

ORIGINAL ARTICLE

# The politics of the production of knowledge on trauma: the Grenfell Tower Inquiry

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**Abstract**

Through an analysis of data obtained from research carried out with the bereaved families of Grenfell Tower and residents of North Kensington, this article demonstrates that the Grenfell community’s knowledge on the causes that led to the fire is being systematically excluded by the Inquiry. The article discusses the four main ways in which this is happening. Through its exclusionary practices, the Inquiry is representing a diversion from the principles set by the Hillsborough Independent Panel and the Stephen Lawrence Inquiry and is creating conditions that will impede its ability to fulfil the purpose for which it was established. By linking Foucault’s power/knowledge theory and critical trauma studies, it is demonstrated that the Inquiry is reflecting a central dynamic that exists in processes of knowledge production on trauma. The lens of knowledge known to people who have undergone trauma is recognized as a critical research tool in revealing legal mechanisms of knowledge exclusion.

Black snow on a summer’s night  
Cold shoulders on a summer’s day  
Invisible violence becomes visible  
In such a sudden way.

(Lowkey ft. Kaia, ‘Ghosts of Grenfell 2’ (2018))

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## 1 | INTRODUCTION

This article demonstrates, using data from research conducted with the bereaved families of Grenfell Tower and residents of North Kensington, that the Grenfell Tower Inquiry (henceforth the Inquiry) is systematically excluding the community's knowledge from its investigation. Through data analysis, the ways in which the community's knowledge is excluded from the Inquiry's proceedings are explored and the significance of this exclusion is examined.

This is achieved by locating the Inquiry within a broader context of proceedings that produce accepted knowledge on traumatic events linked to social oppression. These include, for example, traumatic events related to gender-based violence, racism, and classism. The concepts 'trauma' and 'social oppression' are defined. Through this context, it is shown that in these proceedings, the exclusion of knowledge known to the people who experienced the trauma is a common dynamic and that it is also central to the Inquiry in question.

The validity of a theory that explains this dynamic is examined throughout the article. It is proposed that the exclusion of knowledge known to people who have undergone trauma that is linked to social oppression, from proceedings in which public narratives on the trauma are produced, enables the construction of narratives that protect rather than challenge the status quo. Those who experienced a social oppression-related trauma hold crucial knowledge on the ways in which the status quo enables different forms of violence against certain groups of people to take place. Leaving their knowledge outside of a narrative-constructing proceeding frees it from contest and enables the production of a narrative that shields and is aligned with the status quo.

In the context of Grenfell, the validity of this theory would lead to the understanding that through excluding the Grenfell community's knowledge from the Inquiry, the Inquiry is shielding the state from possible responsibility for its failures. This would be acute if it is proved that the community holds unique knowledge – based on their years of living in North Kensington prior to the fire, a knowledge not shared by people outside of that community – of state discrimination on the basis of race and class being a possible cause of the fire. In this case, marginalizing the community's participation in the Inquiry would mean leaving a potentially central cause of the fire unaddressed, and lead to the Inquiry's consequent inability to provide effective recommendations for the prevention of a similar tragedy.

The article begins with three sections that present the main facts about the Grenfell Tower fire, the establishment of the Inquiry and its purpose, and the constructed image of the Inquiry as a proceeding that sees the community as key to it. The article continues by outlining the theoretical backdrop described above, in which a correlation is examined between (1) constructing narratives that protect the state from responsibility for traumatic events and (2) systematically excluding the knowledge of people who suffered the trauma from the processes by which those narratives are constructed. A critique follows, in relation to the exclusion of knowledge known to survivors and bereaved families from public inquiries in the United Kingdom (UK). This critique was developed over the course of 30 years of proceedings around the Hillsborough tragedy and several years of a campaign that culminated in a public inquiry following the murder of Stephen Lawrence. It is noted that the legacy of these proceedings is the 'families first' principle, which recognizes that if the people who suffered the trauma are not a meaningful part of the process, the causes leading to the trauma cannot properly be understood and addressed. The article then describes the methodology of original empirical research conducted with the bereaved families of the Grenfell tragedy, before setting out the relevant findings of the study in two subsections. The first demonstrates that a recognition that discrimination on the basis of race and social class was one of the causes

of the fire is known to the community but excluded by the Inquiry. The second presents the four ways in which the Inquiry's practices have led to the exclusion of the community's knowledge from the proceedings. The article concludes with a discussion of the significance of the findings both for evaluating the Inquiry's capacity to fulfil the purpose for which it was established and for recognizing the potential embedded in survivors' knowledge as a critical research lens and tool.

## 2 | THE GRENFELL TOWER FIRE

Seventy-two people died, 70 were injured, 151 homes were destroyed, and thousands have been left suffering from PTSD<sup>1</sup> as a result of the fire that erupted on 14 June 2017 in Grenfell Tower. Grenfell Tower is a 24-storey residential tower located in the Royal Borough of Kensington and Chelsea (RBKC) in London, England. The RBKC is the most affluent borough in the UK and one of the richest areas in Europe. It is also home to greatly deprived areas, making it the leading borough in terms of income disparity in the UK; there is less than a five-minute walk between the most affluent and the most deprived parts. Grenfell Tower is located in the latter, specifically in Lancaster West Estate in North Kensington, which is one of the ten most deprived areas in the UK.<sup>2</sup> The residents of the Tower were mostly social housing residents and predominantly from working-class backgrounds. Eighty per cent of the people who died were from Black, Asian, and minority ethnic communities.<sup>3</sup>

## 3 | THE GRENFELL TOWER INQUIRY

On 15 June 2017, the day following the fire, Theresa May, the UK Prime Minister at the time, announced that an independent public inquiry would be established to investigate the causes that led to the fire and to make recommendations on the steps that the Government must take to ensure such an event could not recur. May declared that 'no stone will be left unturned by the Inquiry',<sup>4</sup> a declaration that has been repeated since by the current UK Prime Minister Boris Johnson.<sup>5</sup> On 28 June 2017, May appointed Sir Martin Moore-Bick, a former Court of Appeal judge and former Vice President of the Civil Division of the Court of Appeal, as the Chair of the Inquiry. The Inquiry has been underway since September of that year. It is the most in-depth governmental response to the fire and is being closely followed by the media. As such, it has a central role in constructing the public narrative around the causes that led to the fire.

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<sup>1</sup> A. Bomford, 'Grenfell Fire: Worrying Number of PTSD Cases among Survivors and Locals' *BBC News*, 14 December 2017, at <<https://www.bbc.co.uk/news/uk-42338725>>.

<sup>2</sup> G. Macleod, 'The Grenfell Tower Atrocity: Exposing Urban Worlds of Inequality, Injustice and an Impaired Democracy' (2018) 22 *City* 460.

<sup>3</sup> L. Thomas QC, 'Oral Submissions to the Grenfell Tower Inquiry', 7 July 2020, at <<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%207%20July%202020.pdf>>.

<sup>4</sup> T. May, 'Grenfell Tower Fire Written Statement' *UK Parliament Official Website*, 29 June 2017, at <<https://questions-statements.parliament.uk/written-statements/detail/2017-06-29/HCWS18>>.

<sup>5</sup> On the third anniversary of the fire, while the Inquiry was ongoing, Johnson stated: 'I remain absolutely committed to uncovering the causes of the tragedy and to ensure it is never repeated.' B. Johnson, 'Grenfell Tower: PM Marks Third Anniversary of Fire with Video Message' *YouTube*, 14 June 2020, at <<https://www.youtube.com/watch?v=fKXumirg1jA>>.

Moore-Bick's recommendations on the Inquiry's scope of investigation were approved by the Government.<sup>6</sup> The recommendations are set out in the Inquiry's Terms of Reference,<sup>7</sup> which includes the circumstances on the night of the fire, the building's history, the recent refurbishment of the Tower, the evaluation of building and fire regulations, and the arrangements that were in place before the fire for responding to residents' complaints. The Inquiry has two phases. Phase 1, which was completed in 2019, concentrated on the circumstances on the night of the fire. The ongoing Phase 2, which began in January 2020, centres on the causes that led to the fire.

#### **4 | THE CONSTRUCTED IMAGE OF THE INQUIRY AS A PROCEEDING THAT SEES THE GRENFELL COMMUNITY AS KEY TO IT**

The Government and the Inquiry constructed the image of a proceeding in which the community participants are key. Being aware of this image before reading the study findings will enable a comparison between image and reality and a reflection on the significance of any gap. The image that led the community to believe that they were going to be key participants in the Inquiry was founded on several factors. First, the survivors, bereaved families, and residents were designated the status of 'Core Participants' by the Inquiry's Chair, according to Rule 5 of the Inquiry Rules 2006. Being designated as such, rather than as witnesses or mere observers, implied to the community that they would play a significant role in the Inquiry. Second, each Core Participant received legal representation, which again gave the impression that they would be equipped with the tools needed to meaningfully participate in the proceeding. Third, the decision was made to open the Inquiry with tributes to the victims of the fire. During that stage, and the first two weeks of the Inquiry, the families presented the panel with pen portraits of their loved ones, a process that seemed to signal the centrality of the families to the public. Finally, the Government itself presented the community as key to the proceeding. In a letter to the Chair on 21 December 2017, Prime Minister May wrote:

I am pleased that you are taking care in gathering evidence from those most affected by the tragedy, so that they are given a chance to share their experience. I know that you agree with me that it is of paramount importance that the Inquiry provides an opportunity for the bereaved, survivors, and the community to be heard and for lessons to be learnt from their views and experiences. I would encourage you to continue working with the community affected by the fire and to consider a full range of options to foster closer engagement in the future.<sup>8</sup>

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<sup>6</sup>T. May, 'Letter by Prime Minister May to Inquiry's Chair Sir Martin Moore-Bick', 15 August 2017, at <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/637674/MMB\\_Letter\\_-\\_Grenfell.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/637674/MMB_Letter_-_Grenfell.pdf)>.

<sup>7</sup>Grenfell Tower Inquiry, 'The Grenfell Tower Inquiry's Terms of Reference', at <<https://www.grenfelltowerinquiry.org.uk/about/terms-of-reference>>.

<sup>8</sup>T. May, 'Letter from the Prime Minister to the Chair of the Public Inquiry into the Grenfell Tower Fire', 21 December 2017, at <<https://www.gov.uk/government/publications/letter-from-the-prime-minister-to-the-chair-of-the-public-inquiry-into-the-grenfell-tower-fire>>.

Collectively, these four elements constructed an image of the survivors, bereaved families, and residents as key participants in the Inquiry. The findings below reveal this to be no more than an illusion.

## 5 | THEORY: RESEARCHING KNOWLEDGE PRODUCTION THROUGH THE KNOWLEDGE KNOWN TO PEOPLE WHO WENT THROUGH TRAUMA

According to the theory examined in this article, excluding the knowledge of people who experienced trauma related to social oppression, from proceedings that produce public narratives on the trauma, enables the construction of narratives that protect the status quo from challenge and that shields the state from facing responsibility for its failures. The theory has three pillars, grounded in trauma studies and Foucault's power/knowledge theory.

The first is the relationship between a traumatic event related to social oppression and the status quo. Trauma is defined in this article as the exposure to an event that involves 'a threat to life and bodily integrity' and is experienced as 'a close personal encounter with violence or death'.<sup>9</sup> The meaning of social oppression in this research is the everyday practices and norms, embedded in social structures, that act to systematically reduce and immobilize categories of people.<sup>10</sup> Traumatic events and realities linked to social oppression, such as trauma related to sexism, racism, classism, and xenophobia, repeatedly occur in regimes that claim to be democracies that protect human rights. Their occurrence reflects conditions within the regimes' status quo that enable violence against certain groups of people to take place. These are conditions without which the trauma could not have occurred, and that must be changed in order to prevent its repetition. The status quo is therefore the trauma's habitat; it is what enables trauma to exist and recur.<sup>11</sup>

Second, the continuation of a status quo is dependent upon its social acceptability. This acceptability is maintained through knowledge that provides the status quo with grounds and legitimacy – legitimacy that, especially in regimes defined as democracies, could not be sustained if clear information on the violent operations of conditions within their status quo were revealed. Therefore, the continuation of a status quo in its current form is dependent on these violence-enabling conditions – which in turn lead to the occurrences of trauma – remaining effectively unidentifiable. Information that could expose the ways in which violence is enabled by the status quo would lead to a fracture in the accepted knowledge that had sustained it up to that point and become an opening for change. This 'threat' would lead such knowledge to become, in Foucault's term, subjugated – that is, excluded from instances in which socially accepted knowledge is produced.<sup>12</sup>

Third, people who experienced a trauma connected to social oppression are the holders of that subjugated knowledge. Their knowledge was created through their standpoint and experience, which made them witnesses to the conditions within which the trauma took place, to the

<sup>9</sup> J. L. Herman, *Trauma and Recovery: The Aftermath of Violence – from Domestic Abuse to Political Terror* (1992) 33.

<sup>10</sup> I. M. Young, *Justice and the Politics of Difference* (1990) 39–65; M. Frye, 'Oppression' in *The Politics of Reality: Essays in Feminist Theory* (1983) 1.

<sup>11</sup> Herman, op. cit., n. 9, pp. 7–32; D. Fassin and R. Rechtman, *The Empire of Trauma: An Inquiry into the Condition of Victimhood* (2009).

<sup>12</sup> M. Foucault, *The Archaeology of Knowledge* (1969); M. Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975–1976* (1997) 1–22.

trauma itself (and, if the trauma was not a single event but a continuous reality, such as a violent relationship, to the conditions that enabled the traumatic reality to linger), and to the trauma's aftermath. Formed on standpoint and experience, survivors' knowledge is unique. From the survivors' social location, knowledge that is not obvious to others, including disciplinary experts, can be clearly seen.<sup>13</sup> Survivors' knowledge is also crucial because it is able to identify the violent but otherwise vague conditions that enabled the trauma to occur, and lead to their change.<sup>14</sup> However, it is *because* this knowledge can expose that violence that it is often consistently and systematically excluded from legal and social platforms in which socially accepted knowledge is produced.

These pillars provide a theoretical lens through which to analyse processes of knowledge production on trauma related to social oppression. They position survivors' knowledge at the centre of the power/knowledge nexus because of the potential embedded within that knowledge to reveal everyday violence that is otherwise obscured. This potential to reveal violence, and hence to disturb the present socio-political state, leads to the marginalization, disqualification, or exclusion of that knowledge from processes in which knowledge on the relevant trauma is produced. These processes thereby remain uncontested, able to produce knowledge that safeguards rather than disturbs the status quo. Knowledge produced in a way that protects the status quo from change by excluding survivors' knowledge can be seen in different areas of trauma, for example: the exclusion of the knowledge of those who have experienced gender-based violence enables the perpetuation of the social conditions required for its recurrence;<sup>15</sup> knowledge on the trauma that people who ask for asylum have experienced is altered in a way that protects immigration systems;<sup>16</sup> knowledge of people who have suffered war-related traumas is distorted to defend masculine ideals;<sup>17</sup> knowledge of Holocaust survivors in Israel has been changed and reconstructed to produce narratives that adhere to Israeli political agendas<sup>18</sup> along with knowledge on Palestinian traumas that serve to sustain occupation and oppression.<sup>19</sup> In all of these examples, the exclusion of survivors' knowledge is inherent to producing narratives on trauma in accordance with socio-political agendas.

These are just a few examples that shed light on the connection between the exclusion of survivors' knowledge and the protection of a status quo. A central argument in this article is that focusing on survivors' knowledge when researching the production of knowledge on trauma can lead to an understanding of *how* exclusion takes place in situations when that exclusion is not apparent to an outside observer. It can expose the changing means and practices that lead to exclusion. By uncovering such means and practices, the research can disrupt their operation and help to build a database of exclusionary means and practices with which to analyse other processes of knowledge production on trauma related to social oppression.

<sup>13</sup> S. Felman and D. Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History* (1992).

<sup>14</sup> Herman, *op. cit.*, n. 9, pp. 237–247.

<sup>15</sup> R. Fivush, 'Speaking Silence: The Social Construction of Silence in Autobiographical and Cultural Narratives' (2010) 18 *Memory* 88; C. Humphreys and S. Joseph, 'Domestic Violence and the Politics of Trauma' (2004) 27 *Women's Studies International Forum* 559.

<sup>16</sup> D. Fassin and E. d'Halluin, 'Critical Evidence: The Politics of Trauma in French Asylum Policies' (2007) 35 *Ethos* 300.

<sup>17</sup> M. Humphries, 'War's Long Shadow: Masculinity, Medicine and the Gendered Politics of Trauma, 1914–1939' (2010) 91 *Cdn Historical Rev.* 503.

<sup>18</sup> A. Goldberg, *Trauma in First Person: Diary Writing during the Holocaust* (2017) 55–73.

<sup>19</sup> D. Fassin, 'The Humanitarian Politics of Testimony: Subjection through Trauma in the Israeli–Palestinian Conflict' (2008) 23 *Cultural Anthropology* 531.

Examples of means of exclusion include: discouraging survivors from disclosing knowledge by responding to their accounts with disbelief or denial<sup>20</sup> or with victim-blaming narratives;<sup>21</sup> language and discourse structures that prevent the harm experienced by the person who went through trauma from being intelligible;<sup>22</sup> depoliticizing the trauma through mental health discourses;<sup>23</sup> weakening survivors' credibility through reducing the experience of trauma to a PTSD diagnosis;<sup>24</sup> and filtering and changing knowledge through disciplinary experts testifying on behalf of survivors.<sup>25</sup>

Researching through the lens of inclusion/exclusion of knowledge belonging to people who went through trauma is effective in five main ways. First, it reveals with more clarity the power/knowledge nexus that exists within these processes by shedding light on the roles that they play in sustaining and strengthening power relations, including the violence that they engender. Second, it enables us to see beyond external appearances of fair processes. Part of the status quo's presentation as non-violent is the appearance of processes of knowledge production, such as inquiries, as fair and just. The lens of survivors' knowledge – examining whether their knowledge was included and, if not, what prevented its inclusion – allows us to see behind that veil. Third, looking at the question of whether survivors' knowledge was excluded, rather than tracking the exclusionary mechanism itself, such as language or discourse, can lead to the identification of new means of exclusion and of changes in old ones, in a way that is specific to a period of time, place, and/or context. Fourth, through this lens, multiple means of exclusion can be revealed and their simultaneous operation can be understood. Finally, since this research lens is relevant to any research on trauma with a dimension of social oppression, using it in relation to different types of trauma can lead to making connections between areas of research that are currently separated by specific categories of trauma, such as between gender-based violence, classism, and racism.

## 6 | THE HILLSBOROUGH INDEPENDENT PANEL AND THE STEPHEN LAWRENCE INQUIRY: THE 'FAMILIES FIRST' PRINCIPLE

A history of proceedings in the UK in relation to two traumatic events provides the foundation for understanding the centrality and importance of knowledge belonging to people who have undergone trauma and helps to ground the present critique in terms of the mechanisms that exclude this knowledge from proceedings.

The first relates to the Hillsborough tragedy of 1989, a crush in a football stadium in Sheffield that killed 96 people. Over the course of three decades following the crush, a series of inquiries, inquests, judicial reviews, and criminal investigations took place, whose collective aim was to

<sup>20</sup> D. Laub, 'Bearing Witness, or the Vicissitudes of Listening' in Felman and Laub (eds), op. cit., n. 13, p. 57; S. Felman, 'The Return of the Voice: Claude Lanzmann's Shoah' in Felman and Laub (eds), op. cit., n. 13, p. 204; Fivush, op. cit., n. 15.

<sup>21</sup> S. J. Brison, *Aftermath: Violence and the Remaking of a Self* (2002) 4.

<sup>22</sup> N. Ohana, 'The Archaeology of the Courts' Domestic Violence Discourse: Discourse as a Knowledge-Sustaining System' (2020) 9 *Feminists@Law*. at <<https://doi.org/10.22024/UniKent/03/fal.913>>.

<sup>23</sup> L. Armstrong, *Rocking the Cradle of Sexual Politics: What Happened When Women Said Incest* (1996).

<sup>24</sup> Humphreys and Joseph, op. cit., n. 15.

<sup>25</sup> Fassin and Rechtman, op. cit., n. 11.

investigate its causes. The last in the series of proceedings was the Hillsborough Independent Panel (HIP).<sup>26</sup> In his work, Scraton reviews these proceedings from the perspectives of the survivors and bereaved families.<sup>27</sup> The conclusions of the proceedings that preceded the HIP attributed no blame to state authorities and exacerbated classist stereotypes, enabling the construction of a narrative that blamed the victims for their own deaths. They were accused by politicians and journalists of violence during the disaster, and labelled as ‘animals’, ‘beasts’, and drunks, while the legal proceedings affirmed that no institutional failures were to blame.

Scraton shows that the common denominator to all of the proceedings that preceded the HIP<sup>28</sup> was the existence of mechanisms that prevented the survivors and bereaved families from participating in the proceedings meaningfully. Even though they were presented as participants and were represented by lawyers, in none of those proceedings were the families able to take part in setting out the questions that the proceedings should investigate. Other mechanisms narrowed participation even further. For example, in the inquests, the families were not allowed to cross-examine witnesses and were asked to accept evidence as uncontested. As demonstrated in Scraton’s article, the disaster and the many years of injustice that followed were the result of everyday practices within institutions and procedures shaped by embedded classism. Excluding families from proceedings kept these classist practices unaddressed, reflecting the dynamics described in the above discussion of the theory of state-protecting narratives constructed through exclusion of families’ and survivors’ knowledge. The families were well aware of the underlying link between power and law. As one bereaved sister said: ‘Hillsborough shows how when dealing with powerful vested interests against the likes of us the judicial system fails to its core.’<sup>29</sup>

The last proceeding in the series was fundamentally different from the previous ones. The HIP occurred as a result of the bereaved families’ relentless campaigning over the course of 23 years. In contrast to the previous proceedings, the HIP did bring a sense of closure and vindication to the families. A central difference between the HIP and the previous proceedings was the extent of families’ participation. While their participation was effectively blocked in previous proceedings, the HIP implemented ‘families first’ as its guiding principle. The crucial meaning of that principle was that the families were allowed, for the first time, to submit to the panel a list of questions for investigation. The list was accepted, and the disclosure of documents aimed at answering those questions followed. Scraton emphasizes that the documents submitted to the panel were not new or recovered evidence but documents that were available and accessible to all previous proceedings all along.<sup>30</sup>

The document disclosure and the report that followed<sup>31</sup> revealed that the disaster was caused by a series of institutional failures, that previous incidents in the stadium meant that the disaster was foreseeable, that there was no evidence to suggest that the victims were to blame for their deaths,

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<sup>26</sup> Hillsborough Independent Panel, *The Report of the Hillsborough Independent Panel* (2021), at <<https://www.gov.uk/government/publications/the-report-of-the-hillsborough-independent-panel>>.

<sup>27</sup> P. Scraton, ‘The Legacy of Hillsborough: Liberating Truth, Challenging Power’ (2013) 55 *Race & Class* 1.

<sup>28</sup> The only exception was the Taylor Inquiry, the first of the proceedings, which was not accepted as a comprehensive response since it had a narrow scope.

<sup>29</sup> Scraton, *op. cit.*, n. 27, p. 16.

<sup>30</sup> *Id.*, p. 25.

<sup>31</sup> Hillsborough Independent Panel, *op. cit.*, n. 26.

and that there were fundamental failures in the previous legal proceedings. The responsibility was acknowledged by the Government and led to a series of actions being taken to prevent another disaster. The legacy of Hillsborough for Grenfell is crucial. It sets a model of a proceeding to follow, a principle – ‘families first’ – to adopt, and a perspective of 30 years that provides clarity on the crucial significance of families’ participation in proceedings.

The Stephen Lawrence Inquiry increases that clarity. The Lawrence Inquiry was a proceeding that addressed a trauma and that was led, from the start, by the knowledge known to the people who experienced it. Conducted between 1997 and 1999, the Inquiry investigated institutional racism within the Metropolitan Police following their mishandling of the investigation into the murder of Stephen Lawrence, an 18-year-old Black teenager who was murdered by a group of white youths in 1993. The Inquiry occurred as a result of a years-long campaign led by Stephen’s parents, Doreen and Neville Lawrence. Not only was the question posed by Stephen’s parents the central question that the Inquiry investigated, but their evidence on the everyday impact of racial discrimination was included as evidence and they were present throughout all of the hearings. The report that followed the Inquiry,<sup>32</sup> albeit not without its own deficiencies,<sup>33</sup> led to fundamental changes, including in UK legislation surrounding racism and discrimination.

The HIP and the Lawrence Inquiry were led by the guiding principle of ‘families first’ and resulted in long-term outcomes that were significant not only for the families but for society as a whole. These proceedings prove that families should lead the way, not only because of a moral obligation towards the victims, but also because their insight, based on their experience and standpoint, can point to the relevant path to follow and reveal valuable information.

However, as the findings discussed below show, the ‘families first’ principle and a recognition of the importance of the community’s knowledge is absent from the Grenfell Tower Inquiry.

## 7 | METHODOLOGY

In September 2019, between the completion of Phase 1 of the Grenfell Tower Inquiry and the commencement of Phase 2, a series of workshops was conducted with members of the bereaved families and residents of North Kensington, which were aimed at understanding their perceptions of the Inquiry, two years on from its launch. The workshops were part of a broader research project funded by the British Academy Postdoctoral Fellowship, which explored aspects of the intersection between law and trauma. The purpose of conducting the workshops was to examine the Inquiry as a proceeding that generates knowledge on trauma from the perspectives of the people who were most affected by the trauma and its aftermath.

The principles behind the design of the method and the method itself are described briefly below, since an elaboration on the project’s methodology is the focus of a future article. The method was designed according to Deleuze and Guattari’s concept of ‘minor literature’,<sup>34</sup> which was relevant to the context of this research both in terms of its traumatic content and the relationship between trauma and social oppression. Minor literature relates to expression through breaking the language associated with domination. This meant taking steps aimed at making English

<sup>32</sup> Stephen Lawrence Inquiry, *Report of the Stephen Lawrence Inquiry* (1999), at <<https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>>.

<sup>33</sup> L. Bridges, ‘The Lawrence Inquiry: Incompetence, Corruption, and Institutional Racism’ (1999) 26 *J. of Law and Society* 298.

<sup>34</sup> G. Deleuze and F. Guattari, *Kafka: Toward a Minor Literature* (2000) 16–27.

one means of expression rather than the sole means. For this purpose, art – mark making, which did not require prior artistic skill or experience – was integrated into all workshops, and simultaneous translators to Arabic and Farsi were present, enabling participants to talk in their mother tongue if English was not their first language.

Integrating art as a means of expression into the research method proved to reinforce Perry-Kessarlis' and Perry's work on the potential embedded in incorporating design into socio-legal research methods. Through the combination of art and dialogue, participants communicated and clarified multi-layered ideas and messages that language alone could not have sufficiently conveyed.<sup>35</sup> Art enabled a more meaningful participation – something that was crucial for a research project that is aimed at creating an understanding of participants' perspectives.<sup>36</sup>

The method was divided into two stages. The first was the delivery of workshops to two groups and the second was a discourse analysis of the conversations that took place within the workshops. In the first stage, the aim was to create workshops that would provide enough time and be experienced as sufficiently safe spaces to encourage the participants to engage in in-depth conversations about their experiences of the Inquiry thus far. The workshops were conducted in Bay 22, a community centre close to Grenfell Tower. Shellee Boroughs, an art therapist specializing in trauma, and Nour-eddine Abudihaj, a North Kensington-based community coach, assisted in delivering the workshops. All workshops were filmed and recorded by photographer Dror Shoheit.

The workshops were open to all bereaved families and survivors and the residents of North Kensington who were affected by the fire. Information on the workshops was sent by the Dedicated Services Office at the RBKC Council in a weekly newsletter that is distributed to all members of the community. Eighteen people participated in the workshops, of whom 14 were next of kin of the deceased, with the remaining four being residents of North Kensington. All had participated in Phase 1 of the Inquiry, 17 with the status of Core Participants and one as a witness. Fifteen of the participants were of BAME backgrounds. The workshops were translated into both Arabic and Farsi simultaneously by the two translators for the benefit of the six participants who did not speak English. Out of the remaining 12 participants, six spoke English as a first language and six as a second language.

A participatory approach to the workshops' content was followed. General themes were planned for each workshop but once the series of workshops started, the content that participants raised clarified the questions that required discussion and dictated the future workshops' topics. The participants were divided into two groups (a morning group and an evening group). There were six workshops for each group, spanning three consecutive days. The questions that were discussed in the workshops were as follows:

- What were the participants' initial thoughts on the Inquiry when it was first announced?
- Do they see the Inquiry as an important proceeding and what makes it important or unimportant?
- What were their experiences of participating as a Core Participant?
- What impact did the representation by lawyers have on their participation?
- Thinking about the Inquiry's investigation, what do they believe caused the Tower to be unsafe? Are these causes being investigated? If not, what is preventing them from being investigated?

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<sup>35</sup> A. Perry-Kessarlis, 'Legal Design for Practice, Activism, Policy and Research' (2019) 46 *J. of Law and Society* 185.

<sup>36</sup> A. Perry-Kessarlis and J. Perry, 'Enhancing Participatory Strategies with Designerly Ways for Sociolegal Impact: Lessons from Research Aimed at Making Hate Crime Visible' (2020) 29 *Social & Legal Studies* 835.

The second stage involved the transcription of the recorded conversations and a discourse analysis of the text and artworks produced. Reading through the content indicated that the different themes that were raised in the workshops have a shared ground: the systematic exclusion of the community's knowledge from the proceeding. The discourse analysis was consequently aimed at identifying the means and mechanisms, both direct and indirect, that led to this exclusion.



FIGURE 1 Experiences of the Grenfell Tower Inquiry workshops: Day 3

Photographer: Dror Shohet

## 8 | FINDINGS

### 8.1 | Institutional discrimination by the RBKC Council as a possible cause of the fire: knowledge known to the community but excluded by the Inquiry

The possibility that institutional discrimination by the RBKC Council on the basis of race and class was a cause of the fire is an example of knowledge known to the community that the Inquiry is so far refusing to investigate.<sup>37</sup> The workshops' participants clearly demonstrated their understanding of the central role that discrimination may have played in the causes that led to the fire:

<sup>37</sup> The decision to focus on discrimination by the RBKC Council and not on possible claims of discrimination in Grenfell in general – claims that could include corporates and individuals as well – was taken to show that the exclusion of the community's knowledge has a specific impact on state responsibility. The community's knowledge is specifically relevant for an investigation against the RBKC Council as it is based on years of living in North Kensington before the fire. Moreover, investigating the RBKC Council is a pre-condition for any other discrimination investigation to be carried out, since the state could not justify investigations against private bodies as long as an investigation against itself was not being undertaken.

NC: This would never have happened to upper-class people, . . . this wouldn't happen to South of Kensington.

AI: Social class was for me the main reason why we're here today. Social class. We are basically not the richest people. This area that we are living in, it's a very interesting area, because one road is very rich and the next is very poor.

TH: It's not only about race – it's about class systems, economic structures, and that creates the divide between them and us.

Since the announcement of the Inquiry, the community has demanded that discrimination be included in the Inquiry's Terms of Reference. In July 2017, during the consultation phase on what the Terms of Reference should include, the community made 550 submissions to the Inquiry's Chair. Even though the submissions were not made public, that discrimination was raised as a concern can be inferred from the Chair's response to these submissions, which mentioned the demand to investigate broader social issues.<sup>38</sup> In spite of this, the Chair recommended that the Government did not include these issues in the Terms of Reference, explaining that it would delay the Inquiry's process and that the Inquiry, being judge led, is not a suitable platform for investigating issues of this type.<sup>39</sup> Prime Minister Theresa May accepted his recommendation<sup>40</sup> and discrimination was left outside of the Terms of Reference.<sup>41</sup> The participants discussed the Chair's recommendation in the workshops:

NC: We asked them to put into the Terms of Reference social housing and everything else, and ethnic minorities, you know, in how we as a mixed community want to be looked at. They said 'Yeah, yeah, we'll take this down'; well, they took it down, but nothing came out of it. So, once we knew what was in the Terms of Reference, we were like 'So why is the ethnic minorities issue not there?' People's backgrounds are not taken into consideration, you know? It's not being looked at.

TH: We were very clear on what we wanted covered, and we didn't get it. We've made it very clear. We've written letters, we as the community – I contributed my part personally and many people did, and it's a combination of the survivors that were working very hard at the time, the bereaved, the residents' associations, and also people from the wider community, because at the time we didn't know the scope. It was everyone pouring into the system, into this process.

The refusal to include discrimination in the Terms of Reference did not put an end to the community's fight. In the Opening Statements of Phase 1, three barristers acting on behalf of bereaved families – Imran Khan, Rajiv Menon, and Leslie Thomas – argued in their submissions that the Inquiry should investigate discrimination as a possible cause of the fire. Thomas said: 'To what extent did the fact that the residents were or were perceived to be predominantly from poorer

<sup>38</sup> M. Moore-Bick, 'Letter by Inquiry's Chair Sir Moore-Bick to Prime Minister May', 10 August 2017, at <[https://assets.grenfelltowerinquiry.org.uk/inline-files/Letter\\_Grenfell\\_Tower\\_Inquiry.pdf](https://assets.grenfelltowerinquiry.org.uk/inline-files/Letter_Grenfell_Tower_Inquiry.pdf)>.

<sup>39</sup> Id.

<sup>40</sup> May, *op. cit.*, n. 6.

<sup>41</sup> Grenfell Tower Inquiry, *op. cit.*, n. 7.

members of the Borough contribute to this incident? That has to be looked at, Sir. And Sir, you cannot ignore race.’<sup>42</sup> Khan made it clear that the Inquiry was presented with evidence on discrimination, and on account of this, he explained that the Inquiry was obliged to investigate it as a potential cause:<sup>43</sup>

We invite you to state that, having now heard directly from the bereaved, as you did in the last two weeks, and having read the material disclosed to the inquiry as we have, particularly the witness statements of the Core Participants, we invite you to recommend a change to the Terms of Reference along these lines: ‘To examine whether race, religion or social class played any part in the events surrounding the fire at Grenfell Tower on 14 June 2017.’<sup>44</sup>

Neither discrimination nor these submissions were mentioned in the Inquiry’s 1,000-page report on Phase 1.<sup>45</sup>

Despite the setbacks, the community’s struggle to get discrimination investigated as part of the Inquiry is still ongoing, in the face of the Inquiry’s continued resistance.<sup>46</sup>

Contrary to Sir Moore-Bick’s reasoning for excluding discrimination from the Terms of Reference, the investigation of discrimination is suited to the Inquiry’s proceedings. It is beyond the scope and purpose of this article to expand on how the Inquiry could investigate discrimination, but the discussion of the following basic elements shows that it is feasible.

Protection from racial discrimination by public bodies is clearly enshrined in UK legislation,<sup>47</sup> and proceedings concerning discrimination are conducted on a routine basis by UK courts.<sup>48</sup> As the Stephen Lawrence Inquiry clearly shows, there is no barrier preventing the Inquiry from conducting a discrimination-based investigation. As elaborated in the *Report of the Stephen Lawrence Inquiry*, discrimination need not have been deliberate for institutional discrimination to have occurred.<sup>49</sup> The precise set of questions in a discrimination investigation in Grenfell would be whether the RBKC Council treated one group of people differently and worse than another, whether these differences could be related to discriminatory attitudes and practices, and whether discriminatory practices, if found, played a role in the events leading to the fire. For this purpose,

<sup>42</sup> L. Thomas QC, ‘Transcript of Opening Statements’, 6 June 2018, p. 33 line 22–p. 34 line 1, at <<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript-of-opening-statements-6-June.pdf>>.

<sup>43</sup> I. Khan QC, ‘Transcript of Opening Statements’, 5 June 2018, p. 133 line 24–p. 134 line 12, at <<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript-of-opening-statements-5-June.pdf>>.

<sup>44</sup> *Id.*, p. 133 lines 15–24.

<sup>45</sup> Grenfell Tower Inquiry, *Grenfell Tower Inquiry Phase 1 Report* (2019), at <<https://www.grenfelltowerinquiry.org.uk/phase-1-report>>.

<sup>46</sup> A. Khan, ‘Fight for Grenfell Inquiry to Look at Racial Stereotyping Goes On’ *Guardian*, 14 June 2020, at <<https://www.theguardian.com/uk-news/2020/un/14/calls-grow-for-grenfell-inquiry-to-look-at-role-of-institutional-racism>>; F. Manji, ‘Grenfell Tower Relatives Call for Inquiry to Investigate Role of Racism in Fire Tragedy’ *Channel 4 News*, 11 June 2020, at <<https://www.channel4.com/news/grenfell-tower-relatives-call-for-inquiry-to-investigate-role-of-racism-in-fire-tragedy>>.

<sup>47</sup> Human Rights Act 1998; Equality Act 2010.

<sup>48</sup> The characteristics protected from discrimination in the legislation include race and disability but do not include class. However, the Inquiry was instructed to investigate the causes that led to the fire, and therefore is not limited to that list. If there is evidence that class discrimination could have contributed to the causes, it will be in the Inquiry’s remit to investigate it.

<sup>49</sup> Stephen Lawrence Inquiry, *op. cit.*, n. 32.

the Inquiry would be required to compare practices in Grenfell with those in several non-council housing buildings in the Borough to examine whether the Council maintained the same standard of conduct across the Borough. Council practices that could be a basis for comparison include conduct by the Building Control department, communication with residents, and procurement processes (or lack of them).

The legal proceeding of discrimination, through the element of comparison that it entails, has the potential to reveal the ways in which embedded bureaucratic structures, shaped around race and class, are translated into everyday, concrete practices that can be identified and proved. Through examining bureaucratic systems, El-Enany<sup>50</sup> and Preston<sup>51</sup> have not only demonstrated the ways in which racism and classism led to Grenfell, but also shown bureaucratic systems to be the site where institutional discrimination is most visible. The discrimination proceeding could be used in Grenfell, as it was used in the Stephen Lawrence Inquiry, as an examination tool to reveal bureaucratic violence and to break down the vague concept of institutional discrimination into tangible and provable elements.

To conclude, accounts from the workshops, submissions to the Inquiry on behalf of the community and the bereaved families and survivors' accounts covered by the media show that the Inquiry was presented before the start of the proceeding with evidence of discrimination by the RBKC Council, and that the community has repeatedly made demands that it be investigated as a cause of the fire. Despite such repeated demands, the Inquiry has so far refused to include discrimination in its Terms of Reference.

## 8.2 | Practices and means that lead to the exclusion of a community's knowledge

The conversations and artwork produced during the workshops revealed four main ways in which the community's knowledge is being excluded from the Inquiry: (1) direct exclusion from the Inquiry's Terms of Reference; (2) exclusion through the marginalization of the community's participation in the proceeding; (3) exclusion through practices that bring about the psychological effect of alienation, in turn causing the community to withdraw from the Inquiry; and (4) exclusion through the construction of a false image of the Inquiry as a proceeding that enables participation. Each is elaborated upon in turn below.

### 8.2.1 | Direct exclusion and ensuing procedural practices

First, knowledge is directly excluded through the Chair's decision not to include discrimination in the Inquiry's Terms of Reference. This means that the knowledge that seems to the community to be the most critical to the question of what led the Tower to be unsafe has become irrelevant to the Inquiry. The reality of the Chair's decision has been inevitably translated into several exclusionary practices. The community's written statements to the Inquiry have been edited by lawyers to adapt them to the Inquiry's questions, and the lawyers have explained to clients that points that they wanted to include were irrelevant to the questions that the Inquiry was asking. Furthermore,

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<sup>50</sup> N. El-Enany, 'Before Grenfell: British Immigration Law and the Production of Colonial Spaces' in *After Grenfell: Violence, Resistance and Response*, eds B. Dan et al. (2019) 50.

<sup>51</sup> J. Preston, *Grenfell Tower: Preparedness, Race and Disaster Capitalism* (2018).

having been rendered irrelevant to the Inquiry's concerns, most of the statements submitted by the community have been deemed not to be needed in the Inquiry's evidence. Consequently, very few of those statements have been chosen to be read to the panel during hearings.

The participants realized that their understanding of the causes of the disaster are regarded as irrelevant:

SC: We could only say what happened that night. We couldn't say and we will not be asked to say what we know; it's not what we can write in the statement.

HAJ: I couldn't say what I thought was the cause of the fire – that is why I am not attending the Inquiry.

To the participants, the editing of statements and the selection of evidence are essentially silencing acts:

MC: I heard a resident talk in the Inquiry. Every time he wanted to say something important to show people what happened, they stopped him talking.

MS: Myself, my family and people like me, we're screaming from within. We're shouting. But unfortunately, not only no one hears us; at the same time, they're trying to hush us up.

NC: People didn't even get the chance to make their oral statements. They only selected a few. That's why this process, some people feel it didn't give them a chance to have their voice heard and to be listened to.

Procedural practices cement the perception of the Inquiry as a proceeding that constructs a narrative and protects it by controlling which information is included:

TH: Not all of the statements were put out. It was only the ones that they felt were really reinforcing what they were trying to say that were either read out or had people come in to read them. I know they referred to mine, but they didn't actually use it. You know, after two years of being in this situation, it's really not about ego and wanting my statement out there. It really is about the content of that statement. I focused really strongly on the impact on children, and that wasn't even mentioned.

NC: Before the statements, there were the pen portraits and they had control over that also. When you were talking about your family, they wanted to control that. They stopped what you wanted to say and decided what you were allowed to say.

TH: I found that the Inquiry is filtering information through their legal process and it's filtering through the information to get the answers that they want and any information that isn't according to what they want to hear they just ignore. They've got their agendas already set but they need to be prepared to abandon those and rethink completely and take what's really important: the basics.

MS was present in the Inquiry's hearings. Her drawing (Figure 2) reflects her conclusion that the Inquiry does not enable survivors, bereaved families, and community members to explain their understanding of the circumstances that led to the fire.



FIGURE 2 MS: workshop on Core Participants

The decision not to include discrimination in the Terms of Reference was an act of direct exclusion that was followed by procedural practices of editing statements and selection of evidence. These practices ensured that the decision was applied and that the proceeding was adapted in accordance with it. While the participants expressed frustration and dismay at the decision in relation to the Terms of Reference, they did not realize at the time that it would have such a detrimental effect on the proceeding. It was only through these procedural practices that they had come to recognize that the Inquiry was an exclusionary proceeding.

### 8.2.2 | Exclusion through the marginalization of the community's participation in the proceeding

The second means by which knowledge is excluded is through weakening the participation of the community in the Inquiry. Accounts given in the workshops revealed two ways in which participation is marginalized.

#### *The lawyer–client relationship*

The first way in which participation is being reduced is through the lawyer–client relationship. Discussions revealed that the lawyers are perceived by the participants as a weakening influence rather than a strengthening one. There are two reasons for this. The first is related to the Inquiry's Terms of Reference, which left outside of its scope the community's central question. In this

situation, what the community needs their lawyers to do is to challenge the framework of the Inquiry – to act in a way that will make it reflective of their clients’ questions and enable their clients to participate in it meaningfully. However, rather than challengers of the Inquiry, the lawyers are perceived as its agents, those who edit the community’s statements to adapt them to the Inquiry’s questions:

SK: We are always asked not to see anything, not to hear anything, not to understand anything – just leave it to them.

TH: They are kind and charming and knowledgeable and stuff like that and they give you explanations and updates but it’s kind of like what we’re getting from them is: ‘This is the structure, and this is how it’s going to work.’ And again, it’s a case of we’re being told what’s going to happen rather than us impacting what’s going to happen. It’s really frustrating because I know that solicitors are trained to follow these protocols and the law, and there are well-established methods and processes but, again, it’s missing the point; what we need them to do is find the loopholes and find where the problems in the processes are, and ways in which they can impact and change them. And I know they exist.

In this respect, the lawyers, who could have been a strengthening influence, are seen as an additional barrier between the participants and the Inquiry. This echoes findings from other studies on the weakening effect of the lawyer–client relationship.<sup>52</sup>

The lack of trust in lawyers was reflected in the workshops through the two-face image, reflecting the gap between the lawyers’ appearance as charming and supportive and their perceived role in blocking participation:

AAJ: My solicitor has two faces. He should support us, not show the face that he is supportive when he is not.

NC: We put our trust in them for change and to do things and ... it doesn’t feel like they’re doing what we really need them to do. This is why I drew the two face because there is a side there stopping what’s happening.

TH [in response to NC]: From my experience, the lawyers are doing the best they can within the framework, which I regret because I’d like them to change that framework. I find it interesting because where NC and I are different – he’s been there, he’s been pushing for things, he’s been organized, he’s been consistent with it, and for him to pick up on the fact that actually where I’ve seen the charming side, his experience of being at the table and trying and talking to them and not seeing them respond gives that impression of the two face. The question is actually ‘Why not?’ What’s going on here? Are their intentions really to represent us?

<sup>52</sup> For example, Cunningham demonstrates how the significance that clients attribute to harms that they experienced is lost in proceedings due to lawyers’ representation: C. D. Cunningham, ‘Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse’ (1992) 77 *Cornell Law Rev.* 1298. Newman analyses interviews and observations on lawyers’ perceptions and treatment of their legal aid clients, demonstrating that the lawyer–client relationship impedes rather than facilitates access to justice: D. Newman, *Legal Aid Lawyers and the Quest for Justice* (2013).

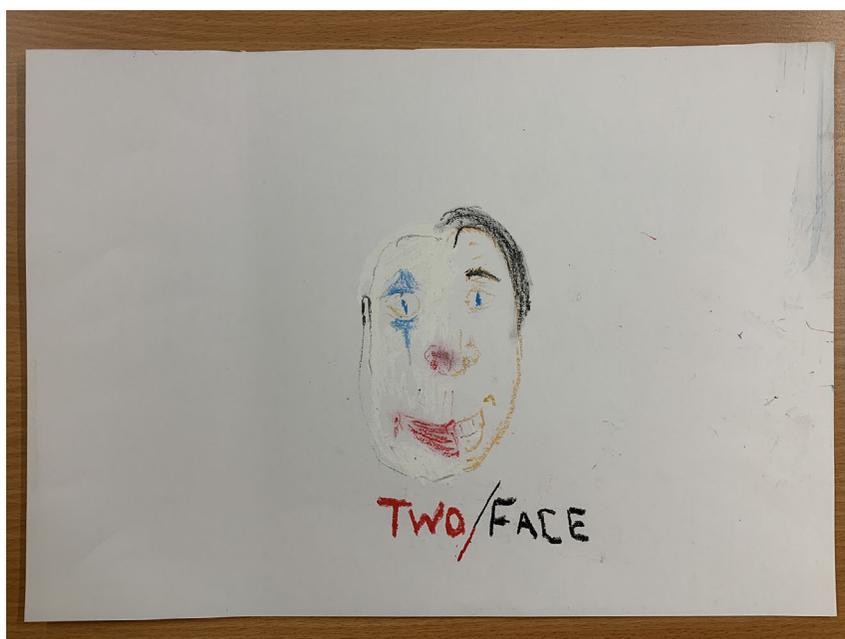


FIGURE 3 NC: the two-face image: workshop on the impact of lawyers on participation in the Inquiry

The weakening effect of legal representation has been exacerbated by a particular feature of the lawyers' role in this Inquiry – namely, the scope of their mandate for representation. This mandate includes also representing the Core Participants in the Inquiry in any other issue related to public authorities, such as immigration, housing, education, and Council issues:

MC: She's representing me in everything. She'll talk to the Council for me, to the Housing [Department], even Immigration as well, the Inquiry – pen portraits, statements, every little thing.

Representing the Core Participants in any issue related to government authorities makes the lawyer a central figure, as they are involved in all crucial matters related to the Core Participant's life. Even though these other matters largely neither require legal skills nor involve legal proceedings, the lawyers' support is valuable, especially at a time of mourning and post-traumatic stress.

However, this involvement of lawyers in all matters creates a situation in which it is difficult to hold them to account for failures stemming from accepting rather than challenging the Inquiry's framework, since such confrontation could impact not only the representation in the Inquiry, but also the support that they provide in other areas. This concern emerged from the workshops in the way in which two of the participants showed immense appreciation towards their lawyers for their support, while at the same time expressing a complete lack of confidence in the Inquiry as a proceeding that could lead to justice. In conversation, it became apparent that the participants see their lawyers as people whose hands are tied with regard to the Inquiry – as having no choice but to comply with it – and therefore they view the failure of the Inquiry as unrelated to the actions or inaction of their lawyers. It can be argued that this disconnect is the result of the complexity created by the mandate of representation, which means that the lawyer's failure to represent their

client in the Inquiry cannot be reconciled with their indispensability in other crucial matters at this time. Not being able to hold their lawyers to account means that the Core Participants lose the strengthening influence in the Inquiry that legal representation could have provided.

Even though representation weakens participation rather than strengthens it, the very appointment of legal representatives provides the Inquiry with the image of a participatory proceeding, creating a situation in which exposing the exclusion of knowledge becomes more difficult, thereby acting to engrain it. This fact lies behind the participants' sense that even though they have lawyers to represent them in the Inquiry, that representation does not advance their cause:

MS: The Core Participants are alone in the Inquiry. Our lawyers and the corporates' lawyers are all the same.

### *The physical space of the Inquiry's venue*

Mulcahy's work shows courtroom design to be a central factor in determining the extent to which lay people are able to participate meaningfully in legal proceedings.<sup>53</sup> Seeing participation and agency as symbiotically linked to social power, she demonstrates that courtroom design is an effective critical lens through which to reveal law's subtle political operations. The findings relayed in this section reinforce Mulcahy's argument.

The physical space of the Inquiry – the venue in which it was conducted in Phase 1 – emerged through the workshop discussions as a second factor contributing to the marginalization of participation and therefore to the exclusion of knowledge. The participants referred to two aspects of the venue's physical conditions. First, there was a felt lack of air and sense of space:

FD: Everything was cramped. There was no air in the place. A lot of people suffered – for example, Clarrie Mendy,<sup>54</sup> she suffered there. It feels tight and cramped.

NC: Sardines in a tin have more room. All cramped together. It's very dull, it's not nice to be in there. You don't feel fresh, you don't feel like you want to come, there's no heart to it, it's like your nightmare come true ... , if not worse.

Second, participants commented on the division of the venue into separate areas, which dedicated the majority of the space to the Inquiry's team and the lawyers, and allocated only a small section at the back to the bereaved families and members of the community. The significance of this division of space for the participants was demonstrated through their illustrations of imagined venues, in which they emphasized what they saw as the ideal physical and spatial conditions for the Inquiry (Figures 4 and 5):

NC: The Core Participants should be at the centre so they know what's going on, what's happening, and everybody else should be behind them, helping them to understand what's going on. Core Participants should get their own tables so they can write, to have the conditions that can allow them to influence the process. Solicitors should always be behind them.

<sup>53</sup> L. Mulcahy, 'Architects of Justice: The Politics of Courtroom Design' (2007) 16 *Social & Legal Studies* 383.

<sup>54</sup> A dedicated Grenfell Tower justice campaigner who lost two members of her family in the fire, Clarrie passed away in December 2020 after a two-and-a-half-year battle with motor neurone disease.

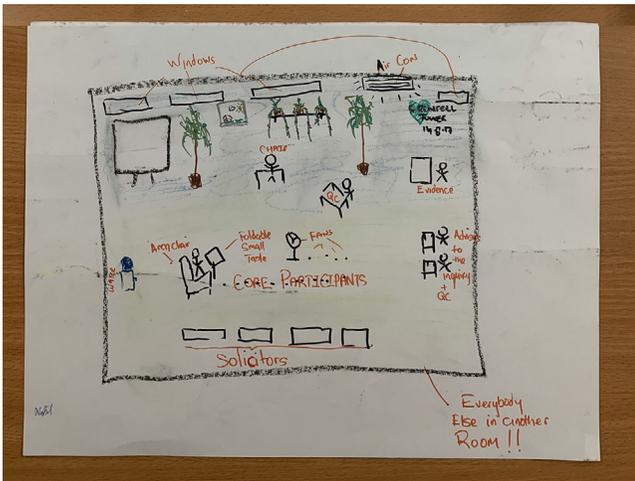


FIGURE 4 NC: imagined venue

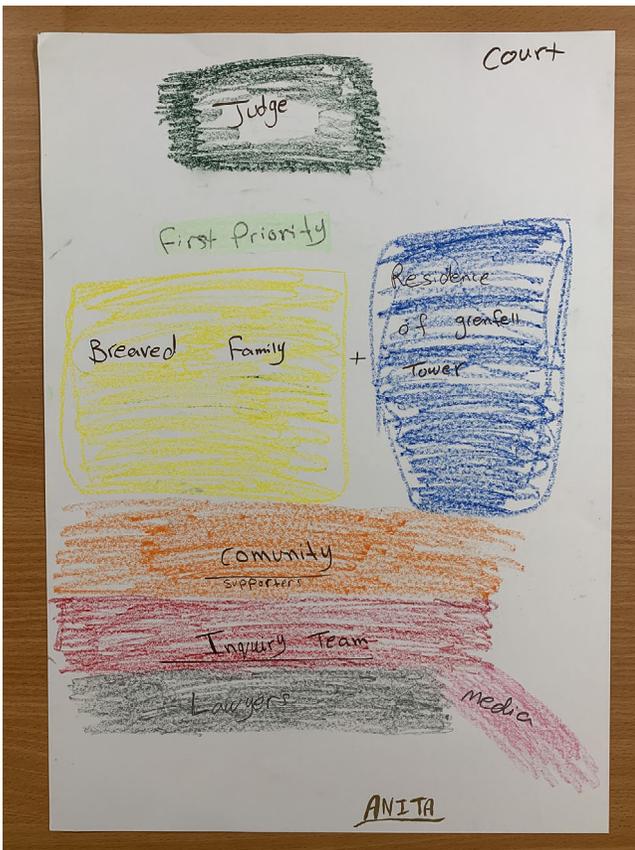


FIGURE 5 AAJ: imagined venue

In AAJ's illustration, a reversal of the proportion and position of areas allocated to the community and to the legal practitioners can be clearly seen. AAJ's venue is divided so that the bereaved families are allocated the largest and central section of the room. They are the group closest to the Chair. The residents of Grenfell Tower are beside them, while members of the community are

immediately behind them. The Inquiry's team is in the third place in terms of distance from the Chair, while the Core Participants' lawyers are the furthest away.

Participants' accounts demonstrate that the physical conditions of the venue weaken participation in two ways. First, they pose direct obstacles to participation. The lack of space leads to an inability to think clearly, which can lead to misunderstandings in evaluating the significance of the testimonies heard. This is exacerbated because participants' distance from the lawyers means that they are unable to ask questions, and thus the conditions could lead to ineffective instruction of the lawyers:

NA: As much as people want to engage in the process, they cannot, even physically. When you go there, you will really have to be very patient because of the conditions. I went there and sat down; it's really very difficult for people.

NC: It's tight in that room and we are tighter. When you're cramped, you can't think.

FD: You have no way of communicating if there is something that you want to say.

The second way in which physical conditions impact participation is psychological. NC argued that the physical space engenders humiliation:

NC: When there are a lot of people and it's really cramped, you feel not only lack of air and claustrophobic, you feel embarrassed.'

Such a message delivered through the physical and spatial conditions is likely to affect participation beyond the hearings themselves.

### 8.2.3 | The withdrawal of the community from the Inquiry

The third factor contributing to knowledge exclusion derives from the psychological impact on the community caused by the means described so far. Participants' accounts expressed a sense of alienation from the Inquiry:

AM: I don't feel anything towards the Inquiry.

SC: For me, this room is an empty space ... They don't exist. Grenfell Tower exists and the people exist. The Inquiry doesn't exist. It's empty. Full of talk.

There were also comments indicating a lack of trust in the Inquiry:

SS: What I can see ahead, all I see is blackness, emptiness, and darkness. That's why everyone here used the black colour.

AK: There is no justice in this room.

The crucial outcome of this alienation and lack of trust that has developed over the two years of the proceeding has been the decision of many members of the community to withdraw from the Inquiry and give up trying to change it:

SYA: Ever since what I have seen, I stopped going there. I stopped listening to that. It's all like a joke. I'm not going to waste my time listening to jokes.

HAJ: After watching what they did in Phase 1, I see only darkness in the Inquiry. I thought maybe there will be justice, but after attending the Inquiry I decided not to go.

NC: You get one chance in the Inquiry, and I think that our chance is kind of gone. It's been spoiled by people who are controlling it and by Core Participants not having their say and not being given the power to influence it.

AM: It's just that they don't care. They put on a sad face; we've all seen it. And that's why today, when we came, and we were talking, we're just like literally people with no souls. Literally. We don't have anything in us. Because you lose what you have, and you hope and you're waiting and you're like 'They're going to help us', but when you get told all these promises and all these people, it's like 'I'm here, I'm there', but I don't feel anything about the Inquiry, I don't feel the same. I don't feel that there is going to be a change, we're going to wait another five years maybe, people are going to forget, no one would care, nothing is going to change basically.

MC: We're trying to find the truth but we are not succeeding in influencing and you feel that you can't.

There is an uncanny resemblance between these accounts and those of the bereaved families of the Hillsborough disaster, as quoted in Scraton's article. See for example the account of a bereaved mother:

Justice! ... [T]here's no justice for a life ... I still cry over the way we were all treated and the way the dead were treated. They had no rights, we had no rights, so don't talk to me about justice!<sup>55</sup>

While many members of the community have retreated from the Inquiry, as they do not believe it can lead to justice, some have not relinquished their struggle but rather are investing their effort and time outside of the Inquiry:<sup>56</sup>

TH: I'm prepared to dedicate all of my energy to having a counter sort of campaign running alongside the Inquiry, so for everything it says, we can come behind it with a video or some sort of media to elaborate on it, what it really means and expose it. It will require effort – we need to be organized.

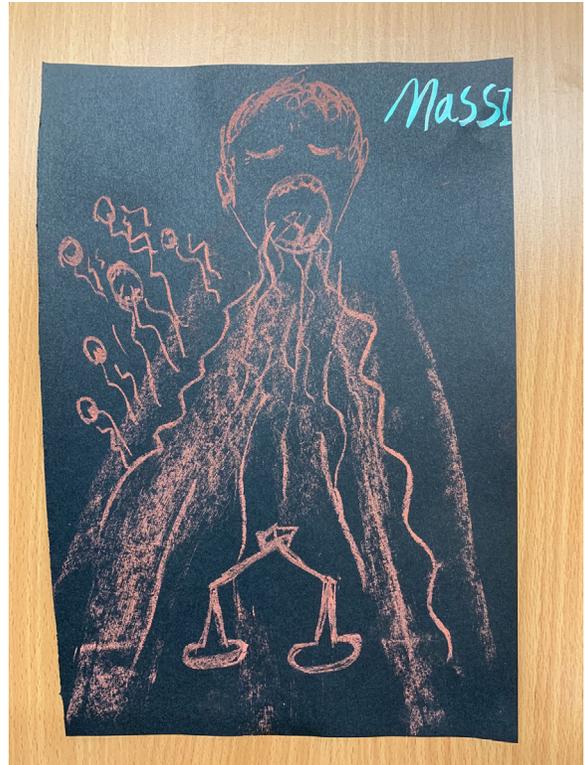
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<sup>55</sup> Scraton, *op. cit.*, n. 27, p. 16.

<sup>56</sup> The community's members' different reactions and responses to the realization that their participation in the Inquiry is illusionary and lacking in substance requires a separate discussion. Conducting this discussion through the lens of 'cruel optimism' could expose the political context that is at play in shaping and influencing the community's acts of resistance and activism in the post-trauma period. L. Berlant, *Cruel Optimism* (2011).

The psychological effect of exclusionary practices is powerful in and of itself. It has led to the withdrawal of the only people who can challenge the Inquiry and provide it with particular forms of knowledge on what happened. Consequently, the Inquiry is able to proceed unimpeded on the basis of partial knowledge.

FIGURE 6 MS: the Inquiry



#### 8.2.4 | The construction of the public view of the Inquiry and the disaster

The final way in which the Inquiry is acting to exclude the community's knowledge is through shaping the public's view of the Inquiry. This weakens public support for the community – support that is necessary if the community's struggle against the decision to exclude their knowledge is to succeed. Earlier, the article outlined the elements that established the external image of the Inquiry as a participatory proceeding to which the community is key: the status of Core Participants, legal representation, the Inquiry's initial stage comprising two weeks of commemoration of the victims, and the letter from Prime Minister May to the Chair on the importance of the Inquiry reflecting the community's questions and evidence.

However, a stark contrast between the image of the Inquiry and the reality experienced by the participants was apparent from the accounts:

NC: Are we part of the process or are we just like observers? We don't seem to have any impact or input into it. We've been deceived and taken advantage of. Literally, we've been betrayed by them, let down.

MC: 'Core Participant' is only a name. We don't have the power to make any changes. I am sad and tired from hearing lies all the time. We feel guilty because we can't do anything for our family.

The constructed image led the community to expect that the Inquiry would be a participatory process – expectations that were dashed as the proceeding wore on:

TH: When it first happened, when it was first announced, I felt hopeful that we would be able to impact change. I expected to be highly involved – thinking of focus groups, conversations with our lawyers on specific issues that I thought we would tackle. But the reality I found was very different.

NC: At first, it was great to really have that status, you know? It really felt like we were going to be part of it – open new leads, find out new avenues, go down different paths, investigate more, be a real part of this Inquiry. But as it went on, you got to find out that it's all a name and nothing else. You've got that name and it doesn't mean nothing. It doesn't feel like you can do anything. It only sounds great. Core Participants – it sounds great.

The message that the Inquiry sent to the community – that the status of Core Participants would enable meaningful participation – led several residents of North Kensington who were directly impacted by the fire to submit applications asking to participate in the Inquiry as Core Participants. One such person was FD, who participated in this study but was not a Core Participant in the Inquiry. In his application, FD explained the impact that the fire has had on him. He lost a close friend in the fire and was a direct witness of the trauma throughout: 'I can't believe I am still alive. What I had seen ... What I saw was heartbreaking.' His application was rejected, as was a subsequent appeal. FD then submitted a statement to the Inquiry as a witness instead of as a Core Participant, describing what he had seen that night. In the workshops, FD explained that he believed that the status of Core Participant would have strengthened both his participation in the Inquiry and the impact that his statement has made. However, the accounts given in the workshops by Core Participants raise the question as to whether there is any meaningful difference between participating in the Inquiry as a witness or as a Core Participant:

TH: The name 'Core Participant' doesn't mean anything. I think it's a façade, an illusion. Just a picture they paint. All they do, they string us along, make us come to these meetings, make us read all these letters and updates that is heavy reading – all we get to do, even when we participate, is this one statement. I've been to meetings and read loads of letters but again that's me going to meetings and listening to what they have to say. They don't listen to us when we talk to them. We're being spoken to, not listened to.

The word 'façade', as well as the words 'veil', 'cover', and 'theatre', were used repeatedly when describing the Inquiry:

HAI: The blind spot is a good way to show it, they just want to cover, and they are trying to say it's a mystery. [Figure 7]

FIGURE 7 HAJ: 'Grenfell Tower is a mystery'



A veil is itself a means of excluding knowledge. It provides the Inquiry with legitimacy and shapes public perceptions. It nullifies the community's criticisms as they are read against that image, impacting the public's willingness to engage with, support, or even try to understand the community's cause. As a consequence, it acts to hinder the political struggle that is essential in challenging how the Inquiry operates to exclude knowledge.

NC's artwork 'A Scripted Theatre Show' (Figures 8 and 9) and his explanation of it demonstrate how the image of the Inquiry constructs the public's view of it:

NC: This is basically the Inquiry. If we watch it on TV, we're only seeing what they want us to see but we're not seeing truly what it is because we're only seeing it from the outside and not from the inside. It's a show, basically, and I tried to draw it as a show. This person is anyone who's watching the Inquiry on TV – OK, that's nice, he's interacting with what is going on, on TV, he doesn't know the true story of what's happening. The scripted theatre show, it's all written, it's a show, it's a stage, it's according to the script, it's all done.

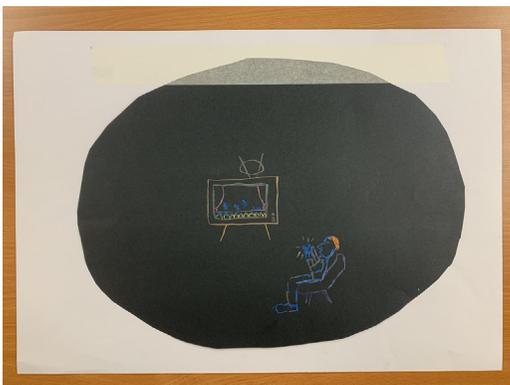


FIGURE 8 NC: 'A Scripted Theatre Show'

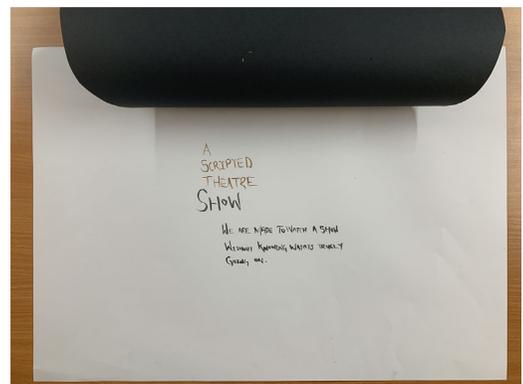


FIGURE 9 NC: 'A Scripted Theatre Show': 'We are made to watch a show without knowing what is truly going on'

NC and TH discussed the implications of the veil and how it influences the public's support for the community's cause:

NC: Each person is allowed to expand his vision. If you look at the TV that's in front of you, you'd only know what's in front of you, but if you look on your right-hand side and on your left-hand side and even behind you, you'd be surprised at what you can learn and understand, you know? And this is where the trouble is. They [the Inquiry's team] show you one picture and they don't like you to know the other picture. They teach you and control you and influence you in one way, so you only believe this one way.

TH: I also think it is irresponsible because when you're in a position of power in that way and you are influencing decisions that impact people – other people, not yourself – you are also educating at the same time. As NC was saying, people are watching this from the outside perspective, they're being educated and they're relying on what they are hearing and seeing to understand what's going on. It's unfair on them because they're not getting the full picture, which means if something like this happens to them, it's all new. It's also bad for us because those people aren't actually moved to come and support us because they don't have that connection; they don't feel like, you know, 'Oh my God, this is awful, oh my God, this could happen to me'. They're not being educated fully ... The majority, the public, the masses are being spoon fed this nonsense that isn't even relevant or not fully relevant ... Yeah, it's not helping anyone, we're all being misled in this.

## 9 | CONCLUSION

This study has examined the Grenfell Tower Inquiry as a proceeding that produces knowledge on the causes that led to the Grenfell Tower fire. The examination has been conducted through the question of whether the knowledge seen as relevant by the Inquiry includes the knowledge known to the people who have undergone the trauma – the Grenfell community. The data analysed has comprised accounts by members of bereaved families and residents of North Kensington, as shared in art and dialogue workshops, of their experiences and perceptions of the Inquiry. These accounts have been analysed through a theoretical lens that has examined the Inquiry within a broader context of proceedings that produce accepted knowledge on the causes leading to traumatic events. Two examples of such UK proceedings – those relating to the Hillsborough tragedy and the murder of Stephen Lawrence – have served as a relevant local context for the analysis.

This study offers valuable empirical and theoretical insights. Its empirical contributions are twofold. First, the study has revealed four ways in which the Inquiry is excluding the community's knowledge: (1) direct exclusion from the Inquiry's Terms of Reference; (2) exclusion through the marginalization of the community's participation in the proceeding; (3) exclusion through practices that bring about the psychological effect of alienation, in turn causing the community to withdraw from the Inquiry; and (4) exclusion through the construction of a false image of the Inquiry as a proceeding that enables participation. Revealing these mechanisms provides a possible template for action, which could lead to change. Moreover, it is a signpost to mechanisms

that could influence other legal processes, if they are found to be reflective of dynamics that are not specific to the Grenfell Tower Inquiry.

Second, the study has outlined two trajectories of legal proceedings around traumatic events in the UK. The first trajectory is represented by the HIP and the Stephen Lawrence Inquiry, and is characterized by the recognition of the importance of knowledge known to the people who have undergone the trauma; the second is represented by the earlier Hillsborough proceedings and the Grenfell Tower Inquiry, and is characterized by the notion that survivors' knowledge is not relevant to the questions asked in the proceedings. These should not be seen as trajectories that represent two different but equally legitimate legal models. On the contrary, the Hillsborough and Lawrence proceedings provide evidence, accumulated over the course of three decades, that proves the inadequacies of the second trajectory. Despite this evidence and despite the known success of the first trajectory, the Grenfell Tower Inquiry is following the second.

The study has made additional theoretical contributions based on the knowledge known to people who have experienced traumatic events that occurred in relation to social oppression. Through analysis of the findings, it has demonstrated the validity of the theory on the relationship between survivors' knowledge and processes in which narratives on traumatic events are produced. Since survivors' knowledge is capable of revealing elements within the status quo that enable violence against certain groups of people to take place, then marginalizing, disqualifying, or otherwise excluding such knowledge from these processes is a condition necessary for constructing and protecting narratives that sustain the status quo.

Finally, the findings have ramifications for the validity of the Grenfell Tower Inquiry. The systematic exclusion of important knowledge known to the Grenfell community does not give much cause for optimism about the capacity of the Inquiry to fulfil the purpose for which it was established – namely, to expose the causes that led to the fire and to make effective recommendations for the prevention of another tragedy. The Government and the Inquiry ought to take account of the exclusionary mechanisms described in this study and make the necessary amendments, which include inserting into the Inquiry's Terms of Reference the community's question of whether discrimination played a role in the causes leading to the fire.

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