



Law: Social Organisation and Social Control

15 June 2018 - Wharton Room, All Souls College, University of Oxford

What is the law? How is it created and enforced? Who decides the rules by which people are governed?

As a system of rules upheld through a variety of state-endorsed institutions to control human behaviour, the law affects everyone – the living and the dead – and, in its quest to protect people and private property, it is administered through the use of violence where the state deems this necessary. The epistemological roots of the law developed from distinct historical, political, and cultural contexts, discourses of colonialism, and class-based ideologies. As such, although it is intended that the laws of the country apply to and will be felt by all people equally, the truth is that its application and weight continues to be biased according to race, access to social and financial capital, and gendered ideology. For example, police are six times more likely to ‘stop and search’ black people than white people in the U.K. and legal aid has fallen dramatically since the Legal Aid and Sentencing of Offenders Act (LASPO) 2012 was implemented. In the eyes of law, only those identified as legal citizens are considered members of society and therefore ‘deserving’ of its protection, those ‘undocumented’ – migrants, travellers, refugees, homeless people – are cast as outsiders, left to the mercy of underground gangs and protection rackets.

This study day brings together a small group of scholars working on a variety of aspects of law, policing, criminology, prisoner rehabilitation, and social welfare, to discuss the social, legal and governmental institutions by which U.K. law is upheld and administered. This workshop will consider ways in which notions and practices of the law are challenged and reconfigured in different disciplinary domains and epistemic traditions, and in conjunction with contemporary developments ranging from ‘austerity’ to rave culture. The workshop will be informal and exploratory, it seeks to involve the audience in discussion of emergent themes and hopes to identify possible directions for future study and critical elaboration.

Speakers & Chairs

Gargi Bhattacharyya *Professor of Sociology, University of East London*

Louise Braddock *ISRF Director of Research*

Rod Earle *Senior Lecturer in Youth Justice, Open University*

Sarah Hocking *Project Coordinator, LandWorks*

Rachael Kiddey *ISRF Academic Editor; Postdoctoral Researcher - 'Architectures of Displacement' - Pitt Rivers Museum, University of Oxford*

Ian Loader *Professor of Criminology, University of Oxford*

Julie Parsons *Associate Professor of Sociology, University of Plymouth*

Layla Renshaw *Associate Professor, Department of Applied and Human Sciences, Kingston University*

Jay Wiggan *Lecturer in Social Policy, University of Edinburgh*

Matthew Smith *Photographer*



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15th June 2018

1:00pm Welcome & Introduction
- Louise Braddock
- Rachael Kiddey

SESSION ONE: CUSTODIAL FORENSICS

Chair: Louise Braddock

1:15pm	Ian Loader Deaths in Police Custody as Cultural Contests	Layla Renshaw The Place of Forensic Science and Human Remains in Strategies of Resistance and Control
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SESSION TWO: AUSTERITY AS SOCIAL CONTROL

Chair: Rachael Kiddey

2:00pm	Gargi Bhattacharyya Disentitlement and the Shifting Boundaries of National Belonging	Jay Wiggan Benefit Conditionality, Social Control and Contestation: Reflections on State Policy and Claimant 'Resistance'
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2:45pm Coffee Break

SESSION THREE: 'PRISONER' PERSPECTIVES

Chair: Louise Braddock

3:00pm	Julie Parsons & Sarah Hocking The Lived Experience of 'Carrots and Sticks': Voices from Within the Criminal Justice System'	Rod Earle Symbols of Struggle? Festivals and Prisons
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3:45pm Coffee Break

SESSION FOUR: EXIST TO RESIST

Chair: Rachael Kiddey

4:00pm	Matthew Smith Exist to Resist	
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4:30pm Open Discussion

4:50pm	Closing Remarks - Louise Braddock	
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5:00pm - 6:00pm Drinks Reception



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Speakers & Chairs - Bios

Gargi Bhattacharyya

Professor of Sociology

Centre for Migration, Refugees and Belonging, Department of Sociology, University of East London

Gargi Bhattacharyya joined University of East London in 2013 after working at the universities of Aston, Birmingham and Wolverhampton. Her research interests are in the areas of: 'race' and racisms; sexualities; global cultures; the 'War on Terror', and, increasingly, austerity and racial capitalism.

- Disentitlement and the shifting boundaries of national belonging

This paper considers recent debates about the post-political and the emergence of anti-politics in order to revisit understandings of national belonging. The paper includes a review of ideas of disentitlement and of the impact of such processes of expropriation and expulsion on lived experiences of national belonging. Overall, I argue that the performance of ethnic or cultural belonging is no longer (and perhaps never was) enough to ensure inclusion in the terms of everyday nationhood and it is in the light of these multiple exclusions that we should understand highly theatricalised claims of alternative nationhood.

Louise Braddock

ISRF Director of Research

Louise Braddock works with the ISRF's Foundation Board to direct all academic work within the Foundation, in consultation with its Academic Advisors. She proposes, implements and assesses the Foundation's funding strategy and activities.

She trained as a psychiatrist, and now researches and publishes on the philosophy of psychoanalysis. She taught philosophy in Oxford, where she is an associate member of the Philosophy Faculty, and at Girton College in Cambridge where she is a Bye-Fellow in Philosophy and Praelector (www.girton.cam.ac.uk/girton-today/people/fellows/).

She is an academic associate of the British Psychoanalytical Society, co-founded its London Philosophy-Psychoanalysis study group and co-convenes both the St John's College (Oxford) Interdisciplinary Psychoanalysis seminar (oxfordpsychoanalysis.blogspot.co.uk) and INSEI, the Interdisciplinary Network on Sympathy, Empathy and Imagination (www.insei.net).

Rod Earle

Senior Lecturer in Youth Justice

School of Health, Wellbeing and Social Care Health and Social Care, Open University

Rod Earle is proud to be a senior lecturer at The Open University. Prior to becoming an academic he worked as a printer, which got him into a bit of trouble, and as a social worker which didn't. At The Open University he has developed youth justice qualifications and helped to establish the British Convict Criminology group. He is currently working on anti-racism in criminology and helping to organise an international symposium to build a stronger correspondence between criminology and the sociology of race and ethnicity.

- Symbols of Struggle? festivals and prisons

Matthew Smith's pictures are evocative of Hakim Bey's ideas about the Temporary Autonomous Zone (TAZ). Developed in the mid-1980s, Bey wrote about the construction of social interactions and temporary social structures that operate outside conventional rules and were sometimes referred to as 'pirate utopias'. I want to contrast Matthews images and these ideas with another kind of TAZ – the Total Authoritarian Zone or prison. Prisons may be regarded as marginal, almost accidental and unfortunate distortions of a social formation, a microcosm of society that is not representative of society, but I suspect that they are also true to society. I will draw from my own prison research and the ISRF-funded study Positive Convictions, in which I interviewed academics who, like myself, try to combine their personal experience of imprisonment with their academic practice. What kind of analogies might be drawn from the expansion during the 80s and 90s of festival culture to the heights of Glastonbury and Bestival, and the massive growth of imprisonment and Supermax, Titan prisons? Are they symbols of struggles over order and disorder, justice and injustice, play and power?

Rachael Kiddey

ISRF Academic Editor; Postdoctoral Researcher - 'Architectures of Displacement' - Pitt Rivers Museum, University of Oxford

Rachael Kiddey joined the ISRF in 2014. As Academic Editor, Rachael's priorities are editing the ISRF's termly Bulletin, assisting the Director of Research in academic matters, and responsibility for commissioning and producing content for the website. Rachael's role includes encouraging wide dissemination of research funded by the ISRF, for example through podcasts, popular articles and talks and the use of film.

Rachael is also currently a postdoctoral researcher at the Pitt Rivers Museum, University of Oxford where she works on a project called '*Architectures of Displacement: The Experiences and Consequences of Emergency Shelter*'. She received her PhD from the Department of Archaeology at the University of York in 2014. Her doctoral research involved developing methodologies for working archaeologically with homeless people; documenting how heritage can function in socially useful and transformative ways. This research was shortlisted for the Times Higher Education Award for Widening Participation Initiative of the Year 2012 and was shortlisted for the Society for Historical Archaeology's Mark E. Mack Community Engagement Award 2016. Her monograph '*Homeless Heritage*' was published by Oxford University Press in 2017.

Sarah Hocking

Project Coordinator, LandWorks

Sarah Hocking is the Project Coordinator for LandWorks, supporting the project from 'behind the scenes'. She started at the project on a 6-month internship, after graduating in Criminology from Plymouth University in 2013. Since then she has developed the systems on which the charity runs efficiently, guiding its transition to a Charity Incorporated Organisation in early 2016, while helping to secure vital funding from trusts and private donors.

- The lived experience of 'carrots' and 'risks': responses on workplace Release on Temporary Licence (ROTL) from within the criminal justice system *(paper delivered with Julie Parsons)*

The current Justice Minister has recently announced plans to increase the use of workplace Release on Temporary Licence or ROTL, as a fix to combat the stubbornly high rates of recidivism experienced in the criminal justice system in England and Wales. In this paper we draw on data from an on-going Photographic electronic Narrative (PeN) project, initially funded through an ISRF mid-career fellowship, collected from prisoners released on temporary license (ROTL) on enhanced work placements at LandWorks. The voices of those on the margins of the criminal justice system, in the spaces between prison and release, are rarely captured. Reflecting on their narratives, we argue that whilst the Justice Minister's employment and education strategy is laudable, the risks may be considered too high for some, unless provision can be made to fully support and protect individual prisoners when they are on workplace ROTL.

Ian Loader
Professor of Criminology
All Souls College, University of Oxford

Ian Loader is Professor of Criminology at the University of Oxford. His recent work includes *Democratic Theory and Mass Incarceration* (with Albert Dzur and Richard Sparks, Oxford UP, 2016) and *The SAGE Handbook of Global Policing* (with Ben Bradford, Bea Jauregui and Jonny Steinberg, 2016). Ian has also published theoretical and empirical papers on policing, private security, public sensibilities towards crime, penal policy and culture, the politics of crime control, and the public roles of criminology. Ian is currently working on a project – termed A Better Politics of Crime - concerned with different dimensions of the relationship between crime control and democratic politics. The next strand of this work will be a monograph with the working title of *Ideologies in Crime Control* to be published by Oxford University Press. Ian is Editor-in-Chief of the *Howard Journal of Crime and Justice*.

- **Deaths in police custody as cultural contests**

Deaths in police custody present a set of enduring and troubling puzzles. Why do such deaths seldom result in prosecutions or adequate redress? Why are victims' families so under-resourced and typically met with a conflicted mix of empathy and hostility? Why do acknowledged problems remain unresolved despite review after review making the same criticisms and seemingly consensual recommendations? Why does the state's failure to fulfil its duty of care towards those it detains attract little public attention? In this paper, I argue that that we can shed clearer light on these questions if we theorize and investigate police power using the metaphor of sacrifice. Policing is a cultural institution – a site for the production of meaning. As such it is often imagined as an arena where marginalized individuals are routinely violated, neglected, forgotten, left unheard and invisible – in clear contravention of the claim to treat those who transgress with decency that legitimizes and supposedly constrains police power. It is also a site in which the values that liberal democratic polities purport to hold dear are jettisoned at the altar of security and sovereign control. Thinking about police power in these terms enables us to unearth what I term the deep structure of deaths in police custody – a structure I illustrate via a re-consideration of recent reports of inquiries into the issue. The systemic reduction of the ensuing collateral damage requires, I conclude, that we name and contest the illiberal, undemocratic fantasy of police as constitutive of social order and 'mak[e] oneself vulnerable' to the 'new political possibilities' (Lebron 2016: 158) that flow from an insistence that all those who come into contact with police remain democratic citizens.

Julie Parsons
Associate Professor of Sociology
School of Law, Criminology and Government, University of Plymouth

Julie Parsons is an Associate Professor in Sociology. She recently completed an ISRF Mid-Career Fellowship (2017-18), working on a Photographic electronic Narrative (PeN) project with prisoners and offenders on placement at LandWorks. This followed a Sociology of Health and Illness (SHI) Foundation Mildred Blaxter fellowship (2016-17), exploring commensality (eating together) as a tool for health, well-being, social inclusion and community resilience. Her book *Gender, Class and Food, Families, Bodies and Health* (Palgrave MacMillan 2015), was shortlisted for the Foundation of Health and Illness (FHI) book prize in 2016. She is convener of the British Sociological Association (BSA) Food Study Group and likes to make cakes for people.

- **The lived experience of 'carrots' and 'risks': responses on workplace Release on Temporary Licence (ROTL) from within the criminal justice system** (paper delivered with Sarah Hocking)

Layla Renshaw

Associate Professor

Department of Life and Human Sciences, Kingston University

Layla Renshaw's research and teaching expertise combines forensic sciences and social sciences in the study of death and burial, with a strong focus on post-conflict and human rights investigations. Her research interests include the role of archaeology in post-conflict investigations, the relationship between human remains and traumatic memory, and public and media perceptions of forensics.

Layla trained with the United Nation's International Criminal Tribunal for former-Yugoslavia, working on the exhumation and identification of war victims in post-war Kosovo. She has also worked in a consultative capacity for a number of UK police constabularies, working on human identification.

Layla joined Kingston University as a Lecturer in 2003 and she is now Associate Professor in Forensic Science. She teaches topics in forensic archaeology, anthropology, and skeletal anatomy. She also supervises a broad range of undergraduate and postgraduate research in methods of forensic human identification and skeletal analysis, including skeletal indicators of age, sex, stature, and population ancestry.

- **The Place of Forensic Science and Human Remains in Strategies of Resistance and Control**

This contribution will look the social and political meanings of forensic techniques concerned with locating, recovering and identifying human remains, particularly the victims of violent death or clandestine burial. It will look at how medico-legal investigations normally associated with state authority can be co-opted by those resisting the state, and how techniques associated with the classification and monitoring of bodies, such as autopsy and genetic testing can utilised by grassroots movements, in the examples of human rights investigations, historical memory campaigns and the emerging phenomenon of 'citizen forensics'. It will look at the ambiguous role of forensic science in those societies currently undergoing the wholesale withdrawal of state actors from the policing or protection of certain sectors of their populations, where cultures of impunity dominate. This ambiguity resides in the state's authority to both enact and investigate violence. It will assess how certain affordances of forensic practices, particularly surrounding the dead, can act as challenge, reproach, and an alternative moral authority, to the state.

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Matthew Smith

Photographer

Matt Smith works out of Bristol and the West Country, he began making images of British culture in latter part of the 80's and has not stopped since.

Educated at North Staffs Poly, London College of Printing, Photographers at Duckspool and the University of Life; his personal brand of diary documentary work was born out of opposition to mainstream mass media lies about travellers, free parties and festivals, as rave united the people of this country in a massive social phenomenon that provoked Government into legislating against diy entertainment and housing.

Politicised by and involved in the response to that process, he has won awards, been published in magazines and had exhibitions. First published by diy media organisations like Squall and Schnews, as well as The New Statesman, Matt's work charts rave from its origins, through criminalisation, to the internationally successful festival creative industry that we have today.

Much more concerned with the recent social history of his contemporaries than celebrity, he is a founder member of the PYMCA agency. Matt tracks the tag #MATTKO

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Jay Wiggan

Lecturer in Social Policy; Programme Director of the MSc Comparative Public Policy & MSc Policy Studies

School of Social and Political Science, University of Edinburgh

Jay Wiggan's research is focused on the politics of active labour market policy and the governance of public employment services and social security administration. Recent work has included comparative analysis of the rescaling of employment service quasi-markets in Great Britain and Ireland and a critical analysis of the Work Programme and Mandatory Work Activity employment schemes in Britain.

Jay is also interested in the temporal and spatial variability of the 'activation' turn in labour market and social security policy and how this manifests in policy discourse. During 2016-17 Jay was engaged in research for the project: 'Bringing labour back in: class antagonism, labour agency and Britain's active labour market reforms', supported by a fellowship from the Independent Social Research Foundation. The study examines the evolution of active labour market policy in Britain from the mid 1970s and how the development of conditionality and workfare both shaped, and was shaped by, practices of resistance, subversion and evasion.

- Benefit conditionality, social control and contestation: reflections on state policy and claimant 'resistance'

The pursuit of public spending austerity following the election of the Liberal-Conservative Coalition Government in 2010 was accompanied by the imposition of more stringent eligibility conditions for receipt of working age out of work benefits and the ramping up of a job first approach within employment programmes. This new phase in the rebalancing of the labour market, social relief and benefit control functions of social security policy have made it increasingly difficult for claimants to navigate and secure rights to income support, while enhancing state control over the activity of people not in paid employment. Such developments have not gone unchallenged however, and benefit claimant support and advice organisations have sought to collectively contest and disrupt the punitive turn in social security and facilitate individual 'everyday resistance'. This talk reflects on the broad changes in state social security policy and the co-constituting discourse around 'welfare', while drawing on interviews with people active in autonomous claimant organisations to explore (dis)continuity in the spectacular and routine tactics deployed to build solidarity and equip claimants to contest state social control.