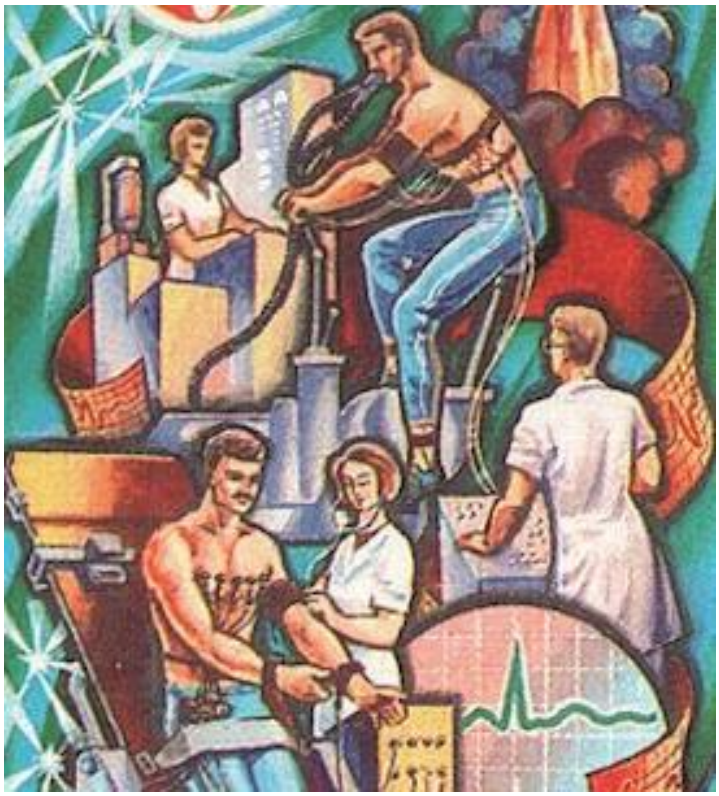
CONDITION CRITICAL

Disruption, disaster and the challenges to law

Seminar series. September 2021

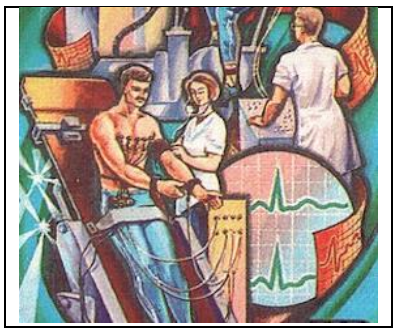


PROGRAMME AND ABSTRACTS

'The word "crisis" means, in medical terms, the crossroads a patient reaches, the point at which she will either take the road to recovery or to death.' – Solnit 2020

'[In] the immediate aftermath of natural disaster, one is caught in the contrasting pressures and the dilemmas engendered by the discontinuity: some sense and order must be reestablished, but the stable and solid ground on which we used to stand has collapsed, and we are left groping in muddy waters.' – Lanzara 2016: 7

Notes on sources: see last page



CONDITION CRITICAL

SEMINAR PROGRAMME

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Marco Velicogna, Drifting control: Making sense of the disruptive changes reshaping human and technology interaction in the legal domain

Valérie Hayaert, Delivering Justice after the Pandemic Outbreak: Courtroom Architecture and New Judicial Visualities

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Luciane Lucas dos Santos, The relevance of community resilience in times of disruption: pandemics, community economies and the political under the radar

Richard Mohr, Each against all: historical origins and disastrous consequences of hyperindividualism

Marc Trabsky, The Economisation of Dying in a Pandemic

Please note: There will be no seminar on Thursday 16 September. Instead this week's seminars will be held on Monday 13 and Tuesday 14.

Each seminar will run for up to 2 hours (via Zoom). Each presentation will be no longer than 20 minutes.
The remainder of the time will be devoted to questions and discussion.
Start times: Western Europe: 9.00 Central Europe: 10.00 Eastern Australia: 18.00

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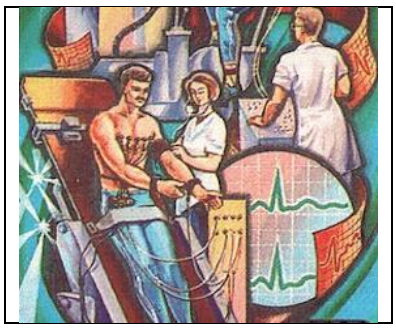

CONDITION CRITICAL

ABSTRACTS & BIOS

Seminar 1. Tuesday 7 September: COVID-19 and regulation

Introduction and moderator: Richard Mohr

Patrícia Branco

The contesting bodies of children and youths in the city's spaces: political participation of children and adolescents in times of pandemic

Although there is much to comprehend in regards to the pandemic currently underway (Covid-19), and in particular the way(s) in which it affects children and young people in terms of contagion and disease (especially when there are new variants in action), the effects of the pandemic on children and young people go far beyond health/sanitary concerns. Children and young people are strongly affected by the context of crisis caused by the pandemic, since they are particularly vulnerable to the resulting political, social and economic effects derived from the pandemics itself and the intermittent confinements. Effects that have to do also with issues of mobility, access and use of public spaces, aggravated by their representation as spaces of risk.
I will, hence, analyze the right of children and young people to the city through their relations with the public spaces of the cities, where, despite having their rights of access to the streets restricted, the presence of their bodies in protests and manifestations, even in times of pandemic, reveals the struggle for the recognition of their active citizenship. To this end, the manifestations of children and young people that took place in Portugal and Italy in the last year are quite relevant. Through practices of 'sit-in' and protests on the street and in different spaces of the cities, children and young people reclaimed their 'right to the city as a right to have rights'[1], in particular the right to be heard and taken into account in regards to climate change (Portugal) and a safe return to school in presence (Italy), issues with a strong impact on their present and future lives.

BIO
Patrícia Branco is a researcher at the Centro de Estudos Sociais from the University of Coimbra in Portugal, under the Stimulus of Scientific Employment Program (CEECIND / 00126/2017).

Nadir Hosen and Julian Millie

What Crisis? Religious Interpretation and the Indonesian Government Regulation during Covid-19

Since 1998 Indonesia has served as a model of Muslim democracy. One of the reasons for the success of this democratisation is the state's generally positive position in relation to diversity. Indonesian state policy has never favoured one of the many Islamic constituencies that make Indonesian Islam so diverse. This accommodation has led to high participation by Muslim groups in a vibrant democratic life. The COVID 19 pandemic has revealed some problems with this model of inclusiveness. This emergency situation has required uniformity of messaging; broad support for difficult policy steps; and high levels of public trust.

[1] Nitrato Izzo, 2017.

Islam is a crucial element of public communication in Indonesia, and it has emerged that this fragmentation of the religious community has not helped Indonesian responses to the pandemic. Jokowi administration decided to take a balanced approach between health and the economy. Their initiative was named 'the new normal', suggesting a middle way that would allow people to work and boost the economy. PSBB or large-scale social restrictions are being relaxed. However, despite the mantra of "flattening the curve", this goal has not been reached. As a result of the new normal, people now gather in all kinds of spaces, including at Mosques. The fatwa allowing people to pray at home appears to have lost effect. It is business as usual. Only a few mosques are still practising physical distancing and health protocol. Corruption is also business as usual. Social Affairs Minister Juliari Batubara has funded his personal needs from corrupting funds initially allocated for Indonesia's Covid-19 pandemic govt assistance (Bansos). He was arrested by the Anti-Corruption Commission. All of these beg the question: what crisis? The presentations will highlight how Muslims make individual reactions to government policy and religious interpretation, and they make themselves the authority of their life, not public and religious institutions, during this pandemic.

BIO
Nadir is a senior lecturer at the Faculty of Law, Monash University and Julian is a Professor of Indonesian Studies, Faculty of Arts, Monash University

Seminar 2. Thursday 9 September: Disasters, government action and artificial intelligence

Moderator: Francesco Contini

Jocelynne A. Scutt

Disaster for Darwin vs Australia on Fire – a Politico-Legal Review of Governments in Action

For two days in December 1974, from 24 to 26 December, Cyclone Tracy hit Darwin, in the Northern Territory of Australia, killing 71 people, seriously injuring 145, impacting 500 with minor injuries, damaging buildings, tearing roofs from houses, sweeping up trees and rubbish bins, tearing up children's playground equipment, bending in half the anemometer needle in Darwin Airport control tower. The festive season ended with a damage bill topping $800m.

In February 1975 the Whitlam Labor government established the Darwin Reconstruction Commission to address the need for reconstruction, recovery and renewal in a capital city where there was no running water, no electricity, no sanitation, an enormous risk to public health and, with so many homes razed to the ground, habitation was scarce, with intact houses scarce and more than 30,000 inhabitants gone from the scene to find shelter and solace interstate or outside.

From June 2019, through to March/April 2020, bushfires ravaged Australia, burning 10m hectares, ending lives and destroying livelihoods, killing or injuring some three billion animals, with kangaroos leaping to avoid the inferno, whilst koalas whimpered as the oncoming flames speed toward them, filling the Australian bush with the agonised cries of animals in danger, distress, dying and death. Some 3500 homes were burnt out, almost 6000 outbuildings demolished, 34 people killed, more injured, and the cost in money terms was estimated at over $103b. During Black Summer, the land expanse devastated was as if, experienced in England, the entire country was burning from Dover to the Scots' border.

On holiday in Hawaii, the Prime Minister denied a connection between climate change and the extraordinary conflagration, in a country where bushfires and floods are recognised phenomena, but never as widespread, long-lasting and with so great an impact. The earth beneath the burnt-out bushland burned for weeks even after the flames had died down. No Bushfire Reconstruction Commission was established. Monies were set aside ostensibly for recovery, but complaints continue from those who have suffered, asking 'where has the money gone?'

Two major disasters, 50 years apart. Two different responses from government. This paper explores the disasters and the differences, politico-legal dimensions of the way governments can respond or fail, and the process of recovery.

BIO
A barrister and human rights lawyer, Dr Jocelynne A. Scutt is senior teaching fellow at the University of Buckingham. Her latest book is *Beauty, Women's Bodies & The Law – Performances in Plastic*, 2020.

Antonio Cordella and Francesco Gualdi

Artificial Intelligence to support emergency government interventions: one of the most difficult conundrums for policymakers

In the very dynamic and ever-changing context created by disruptions, governments invest in interventions to support those in needs in the most efficient and effective ways. Scarcity of time and urgent necessity to provide support force governments to exploit Information and Communication Technology (ICT) to speed up the implementation of emergency laws and policies (Altay & Labonte, 2014; Mohan & Mittal, 2020). In these situations, time and resource constraints often lead governments to rely on existing ICTs designed to support government actions during ordinary times (Agostino, Arnaboldi, & Lema, 2021). The effects produced by the use of these ICTs to assist the deployment of emergency laws and policies generate unexpected consequences which impact on government responses in crisis times (Lanzara, 2016). The negotiations between the regulatory regime imposed by laws designed to respond to extreme, urgent, and extraordinary situations with the regulatory regime designed into ICTs deployed to support mundane government activities produce unanticipated outcomes (Kallinikos, 2009). This revealed to be very clear during the COVID19 pandemic when governments have relied on their most advanced technologies to optimize the effects of interventions deployed to support those in needs (Kannampallil, Foraker, Lai, Woeltje, & Payne, 2020). For example, the use of AI (Artificial Intelligence) systems, designed to implement ordinary government policies to enhance the efficacy ad effectiveness of COVID19 emergency legislations revealed to be complex, difficult to manage, and not always effective to fulfil the goals driving the government actions (Sipior, 2020). The negotiations between AI systems, laws and policies is shaped by unique factors (Shrestha, Ben-Menahem, & von Krogh, 2019) that acquire unexpected value when an AI system designed to support ordinary law and policies is deployed to support the implementation of extraordinary government interventions. To shed light on the impact of these negotiations on the social outcomes of emergency legislation, the paper analyses the consequences generated by the deployment of an AI system to identify and target the recipients of post-pandemic economic measures in Peru. The findings of the Peruvian case illustrate the challenges generated by the adoption of AI systems to support ends that differ from the one that drove the AI initial adoption. The case reveals that the regulatory regime designed into the AI to fulfil the original purpose misguided law and policies designed to support different ends. In this specific case, the AI ends up producing further exclusion and creating invisible citizens to welfare interventions instead of supporting them (Agamben, 2005).

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BIOS

Antonio Cordella is an Associate Professor in Management at the London School of Economics and Political Science (LSE). His research interests cover the areas of E-government, Economic Theories of Information Systems, and the Social Studies of Information Systems.

Francesco Gualdi is a Fellow in the Department of Management of the London School of Economics (LSE). His main research interests cover the areas of ICT adoption in public sector, e-government, digitalization of the Public Administration, impact of technology on policymaking activity.

Giampiero Lupo

Risky Artificial Intelligence: What the Role of Accidents will be in the Path to AI Regulation.

The ever-greater diffusion of Artificial Intelligence (AI) represents a new experience of complex technology introduction that urges concerns about its safety and its implications on the values and functioning of its different areas of application. As it happened for other high technologies, uncertainties and the fear for safety and technological risks encourage a rush towards the regulation of the new technology that may restore or safeguard the normal sense and order. On the one hand, there is a proliferation of soft laws in the form of ethical guidelines disciplining the application of AI in different contests. On the other hand, legislative institutions are working on legislative frameworks that may regulate the use of AI (see for example the Artificial Intelligence Act proposal of the European Commission).

Looking at the evolution of complex technologies' regulation, it often evolves or takes steps forward in the aftermath of accidents. See for instance the history of civil aviation's, automobile transportation's or nuclear energy's regulation. This link between accidents and high technology regulation exists due to the extreme complexity of some technologies that do not facilitate the preliminary identification of weak points in terms of safety and the clarification of their real impact on society, environment, existing laws and old technologies.

AI technology is only recently applied in several areas of application, and the count of unfortunate happenings is low. Despite this, the empirical evidence of AI accidents can bring the debate on the risks of AI to the attention of the public and policy makers and can influence the regulatory processes that will affect this technology. In addition, accidents provide fundamental information on the functioning of AI helping to open the "black box" thus supporting safety regulations' drafting.

This study focuses on the role of accidents in providing information on the impact of AI technologies useful for their regulation. In particular, it compares the types of AI accidents occurred up until now with the issues regulated by AI soft laws and the EU Commission regulation proposal. The empirical analysis takes advantage of a set of AI accident lists prepared by different types of actors. By classifying the type of accident, it is possible to categorize the different typologies of risks related to AI use. Additionally, the analysis of AI ethical guidelines already implemented in a previous study and a more qualitative analysis of the EU Commission proposal allows to investigate the agreement of these legislative instruments with the empirical evidence of the AI accidents occurred. This study contributes to assess the efficacy of the mentioned normative

instruments in avoiding risks of harm related to AI use and puts in evidence interesting patterns regarding the relationship between high technology's accidents, information spread and regulation. The empirical analysis mentioned is introduced by a brief dissertation on the evolution of other high technologies' regulation that can help to foresee the path of AI regulation and its characteristics.

BIO
Giampiero Lupo works as a researcher at the IGSG-CNR. His main scientific interests are Artificial Intelligence and justice, e-justice, quality of democracy and quality of justice. ID ORCID: ://orcid.org/0000-0003-3614-1967

Seminar 3. Monday 13 September: Court technologies

Moderator : Patrícia Branco

Elena Alina Onţanu

Digitalisation of European Procedures in a Time of Prolonged Crisis: Full- Speed Ahead or Waiting for the Storm to Pass?

For the last decades the EU has been seeking to respond to the challenges related to an increased need of cross-border access to justice given a raise in the mobility of citizens and businesses, the expansion of online trade and transactions, and the difficulties of obtaining remedies in a transnational setting when disputes arise. This process has been mainly based on the adoption of a number of instruments that have created a legislative framework for citizens and businesses to rely on for obtaining court and out-of-court remedies. However, much of these activities have been linked to paper-based and/or physical presence of the parties in a particular country, court or before a mediating body. This is a slow process compared to the speed of exchanges, conclusion of transactions and mobility of individuals. While electronic means can be speedier and more efficient, their uptake has been slow at national and European level. The results achieved seem far from adequate to the needs of an increasingly interconnected society and make access to justice particularly vulnerable to crisis situations, especially unprecedentedly prolonged ones such as the COVID-19 pandemic. The first wave of the pandemic brought many procedures, including the cross-border ones, to a halt depriving businesses and citizens from an effective access to justice due to a suspension of hearings, proceedings, and access to court premises, except for emergency cases. This 'paralysis' of justice services was not an option in the long run as the health crisis continued. After almost six months the courts needed to resume their services and deliver justice to businesses and citizens while observing the COVID-19 related restrictions. This resulted in various local and national initiatives to adapt to the new exceptional and unstable societal circumstances as pre-pandemic practices, standards and rules were no longer appropriate. An unprecedented openness followed with courts and authorities experimenting with various options of remote justice which although available for years were previously looked at in distrust and resisted integration for various reasons. Although most of the chosen electronic solution have been used in domestic proceedings, cross-border claims are also part of the process. The challenges related to electronic handling of cross-border litigation are higher due to a lack of interoperability of national electronic solutions or reliance on ad hoc solutions that may lead to problems of security of data transmission, privacy of personal data, identity of the parties, and validity of documents. In dealing with these problematics and seizing the favourable moment of openness towards further digitalisation and need of reliance on the information and communication, the European Commission acted to integrate more technology dedicated rules in existing regulations that were under review (e.g. Service of Documents Regulation Recast, Tacking of Evidence Regulation Recast) and brought forward the enactment of new information and communication technology dedicated legislation (e.g. e-CODEX Regulation Proposal, Digitalisation of cross-border judicial cooperation Regulation Proposal) to support cross-border legal procedures. This paper is looking to explore to what extent the envisaged legislation and policy measures enacted or looking to be enacted at EU level are

actually fit and able to respond to crisis situations and deliver the mechanisms that would secure the continuity of justice services beyond the traditional means we have relied on until now.

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Velicogna, M., 2021. 'Cross-border Civil Litigation in the EU: What Can We Learn From COVID-19 Emergency National e-Justice Experiences?', 10 *EQPAM* 2

BIO
Elena Alina Ontanu is an assistant professor of private international law at Erasmus University Rotterdam and a lawyer with the Bucharest Bar Association. Alina completed a PhD at Erasmus University on cross-border debt recovery in the EU. Her research focuses on cross-border litigation, digitalisation and quality of justice, and securing access to justice in a transnational context.

Marco Velicogna

Drifting control: Making sense of the disruptive changes reshaping human and technology interaction in the legal domain

"No one noticed that the boat had begun to drift out to sea."
Drift, Cambridge Dictionary

Traditional justice values, actors, places, and practices have evolved over the centuries to become the institutions we recognize today. This contribution aims to explore the shifts of control within the justice service provision that have been taking place over the last years with the introduction of information and communication technologies. These changes seem to be accelerating with the development of machines that mimic human cognitive functions and are increasingly capable of making complex decisions by combining mechanisms and computational techniques such as deep learning, neural networks, and fuzzy logic.

Building on the EU e-Justice experience and current trends, the analysis focuses on the transformative and potentially disruptive changes taking place with the inscription and delegation of activities previously carried out by human agents to technological ones. It explores the implications of these changes in terms of design and interpretations of legal rules, as such rules are progressively inscribed in increasingly complex networks of socio-technical systems. It also reflects on the second change taking place, as technologies are more and more acting and evolving according to logics that defy human understanding. It is the case, for example, of a decision taken by a system operating on the basis of a model built by a statistical machine learning algorithm on a large set of data, where the 'reasoning' process is opaque not only to the end-user but to the developers themselves. This is because the decision is based on a statistically good fit, without an understanding of the case, or whether the task is "*reasonable or unreasonable, meaningful or meaningless*" (Floridi & Chiariatti 2020 p.684).

Finally, the contribution aims to explore the question of control (and its drift due to technological innovation) in relation to the predictability of the task being performed, the actors exercising such control, and the different control mechanisms adopted. While many fear the disruptive changes that artificial intelligence will bring about once introduced to support or replace human judicial decision-making, fewer realize that '*the boat has already begun to drift away*'. The diffused understanding of more 'traditional' ICT as an objective commodity hides the complex dynamics already taking place. Justice provision increasingly relies on complex socio-technical assemblages which shape the actions of human actors through their features. Therefore, judicial actions are dependent on and influenced by a plurality of actors that govern the different components of these systems, acting on their partial vision of the system and which collective action is only partially understood. As control is drifting away from those who should have it according to a traditional understanding of the rule of law, the judges, the main question may not be how to avoid the drift but how to govern it.

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BIO

Marco Velicogna is a permanent researcher at the National Research Council of Italy since 2010 and CEPEJ-CoE Scientific Expert since 2007. His main research interests are judicial administration, e-Justice, evaluation, organizational change and the management of innovation.

Valérie Hayaert

Delivering Justice after the Pandemic Outbreak: Courtroom Architecture and New Judicial Visualities

One year after the outbreak of the Coronavirus crisis, we are now used to new ways of delivering conferences, new codes of conduct on how to settle virtual meetings, novel incentives about virtual teaching and debating societies. Have we found effective ways to substitute virtual interactions to these new technological tools? Have these new constraints enhanced separation and segregation of audiences? These new lines of division have somehow increased implicit hierarchies, causing new disruptions in our economies of attention. I would like to address these issues through the examination of the challenges posed by the introduction, into the newly built Renzo Piano Paris Courthouse, of an apparatus of cameras whose images can be broadcast on large screens, a major change in the co-presence of the parties in a trial.

Until now, although the necessary publicity of the proceedings allowed the presence of the public and journalists, the cameras were kept out of the room, except in exceptional cases. However, by equipping the

courts with screens, the scenography of the trials is modified. In the courtroom, the people present can see each other directly or prefer to look at the screens, while in the trial court, glass walls separate the defendants.

Direct interaction is lost in favor of a more visual, indirect, shifted presence. How will body language evolve? How will the confrontation between the parties benefit from this new situation? In this context, where the image, systematically taken during the hearing, may eventually be broadcast in spaces specially designated for this mediation, or even outside the walls, the evolution of justice towards greater transparency indicates that it was increasingly difficult to contain the judicial debate within the confines of its space.

At the risk of trivializing the act of justice too much? Of exposing too much to view the presence of people who prefer to leave in the discretion of the judge's chambers the conflict between them for which they have come to seek conciliation? Is this courthouse, made of white walls and beech panels, not too friendly or soothing to embody, without unnecessary ornamentation and without ostentation, the power it exercises over the destiny of individuals who have broken the law?

The constraints of a specification that brought together the client (the State) and the first owner (Bouygues) seem to have created a striking discrepancy between the generosity of the common reception and circulation areas and the relative narrowness of the courtrooms. Thus, depending on how cramped or simply geometric the floor space is, the symbolic space separating the witness stand from the office of the president of the court varies to the point of being reduced to its simplest form. Without knowing the regulatory size, it is easy to see that it is too narrow, precisely where it is important to respect a certain distance, one that allows the litigant to feel relatively protected from a power that remains, despite everything, imposing.

The experience of international justice shows that the transformation of the courtroom into a place almost equivalent to an office environment, or even to a type of hospital (Laurent de Sutter, 2018) equipped with computers and video screens, if it trivializes judicial work without trivializing it, takes place in a space that is usually devoid of an audience, conducive to long periods of operation. Why, in this relaxation of judicial symbolism, does the magistrate continue to wear his robe? As Antoine Garapon reminds us, "judging is an eminently symbolic function that borders on the sacred. The judge deals with evil, with violence. Moreover, the more secular a society becomes, the more it becomes judicial. The robe] produces an impression on the one who sees it, but also on the one who wears it: it reminds the judge of his mortal condition, which usurps a function that belongs only to God."

BIO
Valérie Hayaert is a French historian and humanist researcher of the early modern European tradition. Her particular interest lies in the images of justice, in judicial rites and symbolism, and their role in contemporary courthouse buildings. Her publications include: *"Mens emblematica" et humanisme juridique* (2008) and (with Antoine Garapon) *Allégories de Justice: la grand' chambre du Parlement de Flandre* (2014).

Seminar 4. Tuesday 14 September: Capitalism and inequality

Moderator: Valerio Nitrato Izzo

The relevance of community resilience in times of disruption: pandemics, community economies and the political under the radar

Luciane Lucas dos Santos

Despite some internal differences, European countries are known for their concern with a robust Welfare State. However, the internal heterogeneity within these countries has been continuously neglected on

behalf either of national imageries or of an implicit agreement upon the idea of Europeanness. This imagination and the discourse to which it gives rise in the social fabric have had impact in the shaping of laws, directives, and policies, including the guidelines for populations to cope with scarcity, risks and disruption.

Regardless well-designed governance systems, the worsening of social asymmetries (of gender, race and class) during crises has been continuously overlooked. Required heterogeneous policies are lacking and solutions to ameliorate the effects of disruption have not matched with the shrinkage of minorities' responsiveness. In times of crisis, minorities - Roma people, indigenous communities, Afro-Europeans, immigrants - are even more neglected, being reaffirmed as outsiders (Elias and Scotson, 2000) in the public sphere.

This seminar takes a look at the way some of these asymmetries were reinforced during the pandemics. At the same time, non-formal arrangements in the neighbourhoods have played a pivotal role to build community resilience and provide people with self-protection, conditions of provisioning and critical awareness. These economic and cultural arrangements distance from the Social Economy's structural response to the usual targets of social welfare policies. They are mostly grounded on horizontal approaches of solidarity and constitute a way of filling gaps left by the State.

Departing from the concepts of incivil civil society (Santos, 2006) and subaltern counter public (Fraser, 1990), I discuss the inadequacy of some public policies in times of crises as well as the relevance of community resilience as an antidote to combat political invisibility.

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BIO

Luciane Lucas dos Santos is a researcher at the Centre for Social Studies, University of Coimbra (CES-UC). Her research focuses on feminist economics, feminist aesthetics, postcolonial feminisms, postcolonial studies on Economics, social inequalities from an intersectional perspective, European identities and Otherness.

Richard Mohr

Each against all: historical origins and disastrous consequences of hyperindividualism

'We're all in this together' has been one of the great clichés of the coronavirus pandemic. Yet the differential impact on diverse social strata, nationally and globally, has been stark, in both epidemiological and in economic terms. So why aren't we 'all in it together'? Responses to disasters range from individualistic and profit-oriented, to collective and egalitarian. Underlying these approaches are conflicting subjectivities and corresponding conceptions of humanity. This paper inquires into the origins of the self-centred individualism behind pathological responses to disasters. It proposes that a dangerous hyperindividualism has grown from the seeds of historic western individualism, constituting an immediate challenge to law, collective action, and other forms of public decision-making.

The historical and intellectual sources of individualist ideology run through epistemology, law and economics. The thinking Ego of Descartes is the foundational knowing subject of modern western philosophy. The rights-bearing individual is the ideal subject of liberal law, as the self-interested economic actor is the ideal subject of classical economics. These long traditions have been translated into a material hyperindividualism through recent technological revolutions that have radically disrupted the 'public sphere'

as Habermas imagined it. Automobile transport and the subsequent rise of suburbanisation dispersed nuclear families away from town and city centres, with their natural places to gather, discuss and protest: coffee shops, pubs, public squares and streets. The digital revolution further fragmented the social fabric through surveillance capitalism and algorithmic governmentality, reducing individuals to digital traces of data that can be used predictively to anticipate decision making and subvert intentionality. 'Social distancing' initiated in response to the coronavirus pandemic has further isolated individuals and households, closing down the last vestiges of public sociability and privileging digital interaction.

Far from criticising such public health measures, on the contrary, I am trying to see how they can be saved from hyperindividualist attacks, increasingly mobilised by the ultra right. Glimpses of strategies were available in the early days of the pandemic, when residents gathered on balconies and at their windows to applaud health workers. This was quickly subverted by governments and businesses adopting fake idolisation of their workforces as 'heroes' in order to undermine their pay and conditions and to force them into unsafe work situations. Hashtag heroes are constructed as avatars, while the actual workers struggle to stay safe and earn a living. The key challenge to law from this situation of hyperindividualism is the difficulty of collective decision-making. Deprived of public spaces and reduced to packages of data, channels for deliberation are severely limited. Traditional legal deliberation, through national legislatures and courts, lack norms and forums relevant to global issues, whether climatic or epidemiological. The Earth has no jurisdiction and, except in very occasional legal contexts, no legal standing. This is a triumph of the divisive founding myths and Grundnorms of nationalist law and ideology. Atomised individuals can now be reassembled into a thin matrix of digital traces.

There is an urgent need to overcome the current hyperindividualist impasse and construct a new global public. While the pandemic has highlighted and even exacerbated the problem, the greater challenges will come from global warming and biodiversity loss. The pandemic spells lessons for global responses to future disasters, which will involve all species, humans included.

BIO
Dr Richard Mohr is an urban and legal sociologist. He has worked as a community health coordinator, planning and evaluation consultant and as an academic in Law, Architecture and Sociology.

Marc Trabsky

The Economisation of Dying in a Pandemic

Neoliberalism is seldom defined by the accumulation of capital through market exchange, cost-benefit calculations or entrepreneurialism, which nonetheless all have roles to play in contemporary discourses of economic rationality. Rather, the distinctiveness of neoliberalism is how it extends techniques of economisation – the creation of what Michel Foucault calls '*homo oeconomicus*' – into areas of life that were once thought of as non-economic. This paper questions how the figure of *homo oeconomicus* extends into experiences of dying, but also what the effects of neoliberal rationality are for understanding the governance of death during a global pandemic. Following from Michel Callon's *The Law of the Markets* and Wendy Brown's *Undoing the Demos*, the paper questions how the language of economisation suffuses relations between the living and the dead, before tracing how participating in an economy of 'financialised human capital' leads to differential experiences of dying during a global pandemic.

BIO
Dr Marc Trabsky is a Senior Lecturer at La Trobe Law School and Director of the Centre for Health, Law and Society, La Trobe University. His first monograph, Law and the Dead: Technology, Relations and Institutions (Routledge, 2019), was awarded the Law and Society Association of Australia and New Zealand Book Prize for 2019.

Seminar 5. Tuesday 21 September: Courts in crisis

Moderator : Alina Onţanu

Paula Casaleiro, João Paulo Dias, Filipa Queirós and Fernanda Jesus

Disruptive effects of the COVID-19 crisis on Portuguese courts: working conditions and professional performance

Following the World Health Organization (WHO) declaration of the COVID-19 outbreak as an international public health emergency and the guidelines released by the Portuguese National Health Institution (DGS), a set of organizational, procedural, technological and physical measures were adopted by the Portuguese judicial system. These measures aimed to ensure the safety and health of judicial professionals and citizens while maintaining the functioning of Portuguese courts. The COVID-19 enhanced the critical importance of implementing health and safety measures at Courts to ensure appropriate judicial working conditions and, consequently, the proper functioning of the judicial system.

The main objective of this proposal is to analyse the institutional responses to the COVID-19 crisis and its impacts on the Portuguese Courts' working conditions and professional performance, during 2020. More specifically, it aims to: (1) identify the COVID-19 infection prevention and control measures adopted in courts; (2) analyse the perceptions of the judicial professions (judges, public prosecutors and court clerks) of working conditions during and after the first confinement, in terms of work intensity and working time conciliation; and (3) discuss the impact of the working conditions in the courts' performance in 2020.

The analysis is based on the: (a) collection and discussion of legislation and regulation, concerning the response to the COVID-19 pandemic in the judicial system; (b) official judicial statistics; (c) interviews to judicial professionals and (d) the results of an online survey applied to the judicial professions between October and November 2020. This work is a result of the research being developed under the project QUALIS, which aims to examine the working conditions of judicial professions in Portugal, evaluating their impact on professional performance and, consequently, on the quality of justice. The prevention and control measures of the COVID-19 infection had strong implications in the working conditions of judicial professions, affecting the working contexts of the professionals, the performance of courts and accelerating the introduction of multiple changes in diverse areas of its functioning.

BIOS

Paula Casaleiro has a Ph.D. in Sociology of Law at the Faculty of Economics, University of Coimbra. She is currently a researcher at Centre for Social Studies.
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Fernanda Jesus has a Master Psychology at the Faculty of Psychology and Educational Sciences, University of Coimbra. She is currently a junior researcher at Centre for Social Studies.

Francesco Contini

The downward spiralling of the Italian Justice system

With a Judicial Council protecting the judicial system from external pressures the Italian justice system has been a model for judicial reforms (Garoupa & Ginsburg, 2008, p. 5). However, for at least 30 years, the system experiences a crisis that exacerbates over time. Court delays, lack of uniform jurisprudential orientations (Rizzardi, 2017; Taruffo, 2014), political bargaining among magistrates' factions (*correnti*) and politicians to influence the (Di federico 1990) appointment of judicial leaders (Sallusti, 2020) are complemented by a substantive number of cases of judicial malpractice e and corruption (Negri 2021). Trust

in the Italian court systems is in the lower range among EU countries, while businesspeople and citizens think judges are not independent (European Commission, 2017). The Italian judiciary has now reached a tipping point: it is peacefully considered as one of the main obstacles for economic development and, as such, it is at the forefront of the "Recovery plan" the ambitious EU driven reforms to transform member states economies and institutions. The paper considers the multiple failure points leading to the current conditions critical focusing on the three principles that must underpin the administration of Justice: rule of law, economy and legitimacy and their interactions. The analysis identifies five different dynamics rooted in the constitutional blueprint and in institutional assumptions, which lead to critical conditions, preclude judicial reforms hence obstacle economic development. The findings will be relevant also to anticipate the effects of the new ongoing reform cycle enacted to implement the Italian Recovery Plan.

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Taruffo, M. (2014). La giurisprudenza tra casistica e uniformità. *Rivista trimestrate di diritto e procedura civile*.

BIO

Francesco Contini is a Senior Researcher at the National Research Council of Italy. He studies the institutional transformations of judiciaries and the interplay of law, technology and humans in judicial proceedings.

Gar Yein Ng

Adaptation of legal and other institutions to conditions of crisis and disruption

The courts have, seen a massive rise in cases since the pandemic and lockdown started. The backlogs continue to grow in courts, with increasing numbers on remand in prison, and cases not set to go to court until 2022.
There has been a **whittling down of fair trial rights in the criminal justice system** in England, much prior to the pandemic hitting the world. One of the questions then is whether the pandemic has exacerbated these problems. We have seen news reports that a judge felt pressured into granting extensions to prosecutors, as they were delayed due to the pandemic, who was removed from similar cases and replaced. This left the question of **whether judges are independent** in their decision making in pre-trial detention during the pandemic. The right to an independent and impartial tribunal is one of the first criteria under **article 6 rights** and there is nothing under art. 6 which shows that it is subject to derogation in times of emergency.
In a joint report by the Criminal Justice Chief Inspectors on the Criminal Justice System's response to Covid-19, they note that whilst half of the courts had to close down, they were able to re-open many of them, using "The Criminal Courts Recovery Plan" to help to minimise delays whilst at the same time, keeping the public safe. In its response to the pandemic, HMCTS has used a video platform to give access to the courts.

However, this has been criticised, as the work is placing too much strain on police forces. Furthermore, its use has been in decline, due to judicial preference for in-court work. As listing is a local judicial function, and there are no national protocols for remote participation, they have reduced its use.
There are also concerns about backlogs, which are in the courts and not with the police or the prosecutors, who have managed to work through charging backlogs during lockdown. With the backlogs, there is a concern about the increase in the remand population, and legislation has allowed for custody time limits to be extended for people on remand, and a further denial of access to justice.
Courts have set out guidelines on operating the courts in a covid safe way. They post weekly operational updates and run webinars for all professionals. Nightingale Courts have been used to help with the backlogs. However, it would appear that there are some disjointed approaches between the courts and the rest of the Criminal Justice System, which may lead to some further erosion of fair trial rights.

Research Question:
How and whether the courts have adapted to (health) emergencies in the past, noting any resilience built in, compared to how they have responded to this pandemic, and how might they prepare for future international emergencies? This question also dictates whether fair trial rights have been maintained or further whittled down during this pandemic.

BIO
Dr Ng has extensive international research experience in the field of judicial studies, including constitutional law, quality of justice, judicial independence and accountability, and court management.

Seminar 6. Thursday 23 September: Corporations and commons

Moderator: Francesco Contini

Vincent Goding and Timothy D Peters

Corporations and Crisis: Will there be anything new about a new normal?

Schmitt's famous articulation of the relation between sovereignty and the exception emphasises not simply the basis for a suspension of the law in a state of emergency, but the role of the sovereign in deciding upon the existence of the 'normal situation', the 'everyday frame of life', which the law requires to function.[2] As Agamben emphasises, '[t]he law has a regulative character and is a 'rule' not because it commands and proscribes, but because it must first of all create the sphere of its own reference in real life and '*make that reference regular*.'[3] The critical features of our pandemic times have included not only the extreme biopolitical measures deployed to manage the health crisis, but the unprecedent political responses deployed in the name of regularising or stabilising the economy. Many such measures are explicitly aimed at consumers, workers and employers but, as the JobKeeper scheme in Australia has demonstrated, these measures have also provided significant protections and even windfalls to investors. In this context, the measures deployed to return economies to (a new) normal, would seem, rather, to perpetuate the underlying paradigms of neoliberal corporate legality—including investor protections, corporate personhood, the enforcement of contracts and the sanctity of private property. This paper seeks to analyse the articulation of crisis in the context of the political responses to the pandemic, specifically in light of their effect on corporations. It considers the relation between corporations and crisis in three ways: first, by analysing the historical development of corporate law and financial regulation as consistently *responses* to crisis; second, examining the way in which crisis has been deployed as both the constitutional basis for, and the political justification of, the implementation of responses directly benefiting corporations and their investors in the context of the COVID-19 pandemic (e.g. Australia's JobKeeper program); third, to consider

[2] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 2005).
[3] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 26.

whether the current crisis *also* provides for the possibility for a more fundamental disruption of the dominant paradigm of corporate legality.

BIOS
Vincent Goding is a PhD candidate at the School of Law and Society, University of the Sunshine Coast. His thesis examines 'Law, Ideology and Corporate Power: The Ideological, Regulatory and Economic Responses to the COVID-19 Pandemic in Australia.'
Dr Timothy D Peters is a Senior Lecturer in Law at the School of Law and Society, University of the Sunshine Coast. He is the recipient of an *Australian Research Council Australian Discovery Early Career Award* (project number DE200100881) funded by the Australian Government, examining 'New Approaches to Corporate Legality: Beyond Neoliberal Governance'.

Andrés Spognardi

Institutional remnants of a missed critical juncture: Factory occupations and legal reforms in the aftermath of the 1974 Portuguese revolution

Law is a social institution created by human agency to structure social relationships according to socially prescribed expectations. Those expectations —themselves a social institution of sorts— usually follow a self-reinforcing, path-dependent dynamic. Once a certain institutional path is taken, it becomes progressively more stable and more difficult to reverse. At crucial moments in history, however, unexpected shocks of various kinds can lead to abrupt changes in social expectations. As it is well documented in institutionalist literature, renewed social expectations may in turn trigger a radical transformation of the legal environment. An interesting question that arises at this point regards the fate of the legal institutions created during short-lived changes in social expectations. What happens to the newly created legal institutions if expectations are reversed back to the pre-critical juncture status quo?

This presentation will address this question by discussing the spread of worker self-management experiments in the turbulent aftermath of the 1974 Portuguese revolution. At that critical juncture, a massive wave of factory occupations prompted a redefinition of the legal institutions regulating capitalist social relationships, including the recognition of a new form of collective ownership over the means of production. As soon as capitalist social forces regained political power, however, the majority of occupied factories were restored to their former owners. Quite interestingly, though, the legal institutions regulating worker self-management remained in place, becoming empty shells with no structuring effects on social relationships.

BIO
Andrés Spognardi is a senior researcher at the Centre for Social Studies (CES), University of Coimbra. His work examines the role of socioeconomic and political institutions on the development and performance of social and solidarity economy organizations.

Irina Velicu

´We Juggle with Legality´: Peasant seeds between (il)legality and commons[4]

Peasants´ labor to reproduce seeds is increasingly criminalized all over the worlds, being perceived as tax evadation or free riding. Firms like Monsanto or DuPont, which are ´working´ hard to aggressively separate them from the most fundamental of means of production. Critical scholarship suggests that more attention should be given to peasant seeds and rights as the cause of small (family-subsistance) farmers who have been gradually losing their ability to make their own agronomic choices, dependent on the seed industry, and who, in reaction, have been trying to revive older on-farm autonomous breeding. While genetic diversity within species is recognized as crucial for agrobiodiversity, more and more restrictive legislation reduces the

[4] Paper submitted for publication, please do not quote without permission.

freedom of peasants to reproduce seeds: laws related to seed quality and phytosanitary conditions justify the imposition of specific standards to maintain seed purity, with certification requirements that basically exclude peasant seed producers from operating on the legal market. In the European Union, the 'Common Catalogue' has prohibited the exchange or sale of any seeds except those officially approved. The difficulty of translating into juridical status the concept of ´peasant seeds´ refers not only to seeds - as a resource to be managed for conservation - but also to the role of peasants as workers and producers of seeds.

In this paper, we argue that the alleged ´illegibility´ or even ´illegality´ of peasant seeds as a mirror into the ongoing marginalization and proletarization of peasants and farmworkers: the challenges peasants meet in relation to their subsisence labor and seed reproduction are first and foremost indicative of the global democratic labor scandal. In Romania, as in other parts of the worlds, the World Bank and the European Union have promoted a particular use of land and vision of economic development, that gradually discouraged peasant agriculture. Being able to refuse any development-program that displaces people from their land to force transition from ´farm to factory´ is not only a a matter of human rights: global governance can no longer render technical such a political confrontation on key societal concerns such as modes of (re)production, labor, and land use. More so, derogations into national laws of the EU Conservation Varieties Directive might require mobilisations which could result in socio-economic conflicts: the role of the state is still crucial in political change necessary to support peasants and farmworkers.

BIO
Dr Irina Velicu is a researcher with CES-University of Coimbra working on socio-environmental conflicts and movements. Her recent publications can be found in Theory, Culture & Society, Geoforum, Ecological Economics, Globalizations.

Seminar 7. Tuesday 28 September: Environment in crisis

Moderator: Richard Mohr

Isabelle Giraudou

Climate Crisis Lawyering: An Emergent Field of Legal Practice in post 3-11 Japan

Climate change presents a number of conundrums for lawyers and defies the way they think about and deal with disaster risks. At present, the differing ways in which practicing lawyers can deal with legal disruptions caused by climate disaster risks are not clearly identified and remain insufficiently discussed. Expanding on Rosemary Lyster's work on the convergence of Climate Change Law and Disaster Law (Lyster 2016, Lyster et al. 2018) as well as on recent studies on crisis lawyering (Brescia and Stern 2021), my most recent research project explores the practical and theoretical conditions under which climate disaster risks arise as a new area of legal practice in Japan. The main question addressed is how, in 'an era of unlimited harms' (Ewing and Kysar 2011), different types of practicing lawyers utilize their expertise to shape the legal system's response to a continuously rising risk of more frequent and higher-impact climate change-induced disasters. In so doing, this research in progress seeks to elucidate whether there is a particular approach to climate disaster risk that lawyers in Japan should embrace, or something distinctive about climate crisis lawyering that calls for specific skills and expertise.

By scrutinizing how attorneys, in-house counsels, as well as government lawyers deal with climate disaster risks in either their contentious or non-contentious legal practice, this research project aims principally at: 1) illuminating the opportunities for, and the barriers to the development of effective 'climate crisis lawyering' in Japan; 2) assessing the conditions under which good or best lawyering practices in the field of Climate Disaster Law are transferable across jurisdictions, in particular from Japan to other jurisdictions in East Asia. Such an inquiry implies not only to identify several lawyering tools, techniques, and patterns compellingly operating both through disaster law and across the mitigation, adaptation, and loss and damage issue-areas

of climate change law; but also to delineate the corresponding complex skills, competences, and knowledge required in this area of legal practice. Exploratory, my presentation will focus on this later aspect. I will discuss in particular why legal reasoning and the 'legal ecosystem of crisis response' (Brescia and Stern 2021) in post 3.11 Japan need to open up to a wider range of narratives (including the Anthropocene and its competing accounts), understandings (Disaster-STS, critical approaches to environmental law) and modes of thinking (such as assemblage thinking).

BIO
Isabelle Giraudou is an Associate Professor at the University of Tokyo, Graduate School of Arts and Sciences, Organization for Programs on Environmental Sciences.

Bruno Alexandre Reis Costa

"Make the desert bloom": climate change in a frontier society

Make the desert bloom" is the axiom that epitomizes the dichotomy between the desert as an absent space, a space where supposedly no one lives, empty of reason, and the colonial-developmentalist Zionist project, that will occupy that void. In this paper, the relation between the Zionist "frontier society,"[5] the territory of Palestine and its population will be thought through the analysis of Zionist planning and discourse, as well as the "situated practices"[6] in the inhabited space-time of Naqab/Negev desert, in the Southern region of modern Palestine (East Jerusalem, Gaza Strip, West Bank and Israel). I refer to these practices –which are the material expression of the Palestinian-Bedouin relationship with the territory of the Naqab/Negev– as a way to r/exist outside the colonial/modern space-time and its dominant vocabularies. In short, the paper tries to understand two kinds of relationship with the territory of Palestine, the Zionist one, based on a theological-colonial discourse, that tries to build a connection through the mythologization of a land that is seen as a commodity, and the one of Palestinian-Bedouins, that live off the land and see it as their home and as part of their community.

BIO
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Valerio Nitrato Izzo

Law, catastrophe and the transformations of the right to survive

In this proposal I would like to engage with the current pandemic situation making bridges between the idea of catastrophe and its meaning for law.

As I suggest understanding the term, catastrophes are a sudden breakdown from the normal status of things. No matter the origin of the event, human or non-human related, consequences are always a problem of human responsibility. From this perspective, catastrophes are epiphanic events as they reveal how our laws work, what values they protect, the shortcomings of any order of regulation and how they are successful in protecting us from vulnerability in the global arena of risks. But all catastrophes, and pandemics are no exceptions here, contrary to an old belief, are not "big levelers" but extraordinary magnifiers of injustice. In a globally interconnected world how law as a tool of immunization can protect some without injuring others? How it is possible to limit the infectious body without expulsing it into a void of rights

[5] Turner, Frederick Jackson (2018), *O significado da fronteira na história americana*. Translated by Jorge C. Pereira. Porto: Book Cover Editora [1920].
[6] Hart, Gillian Patricia (2002), *Disabling globalization: places of power in post-apartheid South Africa*. Berkeley: University of California Press.

denying ? How much of this discussion should be placed in dialogue with the climate change transformation and the legal meaning of the Anthropocene?

Crisis and catastrophes in the context of the environmental degradation also show and confirm the emergence of transformation of subjectivities, increasingly defined by their capacity to be resilient and constantly capable of managing risk in all areas of social life from job insecurity to health privatization. The subject of the disaster is an ec-static one suspended between the normality lost and the disorder to overcome. At this point emerges the problem of the "right to survive" as a distinctive feature of political and legal subjectivites in turbulent time. Survival assume a distinctive meaning in understanding the complex relationship between law, politics and catastrophe. While many authors have oriented towards an understanding of this issue through the lens of bio-politics , the actual intensification of the crisis, at the junction of pandemic order related and ecological crisis call for a re-thinking of such a relationship beyond this approach and that take into further consideration challenges arousing from climate change scenario.

Pandemic would not be the end of the world or the end of the world as we know it, but it is an important occasion for re-thinking how law can contribute to imagine other ways of being together. For this we need to re-think a legal imagination of the disaster from which it will be possible to learn other legal senses *of* and *for* the law.

BIO
Valerio Nitrato Izzo is a research fellow at the Department of Law, University of Naples Federico II, Italy. He teaches Legal Methodology and his main research interests lie in Philosophy of Law, Legal Reasoning, Law and Humanities. valerio.nitratoizzo@unina.it

Seminar 8. Thursday 30 September: Disaster (theory); Concluding discussion

Moderator and discussion leader: Patrícia Branco

Andrea Pavoni

Neither safe nor shared: experimenting with the trouble

The greatest emergency, today, is the 'absence of emergency'. Thus the philosopher Santiago Zabala translates Martin Heidegger's question: *Woher die Notlosigkeit als die hochste Not?* ['how can the absence of emergency itself become an emergency?'][7] This, according to him, would be the cypher of the current age: our incapacity to perceive the real danger. While at a first sight this may appear contradictory, given the relentless narratives of crisis that shape our epoch, it surely resonates with the carelessness through which we are rapidly progressing towards the point of no return of ecosystemic collapse. Concepts such as *slow violence* (Nixon) or *cruel optimism* (Berlant) seek exactly to grasp the formal, affective and spatio-temporal quality of this paradoxical lack of critical awareness in the midst of a proliferation of crises.[8] Perhaps, however, the most common translation of Heidegger's *Notlosigkeit* – i.e. 'absence of distress' – is more useful to understand the seeming atrophy which our capacity to experience is undergoing, that is, a progressive weakening of our capacity to think, sense and feel the structural *problematiques* of our times, rather than simply reacting, or attempting to do so, to their epiphenomenal consequences such as an economic crisis, or a pandemic.[9] Provided, however, that such an 'absence' is not understood as

[7] Other possible translations are 'whence the lack of a sense of plight as the greatest plight?', or 'how can the absence of emergency itself become an emergency?'. See Santiago Zabala, 2017. Why Only Art Can Save Us: Aesthetics and the Absence of Emergency. Columbia University Press

[8] Rob Nixon, 2011. Slow Violence and the Environmentalism of the Poor. Harvard University Press; Laurent Berlant, 2011. Cruel optimism. Duke University Press

[9] cf. Walter Benjamin, 1933. Poverty and experience. In Walter Benjamin: Selected writings 1931-1934, edited by Michael W. Jennings, 731-744. Harvard University Press; Bernard Stiegler, 2019. The Age of Disruption. Polity

homogenous, but rather as asymmetrically materialised into the fragmented atmospheres of everyday life. This is what the comfort society paradigmatically expresses, namely an atmo-culture[10] whose key condition appears to be that of *delegation*, that is, the outsourcing of our response-abilities (Haraway) to a host of aesthetic and techno-juridical devices.[11] The trouble with delegation, in this sense, is the delegation of troubles. Here lies the double sense of this paper's title: experimenting as relearning to both *experience* and *engage with* the troubles, where 'trouble' should be assumed in a triple sense: as a problem, a turbulence, as well as a *turba*, that is, the disordered multitude of human and non-human entities – viruses included – which is increasingly critical for us to begin to acknowledge, engage and build alliances with, rather than senselessly aim to suppress.[12] What role may law play in this sense, and against its own state of exception, namely its tendency to contradictorily disburden[13] the socius from the experience of, and the engagement with, troubles? This paper searches for an answer to this question, looking at the current pandemic situation and beyond, by critically mobilising as speculative categories two recently popularised concepts: *safe space*, originated from women movements in the end of last century and become increasingly applied to university spaces, and beyond; and *shared space*, an urban design approach that challenges the segregation between traffic circulation and social interaction in which urban streetscapes are usually split.

BIO
Andrea Pavoni is assistant research professor at DINAMIA'CET, Instituto Universitário de Lisboa, Portugal. His research explores the relation between materiality, normativity and aesthetics, in the urban context and beyond.

Francesco Contini, Richard Mohr and Patrícia Branco,

At the Crossroads: Mapping the debate

After a medical crisis, the outcome could go either way: recovery or death. In mapping the arguments and debates developed through this series, we recognise that we are at a crossroads. The critical condition of humanity and other species, and of the Earth itself, is evident in the preceding papers. The crisis extends into our institutions and discourse. This short presentation will introduce general discussion exploring those crises and the paths ahead …

All participants

Open discussion

… survival and recovery? or decline and death? What contribution can we make to mapping the situation and charting a passage?

[10] Andrea Pavoni and Andrea Mubi Brighenti, 2017. Airspacing the City: where Technophysics Meets Atmoculture. Airspacing the City: where Technophysics Meets Atmoculture. Azimuth. International Journal of Philosophy (10): 91-104
[11] Andrea Mubi Brighenti and Andrea Pavoni, 2019. City of unpleasant feelings. Stress, comfort and animosity in urban life. Social & Cultural Geography 20(2), pp.137-156; Peter Sloterdijk, 2016. Foams: Spheres III. Semiotext (e).
[12] Donna Haraway, 2016. Staying with the trouble: Making kin in the Chthulucene. Duke University Press
[13] Cf. Arnold Gehlen, A., 1988. *Man, his nature and place in the world.* Columbia University Press

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Logo

The Soviet Union 1980 CPA 5082 stamp (Soviet-Hungarian Space Flight. Medical check-up of cosmonauts).jpg Created: 27 May 1980. USSR Post - Scanned 600 dpi by User Matsievsky from personal collection.

Accessed at Wikimedia Commons 10 June 2021

The detail from this Soviet stamp, chosen as a logo, seems at first glance to speak to current health concerns, and to Rebecca Solnit's reference to the medical sense of 'crisis': the 'critical condition' of the patient.

In fact these men are not in crisis: they represent the pinnacle of Soviet manhood, about to go into space. And the pinnacle of Soviet womanhood is represented, measuring their vital signs. We recognise the irony of this 20th century image: so optimistic, such hubris … so pre-crisis!