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# LAW IN THE ACCUSATIVE: RELATIONAL LEGAL PLURALISM AND THE ARCHITECTURE OF FORECLOSURE

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## Abstract

Relational Legal Pluralism (RLP) provides a critical jurisprudence designed to deconstruct the structural pathologies of contemporary governance. While the preceding article, “The Jurisprudence of the Threshold” (Murphy 2026), diagnosed the modern administrative state, the “K-machine”, as a topologically closed shell, this article, “Law in the Accusative”, translates that diagnosis into a tactical methodology for structural intervention and reconstitution. The article argues that the state maintains its “architecture of foreclosure” through translation capture, epistemic insulation, and a temporal cage. This effectively empties the embodied reality of the governed. To escape this managerial pacification, RLP continues the spatial-ethical inversion, shifting the genesis of law from sovereign decree to the “wound”: a juris-generative rupture in the relational fabric (*aidagara*). The article operationalizes this ontology through the Aesthetic Impact Statement, an evidentiary counter-audit that inserts the somatic fact of “combat breathing” directly into the state’s documentary apparatus. This intervention weaponizes the administrative duty to inquire as a jurisdictional tripwire, triggering a Lexicographic Triage Rule and an Apophenia Veto to filter out reactionary grievances and secure biological survival. By framing resistance as Spatial Nullification via a suspensive remand, RLP empowers the substrate to halt the state’s mechanistic treadmill. This destituent praxis reimagines the rule of law as a compelled Logistical Treaty, replacing the sterile dictates of the ‘epistemic machine’ with a transmodern, agonistic settlement grounded in present-tense survival and raw material friction.

**Keywords:** Relational Legal Pluralism; critical jurisprudence; admissibility architecture; a-legality; Spatial Nullification.

## [A] INTRODUCTION\*

## The silence of a juridical ghost

This article did not begin within the imaginary of a university library or the animated conceptual modelling of a jurisprudential seminar. Rather, the genesis of this inquiry occurred on a train travelling from Liverpool to London in 1980.<sup>1</sup> I was 11 years of age, and the Murphy family were off on their annual holiday to the Isle of Wight. During that journey, I precociously asked my father, a docker whose physical endurance formed the primary, unwritten record of his world, a question that I would come to learn exceeded the admissibility of his environment: “Have you ever been asked how you want to live your life?”<sup>2</sup> It was at that moment that I became viscerally aware of the violent illusion separating the “law” from the embodied reality of life.

His response offered a lived inculcation of the impotence of modern civic mechanics which invoked the act of voting, the selection of representatives, and the formal machinery of the state. Yet the silence of his imaginary in that carriage carried a heavier communicative burden than the speech itself. To understand the mechanics of this silence, this inquiry centres the foundational insights of Phil Scraton (2016) on the institutionalized sanitization of suffering. Scraton demonstrates how the state deploys a bureaucratic “shield of words” to mask the systemic mortification of the governed, laundering visceral trauma into compliant administrative data. This engineered silence is not a passive absence: it is an active, structural imposition. And, as Anson Au (2017) observes

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\* Acknowledgments: I would like to express my immediate thanks to the editor, Professor Pablo Cortés, and to the invaluable comments of the reviewer. Deeply appreciate your time and consideration of this article. This is the second of three articles. They have been researched over four years and supported by so many – academically and practically. However, I would like to take this opportunity to thank in particular: Professor Ralf Michaels, Professor Hans Lindahl, Professor Adam Swift, Dr Deval Desai, Professor Desmond Manderson, Professor Bill Mander, Dr Ruth Lightbody, Dr Nina Teasdale, Professor Daniel Newman and Professor Anat Rosenberg.

<sup>1</sup> This article is the second instalment of three articles designed to systematically break down and reconstruct the spatial and ethical coordinates of contemporary legal theory. The foundational architecture was set out in Murphy (2021), building upon Murphy (2015). That work introduced the post-Western synthesis of Watsuji Tetsurō’s spatial phenomenology (*fūdō, aidagara, kū*) with decolonial transmodernity to overcome the absolute universalisms of Eurocentric critical theory. The first phase of the current jurisprudential application, “The Jurisprudence of the Threshold” (Murphy 2026), diagnosed the pathology of the Kelsenian administrative state. It exposed how the temporal cage and abyssal thinking operate as an architecture of foreclosure. The present article, “Law in the Accusative”, translates this diagnosis into a methodological framework. It establishes the wound as the primary juris-generative fact and operationalizes the mechanics of relational repair.

<sup>2</sup> I blame my encounter with Thomas Paine for that outburst.

in his social ecological analysis of urban power, the state relies on the imposition of administrative silence and spatial order to neutralize the transient, collective power of the governed. It captures this by forcing the subject into this sanitized architecture, the state executes a biopolitical capture. It claims to hold the body while neutralizing its carnal, affective reality into the unbreathable architecture of the *formce* (Forzani 2025).<sup>3</sup> When the governed subject attempts to speak from the locus of their own woundedness, their *aestheSis* (Mignolo & Vázquez 2013), the forum's admissibility architecture purposely mistranslates the indication, logging the citizen's visceral scream as mere sentiment, complaint, or inadmissible noise (Ahmed 2021).

Conventional jurisprudence dismisses this silence as a matter of sociology or psychology, treating it as simply irritating noise. To accept this dismissal requires adopting a disembodied view of the law, a posture historically and theoretically untenable. Saskia Kroonenberg (2024), excavating Antonio Gramsci's intellectual history, shatters the Vitruvian ideal of the healthy, rational legal subject. Drawing on Deleuze's concept of little health (Deleuze 1997), Kroonenberg demonstrates that Gramsci's physical suffering operated as his epistemological condition rather than an obstacle. Gramsci wrote with his body: his little health allowed him to perceive the structural fractures in the hegemonic order invisible to the healthy, integrated subject. In our study we will radicalize this epistemological posture, though drawing on a decolonial perspective, a perspective of the wound, pollinated through a dialogue with Watsuji Tetsurō (Murphy 2021) to shift our legal attention from the temporality of ontology to the embodied silence of ethics and space.

Sitting in that carriage, suspended within the spatial reality of his lived milieu and the administrative coordinates of the state, my father's silence articulated a deep jurisdictional rupture akin to Gramsci's bodily perception. Viewed through the lens of legal topology and phenomenology (Burchardt 2022; Loidolt 2021), the state operates as a topologically closed legal space actively resisting permeability. The law captured my father while rendering him entirely unaddressable as a participant in its reason-giving. He existed within the administrative record as a Kelsenian fictitious physical person, categorized as a birth, a taxpayer, labour statistic, welfare beneficiary, as a death. Simultaneously, the institution structurally voided his capacity as a reason-bearer, maintaining a maximum degree of resistance to the external, lived reality of his daily survival and aspirations for life.

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<sup>3</sup> Forzani (2025) identifies the signature of power in modern legality as the inclusive/exclusion of life, capturing the force of life specifically to neutralize it into the form of law (the *formce*).

This engineered deafness renders a juridical ghost. The nomo-dynamic administrative machine (the K-machine) relentlessly counts, categorizes, and manages the modern legal subject as an idealized, rationalized fiction. The state demands compliance from the ghost while structurally foreclosing its capacity to return practical judgement to the forum. When the governed subject attempts to speak from the locus of their own woundedness without the formatted input of ‘appropriateness’ demanded by the regime’s meta-grammar, the admissibility architecture mistranslates the indication. Just as the administrative gloss of the healthy prison masks the systemic mortification of the incarcerated self, the K-machine logs the citizen’s visceral scream as sentiment, complaint, subjective, or inadmissible noise (Ahmed 2021).

## From diagnosis to destitution

The preceding diagnostic audit, “The Jurisprudence of the Threshold” (Murphy 2026), established that the architecture of foreclosure operates as a rule by silence (Moncrieff 2025). Dominant forms of legal pluralism collapse into a jurisprudence of management, with the effect of neutralizing claims to maintain colonial–modern stability. Unmasking this compromised order confirms the absolute insufficiency of critique alone. Relying on statutory support or managerial optimism to save the substrate proves untenable, with liberal reformism providing a mere rights-compliant veneer, whilst facilitating a politics of incorporation leaving the underlying architecture of harm entirely intact.

Executing the spatial–ethical inversion from the temporality of ontology to the spatiality of ethics shatters this illusion. This topological pivot forces the inquiry to confront the visceral reality of the wound and to expose the systemic relational severance of the *aidagara*. It unmasks the psycho-affective violence of relational hegemony that pathologizes deep structural conflict as a mere cognitive error, to reveal the lethal chronomancy of the temporal cage that defers present-tense survival into a managed administrative futurity (see Murphy 2026).

These material ruptures remain entirely invisible to orthodox jurisprudence. They cannot be diagnosed by a Kelsenian apparatus compulsively obsessed with the formal validity of its own rules and they escape the sterile metrics and context vacuity of Habermasian communicative rationality. The politics of recognition demands the wounded translate their combat breathing into the affectless grammar of the state. This translation capture actively obscures the spatial abandonment of the governed. It relies on the abstract general idea to

overcode the singularity of suffering. The constituted power of the state never volunteers to legislate its own epistemic limitation. It fiercely guards its zero-point privilege.

However, whilst the K-machine guards its topological impermeability, its legal and democratic space remains structurally incomplete (Walker 2010). Here, whilst in this incompleteness the K-machine is afraid of the people (Möllers 2007: 11), this article argues, in drawing into conversation a decolonized, but embodied, imagination, that the space of incompleteness can reveal the transcultural potential. Within this threshold where divergent realities and epistemologies collide lies a self-revolutionizing logic for understanding our relationships with the institutions and offers the potential to redefine the real. To move beyond a spectral vision of silence requires leveraging this incompleteness to construct a new jurisdictional machine capable of compelling the state to pause and listen. Relational Legal Pluralism (RLP) operates as a structural jurisprudence for practitioners, non-governmental organizations, and the substrate itself. Docking theoretical diagnosis into concrete legal operability, the framework proposes an analytical machinery of accusative attunement designed to execute an *en passant* intervention against the administrative state.<sup>4</sup>

Achieving this requires executing a structural transformation of orthodox legal theory across three specific coordinates, as follows.

### ***From reading to breathing***

Orthodox jurisprudence assumes the primary interaction a citizen has with the law is intellectual. This is the wonderful concoction of the informed citizen. RLP asserts that, for the marginalized, this interaction is visceral and affective. The law operates through unobtrusive background affects, structuring the capacity to act long before a formal legal decision is rendered (Wall 2019). When the state is lethally unanswerable, the subject's combat breathing (Fanon 1967; Gibson 2024), the visceral registration of suffocation, supersedes the act of reading. The K-machine's translation capture attempts to strip this affective intensity from the administrative record. Therefore, the law must be evaluated by its spatial breathability.

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<sup>4</sup> This methodology rejects the mere application of a Western critical tool to a non-Western concept. It sets out a process of hermeneutic destruction and reconstructive synthesis. The framework docks Mignolo's decolonial critique to inject a rigorous analysis of power into Watsuji's apolitical phenomenology. Simultaneously, it utilizes Watsuji's spatial ontology to rescue Mignolo's framework from its own Manichean, essentialist totalities (Murphy 2021).

### ***From responsibility to friction***

Traditional legal frameworks allocate interpretive risk to the citizen, demanding they format grievances into the state's sanitized vocabulary, the greengrocer's shield (Havel 1985 [1978]). RLP rejects this compliance model to introduce asymmetrical material friction. The objective is for the subaltern to leverage their own illegibility to halt the state's mechanistic treadmill through an epistemic strike.

### ***From horizontal to vertical***

Recent advances in legal philosophy map the horizontal conditions of the rule of law, demonstrating how legal reasons must remain shareable among a community of peers (Krentos 2026). The framework verticalizes this logic. It aims the horizontal rules of legal interpretation upwards at the K-machine, turning tests of reasonableness into structural audits to prove the state acts *ultra vires* by ignoring the visceral reality of the governed.

### ***The architecture of repair***

Operating as an active procedural engine, RLP exacts present-tense answerability directly within the claustrophobic shell of modern statecraft. It addresses the doctrinal operating system of English administrative law through immanent critique. The objective equips practitioners with the Aesthetic Impact Statement (AIS). The AIS operates as the procedural vehicle for the substrate's immaterial archive, translating the transcorporeal residue of the *fūdo* into hard jurisdictional facts triggering the *Tameside*<sup>5</sup> duty to inquire. The AIS acts as an affective rupture. By leveraging the ordinary affects of the substrate, it forces the unobtrusive, atmospheric reality of the law's violence into the obtrusive foreground (Wall 2019). Weighing these claims without collapsing into utilitarian drift requires the Lexicographic Triage Rule and the Apophenia Veto. This combination acts as a structural firewall against parochial tyranny, normatively subordinating exclusionary cultural preferences to the absolute baseline of biological survival.<sup>6</sup>

When the state fails to bridge the gap of opacity, the framework provides the jurisprudential shield for a-legal Spatial Nullification, the suspensive

<sup>5</sup> *Secretary of State for Education and Science v Tameside MBC* [1977] AC 1014 (HL).

<sup>6</sup> These terms do not name settled legal doctrines, but the working machinery of Relational Legal Pluralism. The Aesthetic Impact Statement forces the embodied, spatial and relational fact of harm into the forum; the Lexicographic Triage Rule refuses to balance survival against administrative ease; the Apophenia Veto blocks projected or exclusionary grievances from masquerading as democratic claims; and the suspensive remand pauses closure where the institution's own grammar has failed to hear a materially grounded wound. Together, they convert what the K-machine treats as noise into a disciplined demand for present-tense answerability.

remand. This mechanism anchors itself in the constitutional lineage of jury nullification. As Schefflin and Van Dyke (1972; see also Brooks 2004; Murphy 2021: chapter 5; but more radically Butler 1995)<sup>7</sup> demonstrate, the socio-epistemic dynamics of the community's right to say "no" to the state, even when mandates comply with the letter of the law, serve as a foundational safeguard against administrative tyranny. The counter-tribunal exercises a legitimate veto to suspend an unjust application of the law, avoiding any usurpation of the legislature.

Executing this Spatial Nullification, in returning power to the ethical-forum, exercises structural power to paralyse the state's mechanistic treadmill. But rather than invoke the paralysis of anarchy,<sup>8</sup> drawing on Vivien Lowndes and Marie Paxton's (2018) work on critical institutionalism, the goal is to agonize institutions rather than destroy them. The K-machine relies on a false, exclusionary consensus. The suspensive remand forces the state into an agonistic relationship with the substrate. It rebuilds the rule of law as a compelled, provisional, and contestable institutional design exacted through the raw, material friction of present-tense survival and to embed the sterile nomo-dynamics of law in actual social relations.

### **Signposting**

Constructing this jurisdictional intervention requires moving from a structural diagnosis of institutional deafness toward a viable, cooperative remedy across five stages.

Part B, "The Anatomy of the K-Machine and the Architecture of Foreclosure", maps the structure of modern law, revealing how translation capture, epistemic insulation, and the temporal cage function as a topologically closed space administrating the substrate to death.

Part C, "The Origins of Post-Western Theory and the Spatial-Ethical Inversion", constructs the epistemic justification for fluid institutions. Utilizing Watsuji Tetsurō's triad (*fūdo*, *aidagara*, *kū*) to dismantle the state's zero-point epistemology, it re-centres the nondual, topological reality of the governed (Murphy 2026).

Part D, "The Structural Audit of the Threshold", grounds this theoretical framework in the empirical reality of the administrative state. It audits the Grenfell Tower fire and the European Union (EU) border regime to expose the active sanitization of the pain of others.

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<sup>7</sup> I would like to express my thanks to the article's reviewer for highlighting the importance of Butler's work for the article's argument.

<sup>8</sup> In respect of the supposed danger of anarchy through nullification by jury, see Hreno (2025).

Part E, “Strangerdom and the Mechanics of Epistemic Intervention”, translates this ontology into procedural mechanics. It repurposes Jason Krentos’s reason test from a horizontal theory of interpretation into a vertical theory of structural intervention, providing the epistemic spark required to expose the exact moment the legal harness becomes a lethal noose.

Part F, “The Accusative Rule of Law and the Architecture of Repair”, outlines the concrete deployment of the framework. It utilizes the AIS, the Apophenia Veto, and the a-legal counter-tribunal to compel a mandatory, agonistic transmodern constitutional settlement.

Initiating this structural intervention requires an account of the institutional barriers currently suffocating the lived environment. Before setting out a mechanism for relational repair, the next section excavates the temporal coordinates of the state’s deafness, exposing how the administrative apparatus actively constructs its own procedural isolation.

## [B] THE ANATOMY OF THE K-MACHINE AND THE ARCHITECTURE OF FORECLOSURE

### The Kelsenian automaton

Interrogating the institutional shell exposes the mechanics of unbreathability at the contemporary threshold. Attributing the deafness of the law to a deficit of empathy relies on a pathological fallacy that assumes the legal system experiences a temporary malfunction. The architecture of foreclosure operates instead as the standard operating system of Western legality (Murphy 2026). Viewed through legal topology (Burchardt 2022), the shell acts as a Kelsenian nomo-dynamic machine (Invernizzi Accetti 2015).<sup>9</sup> This K-machine defines its own boundaries and dictates its own permeability, and to understand the lethal efficiency of this apparatus requires unmasking its historical genesis. Natasha Wheatley (2023) and Imre Tarafás (2024) provide such tools and demonstrate that Hans Kelsen’s drive toward absolute theoretical abstraction was not the discovery of a universal jurisprudential truth. His vehement separation of the state as a pure legal phenomenon (*Sollen*) from the messy social reality of the governed (*Sein*) functioned as a historically contingent survival mechanism of the collapsing, polyglot Habsburg empire. Confronted with a fracturing multinational reality, Kelsen engineered a theory of law

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<sup>9</sup> Such a process sees legal validity as a “dynamic” category involving a continuous process of chain-like creation, connecting past, present, and future.

deliberately designed to escape the friction of diverse lived environments. Passed through our decolonial prism, the K-machine operates as the ultimate manifestation of the hubris of the zero point (Mignolo 2009). It projects a provincial Austrian anxiety globally as neutral, universal law, to actively sever the law from the *aidagara* and the *fūdo* because its foundational DNA was explicitly designed to ignore the somatic, material reality of the substrate: the illusion of the relationship between life and law. Within this horizon, the raw material reality of the wound remains irreducible to a norm (Kelsen 1967). A documentary apparatus of risk assessments and algorithmic logs sustains this foreclosure (Vismann 2008).<sup>10</sup> The state achieves monological closure through a vertical imposition and replaces the breathing body with the file. Confronted with the flesh-and-blood reality of the governed, the K-machine orders social relations through the structural voiding of factual experience.<sup>11</sup> This filters out unobtrusive background affects to ensure they never register within the formal legal foreground.

## The signature of power

To understand how this machine interfaces with living bodies requires turning to Francesco Forzani (2025). Forzani identifies the signature of power in modern legality as the inclusive-exclusion of life. The legal order captures the force of life to neutralize it into the form of law. This produces a zone of indistinction termed the *formce*. However, unmediated human existence resists administration. As I have discussed in Murphy (2026), and in the last subsection, the law therefore creates a sanitized cipher by voiding the actual human being, instituting the individual as a fictional zero-degree of immutability. This juridical ghost is designed solely to receive normative commands and mirrors the mortification of the self identified by Scraton (2016). The administrative machinery strips the subject of relational identity and objectifies the citizens, increasingly through an abstract and non-relational process of algorithmic reduction.

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<sup>10</sup> Orthodox sociologists of law may read the architecture of the K-machine, specifically its reliance on epistemic insulation and translation capture, as a restatement of Niklas Luhmann's autopoietic systems theory (Luhmann 2004). RLP shares Luhmann's descriptive diagnosis: the legal system operates through strict operational closure, and it relegates the visceral reality of the human being to the external environment. However, viewed through the spatial dynamics of Murphy (2021; however, see also Burchardt 2022), the current framework departs from Luhmann's functionalist fatalism. Luhmann observes this operational closure as an evolutionary achievement necessary for managing social complexity. Our analysis diagnoses it as a lethal pathology. It is a topologically closed, jurispactic architecture of foreclosure. Luhmann posits that the system can only be irritated by its environment. RLP actively leverages this environment.

<sup>11</sup> For the relevance of this "distancing" between law and factual existence (social relations), see Halpin (2006) and Siliquini-Cinelli (2020).

This architecture of insulation, this duality, forms the constitutive grammar of global capitalism and defines the modern corporate entity (Hardman 2024). This entity operates as the apex privatization of the *formce*. The state concedes the shell, granting artificial legal personality and procedural immunity, which allows the corporate substrate to operate without present-tense answerability to the spatial *fūdo* it extracts from. It shields beneficiaries behind artifactual immunity.

## The lithic seam and the jurispathic void

Recognizing the shell and substrate partition as the standard operating system elevates RLP beyond utopian policy reforms. The framework executes an analytical intervention at the exact lithic seam where the media-artifact of law overwrites the bodily substrate of life. Friction manifests here as a wound. This wound signifies an embodied, relational harm arising within governance. But it can only return to the K-machine as an incomputable input. It represents the literal pain of others (Scraton 2016) that the apparatus is structurally designed to ignore from behind a prism of patronizing and unaccountable power (Home Office 2017). Following Clive Barnett (2017), the framework presented within this article asserts the priority of injustice. As I have discussed above, orthodox jurisprudence operates as an ideal theory that defines a top-down abstraction of justice to measure reality against. Justice is located instead on the ground of social relationships (Halpin 2006). The K-machine leverages and elevates orthodox theory to void the material reality of harm. It reduces the spatial entanglement of the substrate into the ontic univocity of a single registry. The reliance of the state on procedural infallibility imposes an idealized map that erases the territory of injustice. As Robert Cover (1983) argued, while the substrate remains juris-generative, the legal shell of the state operates as a jurispathic entity. This extinguishes rival normative worlds to secure its monopoly on reality and executes a continuous structural sacrifice of plurality (van der Walt 2007).

## Translation capture and the neutralization of affect

Sustaining this relational hegemony requires an admissibility architecture that pre-emptively dictates the grammar of the encounter. Claims arrive heavily mediated and submit to translation capture. Václav Havel's (Havel 1985 [1978]) greengrocer placed a regime-approved sign in his window. He deploys a procedural passcode rather than a cognitive conviction. The sign operates as a spatial shield, a calculated submission designed to deflect punitive processes. Translation capture forces the combat breathing of

the substrate into the administrative form of the file (Fanon 1967; Gibson 2024). It neutralizes affect. The state strips visceral panic and bodily suffering from the record to capture only what the symbolic order permits (Vismann 2008). To achieve recognition requires the subject to adopt the greengrocer's shield and translate physical survival into an affectless lexicon. That is, that the claim for abstraction is a claim for "fairness". And yet, at the "threshold" (the point of entry into court), it demands the destruction of the subject's actual experience to sanitize pain into hygienic terminology (Christie 1981; Scraton 2016). In *R v Secretary of State for the Home Department, ex parte Doody* (1994), the requirement to provide the gist of a case reveals itself as a media-technological mandate: it discloses artifactual reasons, only to compel the subject to mirror them back. Experiences that resist this filing architecture are discarded as inadmissible noise. The K-machine then deepens this foreclosure through a Forsythian narrowing (Forsyth 2011), forcing the subject's substantive expectations through a private-law prism that refracts lived reality into a sterile, procedural form.

### The temporal cage and the spatialization of a-legality

If the shell and substrate partition manages spatial coordinates, the temporal cage governs chronometry, to convert present-tense survival into managed futurity.<sup>12</sup> When the substrate presents a bodily emergency, the shell defers it through reviews and inquiries. Orthodox administrative law defends this deferral as due process. This current framework diagnoses the manoeuvre as substituting epistemic inquiry for existential remedy in which the state maintains total unanswerability to bodies perishing in the present. The law lacks an absolute origin outside of time. The retreat of the shell into its procedural timeline perverts its own nature. Breaking this temporal self-authorization requires a materialist appropriation of Lindahl's philosophy (see also Murphy 2026). A-legality marks the juridical appearance of strangeness (Lindahl 2013; 2018; 2025). It destabilizes a boundary by registering as neither legal nor illegal. RLP integrates the affective dynamics of the threshold, translating a-legality into a tool for

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<sup>12</sup> There may be a tendency for the reader to doubt the bloodied reality of this claim. However, the everyday structural friction of the K-machine finds articulation within the adult social care crisis in the United Kingdom. As Baroness Casey recently documented, the administrative state subjects motor neurone disease patients to an artifactual administrative sequence averaging 375 days for necessary home adaptations. These individuals possess a median biological survival of 22 months. See Baroness Louise Casey, Chair of the Independent Commission into Adult Social Care, Speech to the Nuffield Trust Summit (5 March 2026). Regrettably, Casey approaches this crisis from a posture of managerial optimism. She proposes a National Safeguarding Board that would effectively centralize the monological closure of the shell. Despite this orientation, her empirical findings supply an audit of the temporal cage.

institutional intervention to become an ontological shield for Spatial Nullification.<sup>13</sup> When the substrate withdraws compliance through a rent strike or blockade, the state attempts to process this friction as illegal. This reaffirms state boundaries and justifies police violence.

A-legality provides the jurisprudential framework to demonstrate the rupture is a constituent suspension of the K-machine. It is not a crime (Menga 2014). The framework spatializes this rupture as a vertical strike against the legal forum. Such a Spatial Nullification operates as a provisional material injunction. It is a defensive necessity to preserve biological life and secures the breathability of existence until the media-technological apparatus of the state is compelled to negotiate. This mechanism anchors itself in the constitutional lineage, though invoking the spatial dynamics it represents, of jury nullification. Whilst judges and administrators hate this doctrine, RLP focuses on the incompleteness it reveals, and the socio-epistemic dynamics of the right of the governed to say “no”, “this is unjust” to the state. This right persists even when mandates comply with the letter of the law. In bringing together the experiences of the colonized confronted with the ideals of injustice as enlightened, with the embodied imagination of Watsuji, is to Spatial Nullification, as the spatialized descendant of this doctrine. Whilst it serves as a safeguard against administrative tyranny, it offers much more. Transforming the site of sovereignty from the institution to embodied relationality offers ethical sites of independent rationality, which possess the inherent right to suspend unjust applications of power. It exercises a legitimate veto to halt the K-machine as an alternative site of rationality.<sup>14</sup>

<sup>13</sup> This framework seeks to set Lindahl’s indispensable account of a-legality into a structural tool. It avoids theoretical subordination. Lindahl (2013; 2024) discloses the temporal and ontological crisis of the collective “we”. The analysis shifts to the material reality of its institutional production. It integrates Wall’s (2019) critique of affective legality. Drawing on Forzani’s (2025) archaeology of the law and life distinction, the framework diagnoses the failure as the violent breakdown of the inclusive-exclusion constituting the shell. This moves beyond simple misrepresentation. Lindahl’s stranger operates as a formal limit whilst the account of agency set out through *aidagara* and *fūdō* set out below—a subject-to-subject ethical position (also see Araújo’s 2024 decolonial concept of co-presence) regrounds the encounter in a spatial and ethical demand. The admissibility audit, set out below, functions as an analytical tool for translating Lindahl’s law in the accusative into practice to convert his philosophical insight into a manual for institutional accountability.

<sup>14</sup> It is necessary to draw an absolute boundary regarding the mechanics of a-legal Spatial Nullification. The intervention against the K-machine targets infrastructure, logistics, and artifactual sensors. It targets the poor door, the server, or the barricade. It never targets human flesh. RLP is grounded in an ethic of radical compassion and strict subject-to-subject accountability. The *aidagara* dictates that we are all constitutively accountable to one another. Inflicting physical violence upon another human being, even an agent of the state, commits the exact jurisprudential erasure the framework opposes. It claims the absolute, sovereign finality over life that the discipline of *kū* (emptiness) strictly forbids.

Addressing this architecture of foreclosure requires moving beyond the orthodox boundaries of Western critical theory. As I have discussed, orthodox theory frequently reproduces the very epistemological hierarchies it seeks to dismantle. The next stage in this article is to introduce a post-Western epistemic framework capable of executing a topological inversion. It dismantles the zero-point epistemology of the state to re-centre the nondual, spatial reality of the governed.

## [C] THE ORIGINS OF POST-WESTERN THEORY AND THE TOPOLOGICAL INVERSION

### The zero-point epistemology and the legal prosopography of the K-machine

The preceding article, “The Jurisprudence of the Threshold” (Murphy 2026), established the architecture of foreclosure as a rule by silence (Moncrieff 2025). The K-machine secures this monological closure by enforcing a strict legal prosopography. It strips the legal subject of relational context, manufacturing a rigid, disembodied unit. This architecture sustains itself by projecting the hubris of the zero point (Castro-Gómez 2005; Mignolo 2009). The state claims to speak from a neutral, objective nowhere. It operates from the highly insulated space of the administrative shell. Viewed through legal topology, this zero-point epistemology asserts the apex of a closed space and denies border permeability. It projects a false universality that underdetermines actual social relationships to overdetermine procedural compliance. Treating the lived environment as a neutral backdrop allows the state to colonize the future. It locks human agency into a sterile temporal cage. To shatter this architecture requires the epistemic framework of post-Western cosmopolitan social theory, developed through the critical dialogue between Gerard Delanty’s relational sociology, Walter Mignolo’s decolonial transmodernity (Dussel 1985 [1977]), but pollinated through Watsuji Tetsurō’s spatial phenomenology (Murphy 2019; 2021).<sup>15</sup>

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<sup>15</sup> Importantly, this synthesis operationalizes the methodology of critique and cooperation (see Murphy 2021, “Introduction”). Delanty’s critical cosmopolitanism provides the relational ambition but remains tethered to the temporal logic of European cognitive universalism. Mignolo’s decolonial project provides the visceral critique of the colonial wound but risks collapsing into an essentialist, diametric duality. We pass both theories through the prism of Watsuji. Watsuji’s spatial topology grounds Mignolo’s critique in actual relational networks rather than abstract ethnic identities. Simultaneously, it shatters Delanty’s abstract universalism by demanding embodied, spatial co-presence. And, finally, it introduces critique and power in the embodied ontology of Watsuji.

## Transmodernity, bricolage, and shifting the locus of enunciation

Delanty (2009) identifies the urgent need for a relational social ontology. Yet his cognitive universalism remains trapped within the evolutionary, temporal logic of European modernity. Mignolo's decolonial project disrupts this Eurocentric temporal imagination. For him, drawing on Enrique Dussel, transmodernity demands a structural shift in the locus of enunciation (Mignolo 2007). This allows jurisprudence to confront the visceral price exacted for institutional progress and its separation from existent social relations. Mignolo reveals the seamless legal order of the K-machine as a violent illusion, with Martti Koskenniemi (2021) observing a similar fracture. The history of legal imagination is a bricolage. It is a tactical assembly of fragmented discourses and power relations deployed to justify authority. But, integrating transmodernity allows us to position the critique of the "temporal cage" as a shift in the locus of enunciation, moving from modern legal universality to a pluralistic, decolonial paradigm that empowers the substrate: spatial a-legality. By rejecting the "zero-point hubris" of administrative law, RLP utilizes a-legality to transform Spatial Nullification into an ethical site of independent rationality that challenges the K-machine.

The K-machine conceals this unruly bricolage beneath a film of procedural infallibility and propriety. There is an irony in that the shell, with its bricolage of privileged perspectives, fears the fragmented, lived reality of the substrate with this dread reflected in the inherent fear of the state toward constituent power, the unpredictable sovereignty of the people (Möllers 2007). Protecting itself from this democratic indeterminacy requires the state to ossify its institutions. It seeks a self-regulating homeostasis that suppresses conflict and contingency (Lowndes & Paxton 2018). However, when the state retreats into these static, monolithic shells, leaving "lawlessness", it reveals a fracture between the "shell" of the law and the "substrate" of the governed and, importantly, reveals a voice for incompleteness. If the reality of the people is a complex assembly of social and historical fragments, they cannot be contained by a rigid legal geometry. This tension signals the arrival of transmodernity, which incorporates the voices and histories it previously discarded. These pathways do not exist outside of law but rather demand a transformation of it: toward a pluriversal legality. In this transmodern landscape, the state's monolithic shell is recognized as an artifact of the past, replaced, instead, by porous and relational legal structures that finally incorporate the lived complexity of the substrate.

Within this framework, the transition is mediated by a-legality. By maintaining an a-legal stance, the substrate refuses capture by the K-machine, as judicial ghosts, instead transforming perceived “vacuums” into productive zones of decolonial agency. These are no longer sites of lawlessness, but ethical sites of independent rationality where the substrate, rather than awaiting state permission, negotiates its own relational sovereignty. Consequently, re-imagining nullification spatially provides the front line of a RLP: a living, breathing bricolage that offers a sophisticated, transmodern alternative to institutional ossification. By framing these spaces as ethical sites of independent rationality, we transform them into the front lines of an RLP. Here, the substrate does not wait for the state’s permission to exist; it actively negotiates its own sovereignty, forcing the K-machine to confront a living, breathing bricolage that is no longer “pre-modern” or “primitive”, but a sophisticated, transmodern alternative to institutional ossification.<sup>16</sup>

## Watsuji Tetsurō, the moral background, and the spatial inversion

Whilst Mignolo offers us the opportunity to plunge into the colonial wound, Delanty ascends into the critique of ideology. However, both frameworks frequently collapse into a diametric duality. Positioning the West versus the Rest, or liberal versus non-liberal, totalizes reality and inadvertently mirrors the absolute universalism both seek to dismantle. Escaping this deadlock required operationalizing institutional fluidity and grounding the locus of enunciation in material reality. Here, I executed a methodology of critique and cooperation through docking the socio-epistemology of Watsuji Tetsurō into this critique. We deploy his conceptual triad of *fūdo* (spatial milieu), *aidagara* (relational betweenness), and *kū* (emptiness) (Watsuji 1961; 1996; Murphy 2021).<sup>17</sup>

Against the abstract legal prosopography of the K-machine, Watsuji posits that human existence (*ningen sonzai*) is inextricably spatial and relational (Johnson 2019). Johnson allows us to understand *fūdo* (milieu) and *aidagara* (betweenness) as operating as the nondual, topological, and

<sup>16</sup> Below, the article will offer an example in the Preston Experiment from the United Kingdom.

<sup>17</sup> This docking manoeuvre executes the definitive shift from the prioritization of time and ontology to space and ethics. Western jurisprudence, obsessed with the temporal emergence of the state, demands that we define what the law *is* before we assess what it *does*. Watsuji’s spatial phenomenology reverses this. By grounding existence in the *fūdō* and the *aidagara*, the framework insists that the ethical reality of the spatial wound precedes and dictates the ontological validity of the legal order.

phenomenological dimensions of the self (Murphy 2021: chapters 5 and 6). They are not merely environments containing a pre-existing subject.

The violence of the K-machine executes a systemic relational severance and constitutes a profound rupture of the subject from the very spatial and relational coordinates that sustain biological and social life. Instead, what Watsuji allows us to conceive is a self, constitutively embedded in its milieu. It is its *fūdo*. Moving beyond geographic determinism, *fūdo* identifies the relational web in which life unfolds. It is a juridical atmosphere (Murphy 2026) that encompasses the infrastructures, customs, courtesies, timelines, and credibility distributions through which human existence becomes mutually intelligible. We share this consciousness (Johnson 2019). Within RLP, *fūdo* functions as the very medium of betweenness and holds the practical act-connections of life (*aidagara*). Legality is lived, suffocated, or contested within this space, not against an external context. Breathability becomes a specific admissibility property. Rather than enamelling one's thought between a contextless forum, or veil of ignorance, the matter at hand is to take injustice and social relations as they are. Therefore, a forum is breathable only if it supplies responsive routes by which acute exposure can stabilize as a shareable reason capable of binding the order (Fanon 2004 [1961]; Stanley 2021).

As discussed above and in Murphy (2026), foreclosure operates as the deliberate production of an unbreathable atmosphere. It is a managed futurity where warning pathways are systematically rerouted into routes of capture. Therefore, if we are to offer an account of jurisprudence capable of informing a democratic culture, we must execute a structural redefinition of the moral background of law and politics (cf Walker 2010). Orthodox liberal theory frames the moral background as a sterile, disembodied consensus reached in an ideal speech situation (Habermas 1996). RLP strips the moral background of this polite abstraction. We share a common life where people of different backgrounds bump up against one another (Sandel 2020). The moral background of law and politics is therefore the embodied, lithic friction of bodies, identities, and hopes rubbing together. It is the spatial reality of *aidagara*.

Watsuji defines *aidagara* as the fundamental structure of human existence. We are nodes in a web of relations rather than isolated atoms (Watsuji 1996). The violence of the shell lies in its attempt to govern individuals as discrete units of administration. It severs the *aidagara* that sustains them. Embodied knowledge and affective presence inform this web. The bumping into one another generates the ordinary affects

(Stewart 2007, cited in Wall 2019; see also Murphy 2021; 2026) that bind a community together. We integrate Sara Araújo's concept of co-presence (Araújo 2024). The goal of the corrective is the maintenance of co-presence. Different legal maps must exist in the same space without one destroying the other.<sup>18</sup>

## Incompleteness, reflexive negation, and agonistic institutional design

The final mechanism for establishing fluid institutions is Watsuji's application of *kū* (emptiness). Emptiness is deployed in this project as an epistemic principle of reflexive negation (Murphy 2021; 2026). Within RLP, *kū* leverages the insight that incompleteness is the fundamental ontological condition of the law. It is not a procedural flaw. The framework introduces *kū* as a principle of jurisdictional porosity. Watsuji critiques the isolated subject (1996). We extend this to argue that no legal standpoint possesses inherent, independent existence. Neither the state nor the subject stands alone. Both exist only in *aidagara* (relation). The authority of the shell is entirely contingent on its capacity to maintain the relation. When the relation ruptures, marking the a-legal moment, the shell loses its claim to completeness.

Applying reflexive negation as a form of legal logic strips the K-machine of its groundless grounds. Institutions are empty of permanent essence and are structurally obligated to remain open, porous, and fluid. Attempts by the state to achieve monological closure by sealing itself off behind epistemic insulation violates the fundamental ontological condition of *kū*. The K-machine's attempt to deny its own porosity by filtering out the lithic wound exposes a fatal constitutional defect.

Translating this spatial inversion into concrete legal operability requires moving beyond theoretical abstraction to examine the material ruins of the administrative state. Grounding the epistemic principles of *fūdo* and *aidagara* in empirical reality necessitates a structural audit of the threshold. This is the exact seam where the institutional shell encounters the bodily substrate. Interrogating specific sites of jurisdictional friction will allow the article to set out the mechanics the K-machine deploys to maintain its procedural closure against the lived environment.

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<sup>18</sup> As such, this is to reject inclusion. Inclusion implies assimilating the substrate into the shell.

## [D] THE STRUCTURAL AUDIT OF THE THRESHOLD

### Proving the unbreathability of the legal order

To prove the unbreathability of the legal order, jurisprudence must descend into the material ruins, executing the spatial and ethical inversion established in Part C by auditing the exact institutional coordinates where the K-machine collided with the living substrate. It is at this site of consequence, where the state systematically processed the visceral reality of the governed as inadmissible noise, that the fracture between formal procedure and lived existence is most vividly exposed.

By measuring a fatal disjunction, the admissibility audit establishes the distance between the affective, bodily materiality of the *fūdo* and the sterile, media materiality of the Kelsenian file, providing the metric necessary to shatter the mythology of modern law (Humfress 2023). In this state-sponsored pretence, the monopoly on coercion is masqueraded as an exclusive and neutral source of order, yet, as Burchardt (2022) exposes, the state functions as a topologically closed legal space designed to engineer a maximum degree of resistance to its external environment. Through this deliberate closure, the institution actively sanitizes the outside world by stripping away the unobtrusive affective background of human suffering and laundering the trauma of the *aidagara*, all to maintain the cold equilibrium of its own procedural homeostasis.

### The mobile logic of foreclosure

In order to develop such a metric, the article will apply this admissibility audit to two distinct validity sites. We examine the Grenfell Tower fire in London and the external border regime of the EU at the Aegean maritime frontier (Murphy 2026). These sites differ vastly in scale and jurisdiction. Yet the audit reveals a shared, mobile logic of foreclosure.

In both instances the legal order succeeded perfectly. It maintained its nomo-dynamic continuity by violently expelling the visceral reality that threatened its borders. The state executed the structural erasure of the pain of others (Scruton 2016), through the deployment of a bureaucratic shield of words (Christie 1981), to launder bodily trauma into compliant administrative data without consequence for the shell. The article captures these ruptures by docking the dialogue between Ferdinando Menga (2014) and Hans Lindahl (2013) into our spatial matrix. We translate their concepts across two intensities of a-legality: Grenfell exposes weak

a-legality and contests the limit of an orderable claim; the Aegean frontier exposes strong a-legality. It contests the fault line of an unorderable subject.

## Grenfell Tower: the audit of ruptured *aidagara* (weak a-legality)

The Grenfell Tower Inquiry *Phase 2 Report* (2024) provides a granular cartography of the K-machine in operation.<sup>19</sup>

### The lithic rupture and the artifactual sensor

Between 2013 and 2017, the residents of Grenfell Tower registered the affective materiality of a toxic *fūdō*. They documented the transcorporeal residue of state abandonment. Power surges caused appliances to smoke; fire breaks vanished; a single stairwell trapped the inhabitants. This combat epistemology established a rebuttable presumption of unbreathability. It exposed a Level 1.5 systemic relational severance. The residents articulated the raw, affective panic of a community whose *aidagara* was undergoing structural suffocation.

The tenant management organization (TMO) operated under the regime of sociological positivism. It relied entirely on an artifactual sensor. The Fire Risk Assessment (FRA) functioned as a documentary technology engineered to manufacture procedural infallibility. It created a Kelsenian model of the building. This model achieved legal compliance while remaining physically lethal, but with residents pointing to the bodily reality of the danger. The TMO retreated into the closed epistemic resources of its technical consultants. The regime was successful; the state achieved monological closure. It replaced the visceral materiality of the residents with the media materiality of the file. The topologically

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<sup>19</sup> While these specific examples of state violence, Grenfell Tower and the Aegean frontier, were examined in the preceding article (Murphy 2026), their methodological deployment here serves a distinct structural function. In “The Jurisprudence of the Threshold”, these sites operated primarily as diagnostic anchors to map the macro-pathology of relational hegemony and expose the spatial violence of the abyssal line. The objective was ontological and theoretical: to prove the deliberate, institutionalized nature of spatial abandonment and to validate the necessity of a spatial-ethical inversion. In contrast, the present inquiry descends directly into the media-technological ruins of these events to perform a structural admissibility audit. Here, Grenfell and the Aegean are not merely observed as tragedies of the *fūdō*; they are forensically disassembled to expose the specific artifactual sensors and filters, increasingly algorithmic (such as the FRA and the JORA database), the K-machine utilizes to execute translation capture. Consequently, whereas the first article mapped the *fact* of foreclosure, this article audits the precise *mechanics* of institutional deafness in order to justify the deployment of the AIS and operationalize the destituent machinery of the epistemic strike.

closed space of the TMO lacked the sensory apparatus to process the affective legality of the residents' terror.

## Translation capture and credibility downgrading

The residents' disclosures carried the raw, accusative knowledge of the wound. The K-machine subjected these disclosures to translation capture. The institution coerced urgent warnings of lethal risk into its own ritual communication. It reformatted survival claims in the institutional record as routine casework or maintenance queries. This executes the exact administrative violence Scraton (2016) identifies. The state, and its instituted law, weaponized formal, sanitized language to mask the mortification of the governed, thus ensuring that the pain of others never breaches the official record.

The *Phase 2 Report* documents how the TMO leadership viewed resident complaints. They perceived these warnings as a threat to their own management authority rather than demands requiring investigation. The TMO labelled the residents as militant troublemakers (Grenfell Tower Inquiry 2024). This executed a diagnostic shift. The problem shifted from the fire risk in the substrate to the resident's personality within the shell's classification. This epistemic bifurcation allowed the TMO to criminalize the friction, categorizing the combat breathing of people trapped in a fire hazard as harassment rather than evidence. The state and its instituted law violently severed the *aidagara* and replaced the relational duty of care with a relation of pure, hostile administration.

## The temporal cage and weak a-legality

While residents, the forgotten and left-behind, demanded immediate, material repair: the TMO responded with a managed futurity, producing an incessant cycle of meetings, reviews, and consultations that functioned as a form of chronomancy, deferring present-tense survival into an institutional future controlled entirely by the state. This temporal abstraction reached its apex in the "Stay Put" policy, an artifactual promise of safety that voided the physical reality of the fire by relying on the theoretical assumption of compartmentation: a logic that had already been rendered a fiction by the highly combustible cladding.<sup>20</sup> In this light, Grenfell represents a crisis of weak a-legality: though the right

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<sup>20</sup> The Stay Put policy functions as the ultimate, lethal expression of the zero-point epistemology. It demands that the resident actively ignore their own *aestheSis* (the smell of smoke, the rising heat, the visual confirmation of flames) and submit to the disembodied, artifactual command of the state. It is a demand for absolute epistemicide, with the state requiring of the citizen to die rather than violate the prior procedural logic of the shell.

to safe housing exists within the legal lexicon, its embodied form shatters the admissibility grammar of the shell, as toxic smoke and locked doors constitute a visceral reality that the K-machine simply cannot process. The managed futurity of the TMO finally reached its terminal conclusion on the night of 14 June 2017, but only after the substrate had already suffered total destruction, exposing the fatal gap between the state's procedural homeostasis and the lived breathability of the *fūdo*.

## The EU border: JORA and the atmo-technics of the shell (strong a-legality)

If the tragedy of Grenfell exposes the K-machine suffocating the substrate by refusing to shift an internal limit, the EU border regime reveals a more absolute erasure, violently policing a fault line where the validity site shifts to the Aegean maritime frontier. At this coordinate, Frontex deploys the Joint Operations Reporting Application (JORA) as the primary artifact of foreclosure, marking a site of strong a-legality where the migrant's sheer physical presence exceeds the assertion of any right within the existing order. By shattering the Kelsenian binary of citizen and alien, the migrant embodies a claim that remains unorderable within the prevailing grammar of the nation state. This forces the shell, which is unable to adjust its limits, to repel the anomaly through lethal atmo-technics (Wall 2019). This spatialized cruelty enacts an abyssal line, leveraging the environmental power of the metropolitan zone to systematically erase the colonial zone of consequence; yet, as Hanna Eklund (2023) importantly reveals, this is no contemporary aberration but the system functioning as designed. Because the foundational architecture of the EU was drafted by active colonial empires, the Treaty of Rome embedded a differentiated, exclusionary logic into the very DNA of European governance, ensuring that the contemporary border regime remains the modern iteration of a colonial legal politics that institutionalizes the abyssal line as a permanent feature of the "shell".

## Translation capture and the JORA algorithm

JORA operates as an algorithmic filter engineered to execute translation capture and extends far beyond a neutral reporting tool to act as a mediator that, as Covadonga Bachiller López and Niamh Keady-Tabbal (2021) document, transforms the embodied violence of the border into mundane administrative logs. The structural audit identifies this capture within the bureaucratic category of "prevention of departure", where the affective materiality of coercion, physical exhaustion, and the violation of

non-refoulement is subjected to an act of ontological laundering. While the term “pushback” acknowledges an active violation by the state against a subject within its jurisdiction, the narrative of “prevention of departure” constructs a reality where the subject never truly entered the domain of the shell, effectively deploying Christie’s “shield of words” (Scraton 2016) to ensure the K-machine processes physical trauma as a successful, compliant operation.

## The necessity of the epistemic strike

The comparative audit of Grenfell and the Aegean frontier yields a definitive jurisprudential conclusion: reforming the K-machine through superior data collection remains impossible because the apparatus is explicitly designed to leverage data *against* the human body. In this light, managerial optimism and liberal reformism inevitably fail, as they rely upon the very administrative architecture that produces foreclosure: a system where the FRA and the JORA database function not as neutral reflections of reality, but as hostile media-technologies that actively overwrite the “combat breathing” of the substrate. By sanitizing the pain of others and neutralizing the affective legality of the governed, the state’s documentary apparatus structurally filters out the “lithic wound”, forcing the subaltern to filter their visceral needs through elite-vetted institutions that Shmuel Lederman (2022) identifies as imperial legacies designed to manage the “domestic barbarian”.

Consequently, the substrate cannot rely on orthodox legal petitions to achieve justice; instead, it must introduce its incomputable input into the machinery of the state to disrupt the algorithmic treadmill, moving from an empirical audit of the threshold to a procedural mechanics of intervention. The following framework translates the horizontal rules of legal intelligibility into a vertical strike aimed, not at destroying the institution, but at agonizing it, shattering the false, exclusionary homeostasis of the state to force a “critical institutionalism” (Lowndes & Paxton 2018) where the rules of the game become processual, collective, and contestable. To achieve this agonistic settlement, we must excavate the historical precedent of the community’s right to say “no”, translating the logic of jury nullification into a modern mechanism of spatial destitution. This disruption of monological closure is achieved by critically appropriating Krentos’s jurisprudence of strangerdom (2026), weaponizing a horizontal theory of intelligibility as a vertical structural intervention that documents the epistemic incapacity of the state and transforms a tool for polite adjudication into an instrument for compelling present-tense answerability.

Ultimately, this theoretical strike finds its material grounding in the Preston Experiment, which serves as the primary site where the logic of spatial destitution is currently being practised to re-weave the *aidagara* and force a breathable, decolonial alternative to the ossified state shell.

## [E] STRANGERDOM AND THE MECHANICS OF EPISTEMIC INTERVENTION

### The horizontal illusion and the vertical reality

We are faced with an immediate problem in developing the article. Proving that the shell voids the substrate leaves jurisprudence confronting a profound procedural deficit; because the K-machine operates as a topologically closed apparatus engineered to process compliance and filter out facticity, it fundamentally lacks the cognitive capacity to listen. As a consequence, the article must shift from mere observation to determining how the substrate can halt/pause the machine, for to translate the ontology of *aidagara* or the transcorporeal reality of the wound into the dead grammar of the state is to submit directly to translation capture, rewrapping the wound in the “greengrocer’s shield” and sanitizing the pain of others into a compliant administrative metric (Scraton 2016). To resist this, the substrate must leverage its own illegibility, forcing a structural pause at the administrative desk by introducing the raw, unformatted wound as a disruption to the binary logic of compliance.

Constructing this “law in the accusative” requires a schematic capable of formal epistemic intervention. We find this through a critical appropriation of Krentos’s (2026) jurisprudence of strangerdom. While Krentos diagnoses the top-down model of law as a vertical illusion and establishes a horizontal imperative, arguing that legal intelligibility must operate as a peer-to-peer relationship among epistemic strangers who bridge their opacity through shareable reasons, the project must explicitly distinguish our operational horizons. Where Krentos provides a theory of interpretation for a community of strangers reading the law as peers, RLP engineers a theory of structural intervention for a substrate attempting to stop a lethal, vertical automaton. If Krentos provides the harness for legal safety, RLP identifies the exact moment that harness becomes a noose; we do not merely apply his theory, but weaponize his horizontal rules of intelligibility to document the epistemic incapacity of the state, replacing polite reading with structural intervention when the right to say “no” becomes a biological necessity.

While RLP shares Krentos's architectural diagnosis, it departs from his liberal-humanist application by recognizing the vertical reality of the K-machine, a state that, rather than acting as a peer seeking a shared communicative modality, leverages the gap of opacity as a form of epistemic insulation. By retreating into closed, artifactual sensors, the institution uses risk assessments and algorithmic dictates to impose monological closure from above. This relies on the unobtrusive affective background of its own bureaucratic violence (Wall 2019) to maintain order. In this context, RLP does not use the horizontal rules of strangerdom for polite interpretation. Instead, it appropriates them to execute a vertical strike against the administrative state, by repurposing Krentos's "Reason Test", which he established as an adjudicative filter to ensure reasons are non-arbitrary and existentially social, as a politico-legal mechanism of resistance. By synthesizing this blueprint of legal reasoning with Watsujian and decolonial phenomenology, the Reason Test is transformed from a tool for resolving appellate controversies into a diagnostic instrument for the material rupture of the *aidagara*, forcing the K-machine to confront the very social and historical fragments it has systematically sought to erase.<sup>21</sup>

## Deploying the Reason Test: the epistemic strike

By weaponizing the Reason Test, RLP transforms it from a qualitative filter for courtroom adjudication into a structural audit for institutional intervention. This ensures that, whenever the state issues a mandate threatening the substrate, be it the Stay Put policy at Grenfell or a border pushback, it is subjected to the primary prong of Krentos's framework: the Principle of Avoiding Arbitrariness (PAA). While Krentos uses the PAA to reject subjective judicial moralizing, RLP deploys it to indict the blind bureaucratic automatism of the K-machine, asserting that no chain of institutional justification can end in a "just because" or rely upon private, inaccessible data.

The Grenfell TMO, for instance, relied on a desktop FRA to justify ignoring residents. This offered an artifactual reason that risk-bearing agents could neither access nor verify: this reliance on closed epistemic resources that functions as what Brian Massumi (2023) diagnoses as an "objective illusion". By taking the derivative level of the administrative file and arrogating all causal efficacy to itself, the state overcodes the

<sup>21</sup> This spatial inversion of the work of Krentos must not be understood as a rejection of his jurisprudence. Krentos provides an intellectually stimulating blueprint. Like the work of Lindahl, Delanty, Watsuji, and Mignolo, this blueprint has been introduced into the decolonialized spatial phenomenology of post-Western cosmopolitan social theory to engineer a concrete mechanism of resistance.

singular, lived reality of the tower with a sterile metric of compliance. This represents an act of systemic stupidity that signifies the institutional, systematic missing of the event. Ultimately, forcing the state's artifactual data through the PAA proves that such mandates are epistemically arbitrary. However, the meaning for RLP is that failing the Reason Test does not merely denote a flawed opinion but triggers an epistemic collapse: the mandate is rendered *ultra vires*, a-legal, and the Reason Test becomes the jurisdictional tripwire that strips the state of its procedural infallibility.

## The immaterial archive and the materiality of the wound

Subjecting the state to the Reason Test exposes RLP to a profound epistemological challenge. Krentos's second prong demands that all legal reasons be existentially social and shareable among strangers while explicitly banning private moral psychology. If we demand that the state reject its own closed data, we must answer how the substrate can simultaneously expect the machine to accept its "combat breathing", for, to the K-machine, the visceral pain of the citizen appears as closed, insider data. This would represent a request that seemingly violates the rules of strangeness by demanding institutional telepathy. Resolving this opacity paradox requires RLP to abandon the plea for empathy; as Krentos (2026) rightly prohibits relying on inaccessible internal states to ground justification, combat breathing cannot be presented as a subjective feeling of dread, which remains inadmissible noise, but must instead be drawn from the transcorporeal residue of the *fūdo*, where breathability is established as a material, atmospheric standard of the shared environment.

To achieve this, we deploy the AIS as an evidentiary counter-audit that weaponizes what Cheikhali and colleagues (2026) term "lawless chunks of reality". This bypasses the curated, hegemonic archive by documenting undeniable physical facts such as locked fire doors, toxic mould, and severed caloric access. The AIS serves as the translation mechanism that converts the illegible scream into hard jurisdictional data, spatializing the wound to transform Krentos's linguistic test into a material one. This creates an affective rupture that drags the state's violence from the unobtrusive background into the obtrusive foreground. However, this transition demands a definitive divergence between the horizontal stability of Krentos and the vertical intervention of RLP, requiring the prescribed remedy to mutate by spatializing the right to begin. While Krentos defends the right of a legal subject to initiate a fact-pattern within

the legal forum, relying on a judge to act as the referee of horizontal intelligibility, such a reliance again only traps the substrate in a temporal cage where the K-machine weaponizes the chronometry of inquiries and appeals to outlast the biological life of the victim.

## From reading to breathing: the spatialization of the right to begin

To escape this attrition, we drag the right to begin from the courtroom docket into the material dirt of the street through two fundamental shifts.

First, moving from reading to breathing, we recognize that while epistemology is a luxury of the safe, for the marginalized, the law is a physical environment that must be survived before it can be interpreted; and second, moving from responsibility to friction, we refuse to demand that the subaltern shoulder the cognitive burden of the state's lethal rules, choosing instead to leverage their illegibility to halt the mechanistic treadmill. When the state fails the Reason Test, it is stripped of its authority to dictate reality, allowing the right to begin to mutate into a-legal Spatial Nullification, a suspensive remand where the physical withdrawal of compliance constitutes an unauthorized, material exercise of the community's inherent right to suspend unjust power. Ultimately, establishing this theoretical justification necessitates a transition toward a concrete architecture of repair, moving from the exposure of monological closure to the engineering of a compelled, agonistic settlement through the practical deployment of the AIS and the Lexicographic Triage Rule.

## [F] THE ACCUSATIVE RULE OF LAW AND THE ARCHITECTURE OF REPAIR

### The Aesthetic Impact Statement as an evidentiary counter-audit

Ultimately, we engineer the architecture of repair not as a utopian blueprint for statecraft, but as a set of structural interventions, a counter-logistic created through the recognition that the Promethean state will never volunteer to legislate its own epistemic limitations. Rather than addressing the K-machine through a raw, unformatted scream, RLP antagonizes the state's admissibility architecture from the outside, equipping practitioners with the AIS as an evidentiary counter-audit. This AIS is not a plea for bureaucratic empathy; it is an epistemic intervention injected directly into the documentary apparatus of the state to translate the immaterial

archive of the substrate into hard jurisdictional facts. By weaponizing the transcorporeal residue of the *fūdo*—the locked fire doors, the severed caloric access, and the combat breathing—the AIS creates an affective rupture that drags the state’s violence from the unobtrusive background into the obtrusive foreground, refusing the bureaucratic “shield of words” that seeks to sanitize the pain of others.

This shift demands a radical mutation in affective mechanics, moving away from the hyper-rational self-subject of the K-machine toward what Stefanie Sachsenmaier (2024) identifies as a state of receptivity and attunement. By forcing the institution into a state of “accusative attunement”, the AIS creates the structural vulnerability required for the state to finally hear the combat breathing of the substrate, a process that leverages the *Tameside* duty to inquire to execute an immanent critique of the state’s own rationality. We do not merely petition for a hearing; rather, when the state inevitably ignores the AIS in favour of its own closed, artifactual sensors, it deliberately blinds itself to a highly relevant material consideration. In this moment, the state fails the Reason Test, and the AIS forces a definitive procedural impasse: the K-machine must either shatter its own monological closure to process the wound or reject the evidence and prove, once and for all, that its mandate is fundamentally arbitrary.

## The Lexicographic Triage Rule and the Apophenia Veto

Because proving the mandate arbitrary effectively transfers jurisdictional authority to the substrate, we must confront the profound risk of parochial tyranny, acknowledging, as Alpa Shah (2024) demonstrates, that the language of decolonization is highly susceptible to being hijacked by authoritarian forces who co-opt the vocabulary of local sovereignty to subjugate internal minorities. To prevent a reactionary or nativist or liberal blockade from romanticizing the local or claiming that the arrival of the “stranger” destroys the *fūdo*, RLP establishes a normative political boundary through the Lexicographic Triage Rule, secured by the Apophenia Veto. By critically appropriating the distinction made by Dagan and Dorfman (2024) between ground projects, the material conditions required for self-determination, and mere preferences, we verticalize this into a strict public law admissibility filter that establishes an unyielding hierarchy of normative weight.

Within this hierarchy, Level 1.5 Systemic Relational Severance, the destruction of the material and spatial capacity of the *aidagara* to

sustain life, such as toxic cladding or border pushbacks, constitutes the collective ground projects of the substrate. Whereas, Level 4 Reciprocal Intelligibility, the maintenance of shared meaning or cultural comfort, registers merely as preference. Acting as a structural firewall against exclusionary populism, the Apophenia Veto (*kū*) dictates that any claim structurally dependent on an essentialist duality, such as “citizen versus alien”, lacks the material footprint of a survival claim and is automatically discarded as inadmissible noise. While orthodox critics may argue that such a veto constitutes an arbitrary moral stop, this critique relies on the “hubris of the zero point” (Castro-Gómez 2005) and ignores a space already violently fractured by the abyssal line: we resolve this by grounding the veto in a strict material audit, ensuring that cultural anxiety can never equate to the literal loss of respiratory or caloric access, thereby categorically subordinating the nativist scream to the absolute, verifiable baseline of biological survival.

Ultimately, the AIS serves as the primary mechanism for enforcing this hierarchy, as it provides the material proof that a claim possesses the necessary transcorporeal residue to trigger a suspensive remand. While a nativist grievance relies on the “shield of words” to construct a symbolic threat, a Level 1.5 survival claim offers the lithic friction of a locked fire door or a poisoned lung, material facts that are objectively legible to any stranger and which demand immediate, present-tense answerability. By grounding the Apophenia Veto in this undeniable materiality, we move beyond the “hubris of the zero point” (Castro-Gómez 2005) and the liberal illusion of a neutral playing field, recognizing instead that the law is a physical environment where biological survival must always supersede the psychological comfort of the existing order.

Through this Lexicographic Triage Rule, the framework achieves a “compelled agonistic settlement” that is neither a polite debate nor a lawless void, but a sophisticated, vertical intervention that forces the K-machine to confront its own epistemic incapacity. Having established this diagnostic and protective architecture, we turn finally to the Preston Experiment to demonstrate how these mechanics, the AIS, the triage rule, and the spatialization of the right to begin, function not as abstract theories, but as the living infrastructure of a decolonial, relational legal pluralism.

## Spatial Nullification as destituent power: the *aidagara* and the application of *kū*

Operationalizing the architecture of repair demands a radical redefinition of the jury mechanism, moving beyond the liberal-individualist abstraction of disembodied minds to recognize the localized counter-tribunal as the institutional manifestation of the *aidagara*. In this framework, the community does not engage in sterile, Habermasian deliberation but operates through *aestheSis* (Mignolo & Vázquez 2013), executing a visceral, somatic registration of the wound within their *fūdo*; thus, nullification ceases to be a mere cognitive disagreement with a statute and becomes a spatial rejection of the K-machine's violence, grounded in the moral and democratic right of marginalized communities to deactivate laws enacting systemic harm (Butler 1995). To resolve the spectre of parochial tyranny, we fuse Giorgio Agamben's concept of destituent power (Agamben 2014) with the Watsujian principle of *kū* (emptiness), ensuring that Spatial Nullification does not constitute a new, exclusionary sovereign but instead deactivates and paralyses the law's false projection of absolute necessity.

This application of *kū* serves as the ultimate structural safeguard, distinguishing emancipatory nullification from fascist endocolonization by leveraging the spatial heuristics of concentric versus diametric dualities (Murphy 2021); whereas a nativist jury enforces a "diametric" binary that fails the epistemic test of interdependence, a marginalized community deactivating a lethal mandate acts within a "concentric" duality to restore the health of the *aidagara*. This is not a utopian abstraction but a measurable, somatic reality, as evidenced by the Preston Model of Community Wealth Building, where the local council rendered the extractive mandates of global capital inoperative by redirecting resources into worker-owned cooperatives. The results of this destituent reclamation are profoundly biological: a 2023 epidemiological study in *The Lancet Public Health* demonstrated that this structural reorientation led to a measurable decline in antidepressant prescriptions and increased life satisfaction (Rose & Ors 2023), proving that, while the violence of the K-machine is a physiological trauma, the destituent reclamation of the *aidagara* is a verifiable biological cure.

Consequently, the rule of law is reimagined not as a conversational achievement among peers, but as an agonistic settlement forced by the symmetrical counter-move of the suspensive remand. By reclaiming the logistical flow and economic output of their space, the substrate bypasses the "temporal cage" of administrative review to recognize itself as an independent source of rationality, transforming physical friction into a

defensive, pre-judicial necessity. The a-legal counter-tribunal, acting as a normative warrant for Spatial Nullification, does not ask the state for permission to exist; rather, it leverages the mechanics of *kū* to renovate the relationship between institutions and the individual, moving beyond redundant dichotomies to engineer a more democratic, pluralistic, and embodied way of being in the world.

## Spatial Nullification and the compelled settlement

While orthodox jurisprudence assumes that the rule of law is a conversational achievement among peers, RLP shatters this illusion. It does so by recognizing that the state does not negotiate unless forced, specifically because it holds the biological survival of the substrate hostage through the temporal cage, deferring present-tense repair into endless administrative reviews. In this context, a-legal Spatial Nullification emerges as the symmetrical counter-move of the substrate. It functions as a suspensive remand that bypasses the wait for a formal judicial ruling and returns the *aidagara* to the mobilization of the locality of politics. By reclaiming the logistical flow, the economic output, and the social peace of the space, this process allows people to address problems of common concern and recognize themselves as legitimate, independent sources of rationality. The aim is to show that such physical friction is not an illegal crime but a defensive, pre-judicial necessity: a provisional material injunction designed to preserve biological life.

Orthodox critics may argue that the *Tameside* injection successfully jams the K-machine, yet relies on a utopian hope that the state will eventually concede its monopoly on reality. However, that would be to completely misunderstand the ontology of the machine and the mechanics of *kū*. Drawing on the historical precedent of nullification by jury, the a-legal counter-tribunal does not function as a temporary protest committee awaiting state permission to exist; rather, it operates as an independent source of rational legitimacy, issuing a normative warrant for Spatial Nullification to actively reclaim the *fūdo* and to find a relationship between their lives and the law. It does not ask the state to share power, for the state does not possess a true monopoly on reality to concede; instead, it provides the ground for renovating the relationship between institutions and the individual, moving beyond the redundant, dichotomized duality between self and other to create open, distinct communities. Ultimately, this framework provides a pluralistic, creative, and embodied source of legitimate rationality, engineering a more democratic way of being and acting in the world that is grounded in the material present rather than the state's deferred future.

## [G] CONCLUSION: THE DESTITUTION OF THE K-MACHINE

The silence suspended in that Liverpool train carriage in 1980 did not signify a failure of articulation on the part of my father. It operated as the visceral registration of absolute biopolitical capture. The state trapped my father as a Kelsenian fictitious physical person and structurally voided him as a reason-bearing participant. It captured his life specifically to neutralize it into the *formce*. Viewed through the lens of RLP, he confronted a topologically closed legal space that maintained a maximum degree of resistance to his lived reality. This engineered silence functions as the constitutive pathology of contemporary governance. The admissibility audit traces a mobile architecture of foreclosure operating with lethal efficiency. Translation capture strips the scream of its accusative weight. Credibility downgrading pathologizes the messenger. Epistemic insulation seals the forum. The temporal cage displaces urgent survival into managed futurity. The machine sanitizes the pain of others. All are aimed at ensuring that the affective, bodily reality of the governed remains permanently unobtrusive.<sup>22</sup>

However, that embodied silence, in dialogue with the decolonial imagination, and the work of a Buddhist-informed thinker, rebuilds an architecture, RLP, that aims to set out a topological and spatial-ethical inversion to propose a “Law in the Accusative”. It abandons the jurisprudence of sovereign rights granted from above in favour of a jurisprudence of material demands exacted from below. Because the orthodox rule of law asks a tautological question, inquiring only whether the state followed its own paperwork, the K-machine is permitted to execute severe harms, legitimizing the ashes of Grenfell and the lethal borders of the Aegean by pointing to compliant risk assessments or algorithmic logs. To disrupt this monological closure, we must abandon the liberal reformism that Scraton (2016) warns provides a mere rights-compliant veneer for institutional violence. Instead, the law must become an exacted idiom of answerability, for any legal system requiring the barbarian to become a lawyer before achieving audibility fails the test of universality and collapses into naked coercion.

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<sup>22</sup> Murphy (2026) established the diagnostic framework of RLP by identifying the state’s retreat into “closed epistemic resources”, and it remained anchored in the pursuit of relational repair through institutional attunement. This current work marks a definitive shift from repair to destitution. It recognizes that, where the K-machine operates through topological closure and managed futurity, the threshold is no longer a site of dialogue but a front line of Spatial Nullification.

Facilitating this encounter requires a specific tactical and philosophical methodology whereby the substrate weaponizes the AIS to inject the immaterial archive and the transcorporeal residue of combat breathing directly into the documentary apparatus of the state. Functioning as an epistemic trip switch, the statement forces an affective rupture that drags the visceral reality of the *fūdo* into the obtrusive foreground. The aim is the disruption of the algorithmic treadmill while the Apopenia Veto erects a structural firewall against parochial tyranny by normatively prohibiting nativist co-optation. By deploying *kū* (emptiness) as a destituent power, these transmodern deliberative forums, acting as a parallel polis (Havel 1985 [1978]), strip the state's mandate of its groundless authority and identify the absolute material limit of orthodox jurisprudence. While Krentos (2026) provides a harness for legal safety through a theory of interpretation, RLP provides a theory of destitution, detailing exactly how to stop the writing when that harness becomes a lethal noose and the conditions for horizontal interpretation evaporate under the weight of institutional violence.

Consequently, the jurisprudence of the threshold asserts an absolute necessity of breathability that exists independent of the law's permission. This frames the physical withdrawal of compliance through a-legal Spatial Nullification not as a crime, but as a provisional material injunction, the modern, spatialized descendant of the community's historical right to jury nullification. By erecting a logistical barricade to secure the *aidagara*, the substrate forces the sovereign into a compelled Logistical Treaty, where the cost of maintaining foreclosure becomes politically and economically bankrupting. This strike functions to mend the relational fabric rather than win a court case, forcing the state into the material dirt of the threshold to ensure the rebuilding of legality as an agonistic institutional design. Ultimately, by abandoning the architecture of the static, closed epistemic fortress, we compel a transmodern settlement where governance remains processual, collective, and contestable, destroying the architecture of foreclosure to secure a rigorous, spatial practice of present-tense survival.

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