the management of the novel disease. Using qualitative data, including interviews and email correspondence, this study chronicles the complex, deliberative process among experts and interest groups that articulated this distinction. My analysis identifies five stages in the process of crisis classification construction: the initiation of taxonomy construction, the search for templates, the translation of templates to local and situational contingencies, the articulation of "first-order" justifications for inclusion and exclusion, and the refinement of the classification scheme via "second-order" logics of justification. I then make some more general propositions of how this process might help us to fruitfully understand past crises, such as the 9/11 attacks and the 2008 Financial Crisis, as well as future catastrophes, such as climate change and AI-driven unemployment. This study provides empirical and theoretical insight into the social construction of resource-allocating taxonomies in moments of crisis, as well as their implications for organizations and societies.

2. *Responsible hotel management during the COVID-19 Crisis: the legal linguistics perspective*
Daniel Green, Department of Business Communication, Vienna University of Economics and Business
Januš C. Varburgh, Austrian Association for Legal Linguistics

Abstract: Decision-making in relation to changing legislation within the hospitality sector, especially in hotel operations, has faced unforeseen challenges during the COVID-19 pandemic. This paper deals with critical aspects of hotel management in times of crisis. It focuses particularly on the question as to how insights from applied legal linguistics, and business communication can help facilitate legal literacy amongst general managers (GM). Drawing insights from a corpus-assisted analysis of hospitality legislation and 260 press releases of the Austrian Hotel Association between 2020 and 2021, it aims to shed light on the significant role of GM's legal literacy and communication skills in dealing with the practical uncertainties and indeterminacies of the legal-linguistic landscape during the pandemic. We propose that GM in both boutique and chain hotels were confronted with rapidly developing an in-depth understanding of dynamic legal frameworks while adapting to the disruptive and unstable circumstances brought about by the COVID-19 crisis. We provide theoretical

considerations as to how legal discourse and business communication intersect in the context of hotel operations and foreground the need for effective communication strategies for GM in times of crisis. The challenges posed by the indeterminacy of legal literacy and the duty of GM to adapt and respond effectively during the pandemic are addressed. In this context, learnings gained for responsible hotel management practices are presented. We demonstrate insights into how resilience and responsible decision-making can be fostered within hotel operations and conclude that GMs need to develop not only legal knowledge and literacy but also effective communication skills to articulate suitable measuresfor achieving compliance.

3. *Rethinking corporate social responsibility in the times of geopolitical uncertainty*
Dr. Mariia Domina, Associate Professor in Business Law, University of Lorraine

Abstract: European Commission defines corporate social responsibility ("CSR") as "a concept whereby companies integrate social and environmental concerns in their business operations and in their interactions with their stakeholders on a voluntary basis" [COM/2001/0366]. More than 20 years after, this concept remains topical in the current geopolitical realities, i.e. a war in Ukraine and its impact on European society. The full-scale Russian military invasion in Ukraine put to test the implementation of CSR policies of European companies. Is it ethical for foreign companies to continue doing business in the Russian Federation or with Russian firms, knowing that financial proceeds from such collaborations will likely be used to finance military aggression of Ukrainian civilians? Should a motto of the French chain of supermarkets Carrefour "Quality food accessible to everyone" include Ukrainian people? In this presentation, we will focus on the role that a commercial company can and should play in solving some of the global societal issues. We will analyse the empirical data on social and environmental impacts of the war in Ukraine on European society and discuss the approach of EU law and selected EU Member States (France and Luxembourg) to tackle this issue. We will then present our findings on why the implication of commercial companies is necessary to offset negative impacts of the war in Ukraine on European citizens and environment.

Sneyd Room
Panel 8: *Law, Politics, Crises*
Chair: Prof. Guilherme Vasconcelos Vilaca, ITAM Law

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1. *Endgame: A Role for Impeachment in the EU's Democratic and Rule-of-Law Crises?*
Dr. John Cotter, School of Law, Keele University

Abstract: Of the multiple crises that the EU has encountered in the 21st century, the democratic and rule-of-law crises may constitute the greatest existential threat to the Union. These crises – though originating in democratic and rule-of-law backsliding at national level, most notably in Hungary – present a series of constitutional and political challenges to the EU in terms of appropriate responses. One of the EU's executive institutions, the European Commission, is often referred to as the 'guardian of the Treaties', owing to its role in the enforcement of EU-law obligations and the EU's foundational values (Article 2 TEU), including democracy and the rule of law. Along with the other political institutions of the EU, the Commission has often been criticised for the slowness and lack of intensity of its response to democratic and rule-of-law backsliding at national level. One may surmise many reasons for the Commission's reticence in proceeding against recalcitrant Member States, not least the increased politicalisation of the Commission. However, the Commission's apparent reluctance to protect the EU's Article 2 TEU values raises questions as to how the Commission may be held accountable to its countervailing actors and EU citizens for its failures. While the EU's Treaties do provide legal and political means through which the Commission as a body could be held to account,

such as via judicial review under Articles 263 and 265 TFEU or via a European Parliament motion of censure under Article 234 TFEU, it is evident that these mechanisms have significant weaknesses. It is also arguable that the unwieldy size of the Commission and its character as a plural executive frustrate any attempt to hold its officeholders accountable. This paper examines whether impeachment proceedings against individual Members of the Commission under Article 247 TFEU might, in last-resort cases, provide a mechanism through which the Commission could be held to account for a failure to protect the Union's foundational values and which might disincentivise such failures.

2. *Irresponsibility without Liability: Political Dishonesty in Modern British Politics*
Dr Phil Catney, School of Social Sciences, Keele University
Dr Gemma Loomes, School of Social Sciences, Keele University

Abstract: Where once the UK political system was lauded by foreign observers for its stability and the (relative) ethical integrity of its political class, various scandals in recent decades have undermined such confidence. Political misconduct in the 1990s, thought then to be isolated in nature, was exposed as more widespread with the parliamentary expenses scandal in 2009. While there have been some institutional responses to personal financial impropriety, the political system has been confronted with successive waves of crises including personal misconduct, general norm-breaking behaviour, and dishonesty. Indeed, it is frequently the case that politicians knowingly and openly mislead the public about public problems and government policies. The last decade, including but not limited to Brexit, has seen the normalisation of deception. The limited ways in which politicians can be held liable have encouraged the development of questionable policies which have some political value. The UK Constitution has struggled to cope with the evolving forms of political dishonesty displayed by the political class. This chapter examines the rise of political dishonesty (in old as well as new forms) in the UK and the limited response to this.

3. *Social Media: The Changing Nature of Politics and Politicians – from MPs to 'Celebrities'*
Dr Laura Higson-Bliss, School of Law, Keele University

Abstract: The dramatic advancement of social media since 2008 has changed how the public interacts and holds political figures to account, where in some instances, politicians are seen more as celebrities - #dishyrishi. Though the likes of Twitter and Facebook existed in 2008, its use by politicians was limited. When an event happened, no matter how mundane or world-shattering it was, information about this occurrence would be distributed either by word-of-mouth or traditional forms of communication (i.e. radio or traditional media). Today, with the help of social media, news stories can be shared with the world in a matter of seconds. Consequently, where we may have traditionally ignored the 'moral discrepancies' of our politicians, social media forces stories into the public domain where we have become more interested in the honesty of our political actors rather than policy agendas. Indeed, anecdotally policies and laws are often pushed through parliament whilst public attention is drawn elsewhere. This paper will explore several events which were considered a 'constitutional crisis' and where the public's attention was drawn at the time through social media.