

**(DE)POLITICIZATION AND THE POLITICS OF CONTAINMENT:  
RECONCEPTUALIZING THE ROLE OF THE PUBLIC INQUIRY WITHIN BRITISH  
GOVERNANCE**  
by  
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## **Abstract**

This thesis examines the role public inquiries play within British governance. Public inquiries are called in response to high-profile matters of public concern and are tasked with investigating these independently of Parliament. Ostensibly, inquiries deliver accountability, policy learning and an accurate account of what went wrong. From a more critical perspective, however, public inquiries are a tool of the state, whose usage primarily benefits state managers in their attempts to manage crises, avoid blame, and secure their survival and legitimacy. Adopting a statecraft perspective, which focusses on the role inquiries play within the politics of governing, and drawing on archival material, parliamentary debates, inquiry reports and secondary literature related to 14 inquiries, the thesis offers a reassessment of what state managers hope to achieve when they initiate inquiries. It is argued that inquiries are utilized strategically and rhetorically by state managers to relieve pressure immediately post-crises, maintain governmental autonomy in the face of demands for change from below, and avoid blame for failings. In detailing empirically the processes by which state managers utilize inquiries as part of attempts to achieve these aims, the thesis ultimately arrives at a reconceptualization of the public inquiry's position within British governance. The public inquiry is situated within ongoing processes working to depoliticize crises and contain popular discontent by funnelling it into formalized political arenas where it can be managed and moderated. This reconceptualization of inquiry functionality reveals the elitist, closed-off nature of British democracy and Britain's formal political institutions. This also indicates the disruptive effects popular discontent can have on crisis management, and that it is a key danger that state managers must seek to quell.

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### **A Note on Referencing**

This thesis has been referenced in accordance with the Harvard style of referencing. However, a large number of parliamentary debates and archival documents are cited throughout the thesis. The citations for these sources tend to be quite long, and therefore have a detrimental effect on the readability of the piece if they are placed in-text. They are therefore cited in footnotes, rather than in-text, throughout the thesis.

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## Introduction

### Public Inquiries: History and Significance

This thesis examines the role of public inquiries within British governance and seeks to conceptualize their functionality: why they are called and how they are utilized by state managers<sup>1</sup>. Public inquiries are a key institution in Britain. Historically, inquiries are seen to reflect the British tradition of executive scrutiny through questioning and inquest (PASC, 2005, pp.10–1; Suter, 2011, p.1321; Wraith and Lamb, 1971, p.353; Beer, 2011). In the contemporary period, inquiries are government’s ‘favoured mechanism’ for dealing with the most difficult crises they face (Jasanoff, 2005, p.218), and are considered central to processes of accountability (see Flinders, 2001; PASC, 2005; Department for Constitutional Affairs, 2004; McEldowney, 1997; Roach, 2014), lesson learning (Stark, 2019; 2020; Stark and Yates, 2021; Norris and Shephard, 2017; Renå and Christensen, 2020), crisis management (Boin et al., 2008; Boin et al., 2017; House of Lords Select Committee on the Inquiries Act 2005, 2014a, p.10; Resodihardjo, 2006), and blame attribution (Sulitzeanu-Kenan, 2006; 2010; Resodihardjo, 2020; Murphy, 2019).

The standard account places the origin of public inquiries in the early twentieth century. Before which Parliament, rather than an independent body, ‘performed the function of conducting investigations into governmental failures and the misconduct of ministers or other public servants’ (Beer, 2011, p.4; Salmon, 1966, p.10). This was typically done through select committee investigation. As the Public Administration Select Committee’s (PASC) review of inquiries notes, ‘the decline in the use of select committees to investigate alleged ministerial misconduct is ... associated with the outcome of the investigations of the [Select] Committee on the Marconi Wireless and Telegraph Company Agreement’ (2005, p.11). This is also noted by Blom-Cooper, who

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<sup>1</sup> Throughout the thesis, I suggest that inquiries are *utilized* by state managers. To utilize something is to ‘make or render [it] useful’, or to ‘convert to use’ (Oxford English Dictionary, 2023). The implication being that though they are ostensibly called to learn lessons and establish the facts (see PASC, 2005, pp.8–10), inquiries are rendered useful to state managers when they drawn on (i.e. *utilized*) within state manager’s ongoing strategic machinations in the face of crises, even though this does not align with their intended functions (i.e. their use).

concur that 'the Marconi scandal [is often treated] as a progenitor ... to the modern system of public inquiries' (2017, p.11; see also Beer, 2011, p.6; Flinders, 2001, p.160).

The Marconi scandal undermined the use of select committees as investigative bodies because, when the Marconi Committee investigated allegations of corruption within the Liberal government of the day, the Committee 'divided on strictly party lines' (Salmon, 1966, p.11). That is, the six Liberal members of the Committee (alongside a few members drawn from other parties) produced a majority report that denied any wrongdoing had taken place, while the six Conservative members of the Committee wrote a minority report 'supporting the allegations of corruption' (Blom-Cooper, 2017, p.10; Salmon, 1966, p.11). The majority report was widely condemned as a whitewash (see Raven-Hill, 1913). Furthermore, the split within the Committee is seen to indicate that select committees are too politicized to properly investigate allegations of governmental wrongdoing (Salmon, 1966, p.18; Flinders, 2001, p.160). The scandal therefore 'led to the replacement of parliamentary committees with public inquiries' as the typical response to major crises (Beer, 2011, p.6).

In replacing select committee investigations, the public inquiry has become the 'favoured mechanism' for investigating high-profile matters of public concern (Jasanoff, 2005, p.218). This has meant that inquiries have enjoyed frequent usage (Norris and Shephard, 2017, p.9). Inquiries are deployed in response to some of the most highly controversial, intractable issues governments face. The Grenfell Tower fire, Britain's invasion of Iraq, the Hillsborough disaster, Bloody Sunday, to name only a few, have all been subject to public inquiry. Thus, since their emergence at the beginning of the twentieth century, public inquiries have become 'part of the fabric of public life' in Britain (Beer, 2011, ix; PASC, 2005, p.7), such that their initiation has become 'almost a reflex action at times of dire political emergency' (Drewry, 1975, p.58).

As well as this prominent contemporary role, inquiries also have historical and constitutional significance. Indeed, though public inquiries in their current form did not emerge until the early twentieth century, other forms of independent public inquiry existed long before this. Wraith and Lamb, for instance, suggest that a history of inquiries should 'perhaps start with the Domesday surveys' (1971, p.17), although they

define inquiries more broadly than is perhaps useful<sup>2</sup>. Thomas, meanwhile, suggests that the rise of public inquiries can be traced to the nineteenth century, when the role of the judiciary was transformed as judges came to play a number of key constitutional functions, such as setting disputes regarding contested election results (2015, p.2).

In tracing the emergence of inquiries back a little further, it becomes clear that inquiries are significant in reflecting British political culture (PASC, 2005, p.7). In particular, the nature of public inquiries reflects the uncertain position of the judiciary within the British constitution, and the 'lack of clear separation of powers' between the judiciary and government (Flinders, 2001, p.135). On the one hand, inquiries are quasi-legal, and typically judge-led, but often involve allegations of governmental wrongdoing. Thus, though formally, Parliament ought to be the only political means of holding the executive accountable, *de facto*, the use of judges within inquiries reflects the blurring of these lines, with judges increasingly involved in 'explicitly political exercises' (Drewry, 1975, p.51). On the other hand, though inquiries are independent and quasi-judicial, they are ultimately an executive instrument because 'it is ministers and their officials, and not Parliament, that decides whether to establish a judicial inquiry' (Flinders, 2001, p.163). Thus inquiries are both legal and political, and sit between the judiciary, for which they take personnel and a sense of authority, and the executive, who initiates them. This reflects Britain's peculiar constitutional set up and the lack of clear separation of judicial and governmental powers (Drewry, 1975; Flinders, 2001).

As well as this, inquiries are significant in reflecting Britain's traditions of 'parliamentary democracy'. Indeed, though inquiries emerged because of Parliament's inability to scrutinize accusations of governmental wrongdoing in a non-partisan way, the birth of public inquiries represents an evolution, not a violation, of the tradition of parliamentary accountability, whereby the executive is investigated, scrutinized and questioned by Parliament (Thomas 2015, p.1). Likewise, within the PASC report, a parallel is drawn between modern public inquiries and the doctrine of ministerial accountability wherein Parliament acts as the 'grand inquest of the nation', 'undertak[ing] the very difficult, the very painful, the very meritorious task of watching

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<sup>2</sup> Wraith and Lamb use the term public inquiry to 'denote anything from a piece of administrative routine to a major public inquisition' (1971, p.14).

our ministers; of reprehending them; of blaming and calling them daily to account' (2005, p.10).

The extent to which inquiries are a quintessential reflection of the British constitution's vagaries, and the connection inquiries have to historic doctrines of ministerial responsibility and parliamentary inquest into the affairs of the executive, has led several scholars to suggest that public inquiries are a 'very British institution' which 'reflect English history and tradition' (Wraith and Lamb, 1971, p.352; Suter, 2011). This underscores the longstanding importance of inquiries to British governance and serves to highlight the extent to which they provide a lens through which some particular aspects of Britain's political culture can be perceived (PASC, 2005, p.7).

### **The State of Existing Literature**

Yet, for an institution of such significance, the public inquiry is somewhat under-researched. Several scholars have suggested that academic reflections on public inquiries have been 'fragmentary and occasional' (Burgess, 2011, p.8), that 'little has been written about inquiries' (Salter, 1989, p.173), and that there is a 'dearth of academic research' on inquiries (Peplow, 2018, p.137). Indeed, perhaps the most significant piece of research done on inquiries to date, Beer's comprehensive overview of the British system of public inquiries, makes claim to be the 'first book on public inquiries ever to be published' (Beer, 2011, p.vii).

Furthermore, literature that does exist is divided over the question of inquiry functionality: what goals state managers call inquiries to fulfil. On the one hand, the public inquiry is considered 'the gold standard of investigations' (Norris and Shephard, 2017, p.6), which serves the public good by establishing the facts around a given high-profile incident, making recommendations that improve policy, and delivering accountability by exposing powerful political actors to objective scrutiny. Under this view, the inquiry's independence from Parliament and the specialist skills of the judges who act as inquiry chairs make them uniquely disposed to dispensing these key democratic objectives. This positive view of inquiry functionality also suggests that they represent 'democratic pluralism in action' in that they let key stakeholders come together in a process of collective learning that impacts

government policy-making (Thomas, 1982, p.40). The inquiry is also seen to ‘provid[e] an opportunity for reconciliation and resolution’ for those directly affected by negative events (PASC, 2005, p.9).

On the other hand, the public inquiry is seen to ‘serve a more strategic, political function’ (Rough, 2011, p.24). From this perspective, because public inquiries ‘are popularly perceived to be objective, politically independent and of high status’, they have the ‘capacity . . . to act as a convenient mechanism of legitimation for the state’ (Gilligan 2004, pp.18–9). In this way, inquiries represent a cloak and dagger move by state managers, demonstrating an erstwhile commitment to accountability but ultimately serving the state’s own interests. Accounts of what benefits inquiries deliver from this perspective are numerous (see Elliott and McGuinness, 2002, for a review), but overall it is suggested that inquiries help state managers avoid blame (Sulitzeanu-Kenan, 2010; Boin et al., 2008; 2017), that inquiries work as delaying tactics (see Stark, 2020), and that inquiry reports legitimate the state (Gephart, 1992).

This is a rich debate with a number of interesting avenues, and one whose scope extends well beyond Political Science<sup>3</sup>. Yet it is also beset by a number of problems. Indeed, works that take one view of inquiry functionality tend to talk past or ignore works that adopt the other. Works that treat inquiries as a public good often take the public inquiry at face value, recapitulating the public inquiry’s stated goals and offering little analysis of whether these are the functions inquiries perform in practice (see, for example, PASC, 2005). In more critical work, meanwhile, the cynical usage of inquiries is also taken as given, and ‘the problematic nature of inquiries tends to be insinuated rather than properly evidenced’ (Stark, 2019, p.399). As well as this, often, these two ‘idealized’ and ‘extreme’ accounts of inquiry functionality treat inquiry functionality in a unidimensional way (Elliott and McGuinness, 2002, p.14): the inquiry is called for a singular function and that function alone. This does not fully capture the complicated, messy nature of crisis management and the multiple, conflicting objectives state managers must pursue concurrently when responding to crises (Renå and Christensen, 2020; Resodihardjo, 2006; Boin et al., 2008).

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<sup>3</sup> Much of the existing research on public inquiries has been undertaken in other disciplines, such as Legal Studies and Criminology.



This issue is compounded by the methodological predilections of existing literature, which ‘has tended to eschew primary data ... in favour of “light” case studies that draw their evidence from secondary sources’ (Stark, 2019, p.399). This means that there is no solid empirical basis on which to adjudicate between the competing accounts of inquiry functionality noted above. Finally, whilst much has been said about inquiry functionality, existing literature lacks a clear, convincing account of how inquiries actually achieve their intended functions, with literature often descending into a functionalist analysis whereby inquiries reflexively achieve certain goals, or an instrumentalism whereby inquiries are controlled to a significant degree by state managers (see Resodihardjo, 2006).

### **Thesis Structure I: Existing Literature**

Thus, to summarize, the public inquiry is a hugely significant body within British governance, is central to crisis management in Britain and beyond, and offers an opportunity to analyse the vicissitudes of British politics. Yet, existing literature on inquiries, whilst offering numerous interesting and significant insights, is somewhat limited and has failed to clarify fundamental questions regarding public inquiry functionality. It is at this juncture that this thesis intervenes. The thesis represents a fundamental and holistic reassessment of inquiry functionality and the position of the public inquiry within British governance.

In terms of structure, Chapter One of the thesis reviews the existing literature on inquiries in greater detail, expanding on some of the themes and questions signposted above. This review adopts a broad scope, covering literature on inquiries beyond the British context in order to get the best sense of what is out there on inquiries. This chapter offers the first comprehensive review of existing literature on inquiries (to this author’s knowledge)<sup>4</sup>. In undertaking this, the chapter conceptualizes inquiries literature as being divided regarding the issue of inquiry functionality. As I note above, some works extoll the public goods inquiries can deliver (accountability, lesson learning, information etc.), while others take a more critical view and see

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<sup>4</sup> Although some of the arguments made in this review have since been published in a peer-reviewed journal (see Critch, 2023).

inquiries as tools of crisis management that serve the narrow interests of the state. The chapter suggests the latter view is more convincing than the former but argues that the critical view lacks a degree of nuance regarding how inquiries are utilized in pursuit of state manager's interests and lacks a solid empirical underpinning. The chapter ends by setting out the three research questions the thesis seeks to address. These are: *(1) What goals do state managers have in mind when they call a public inquiry? (2) How do state managers utilize inquiries to achieve these goals? (3) What role do inquiries play within broader patterns of British governance?*

### **Thesis Structure II: Theoretical/Methodological Approach**

Chapters Two and Three then set out the theoretical and methodological approach the thesis takes to address these questions. Chapter Two explains that the thesis uses the statecraft interpretation as the theoretical framework through which inquiries and their position in British governance are considered (Bulpitt, 1983; 1985; 1986; 1988; 1989; 1995; 1996; Buller, 1999; 2000; Buller and James, 2012; James, 2012; 2016; Hayton, 2014), and examines inquiries through the lens of depoliticization (Burnham, 1999; 2001; 2007; 2011; 2014; Rogers, 2009; 2013; Copley, 2017; Warner, 2017), which is taken to be a key statecraft tool in the arsenal of state managers. Alongside this, the thesis draws on critical literature on the British political system, most notably the work of Miliband (1984) and the 'British Political Tradition' literature (Marsh and Hall, 2007; Richards and Smith, 2015; Hall et al., 2018; Richard et al., 2019). The statecraft approach adopted here focusses on the 'politics of governing' (Buller, 1999, p.695), and how a small set of key actors at the core of British government (termed 'The Court') achieve their narrow 'subsistence-level objectives' (Bulpitt, 1996, p.225), which include securing re-election and maintaining an image of governing competence in office (see Bulpitt, 1986). Crises jeopardize these goals. However, solving crises through interventionist policy-making poses significant risks for a typically reactive and cautious Court (Bulpitt, 1986; Burnham, 2001), who favour 'muddling through', and 'avoid trouble or hassle' above all else (Bulpitt, 1989, p.57). As a result, particularly thorny issues, like crises, are best dealt with by depoliticizing them: hiving them off or placing them beyond the scope of political intervention (Bulpitt, 1986, pp.27–8). Given public inquiries represent a supposedly apolitical response to high-profile political

crises, it is argued that we can consider inquiries as part of state manager's ongoing attempts to depoliticize crises and achieve successful statecraft.

Chapter Three then expounds the methodological approach adopted within the thesis. Where existing literature is empirically light and focussed on single cases of inquiry usage, this thesis is empirically rich, drawing on primary archival data, parliamentary debates, and inquiry reports as well as secondary literature related to 14 public inquiries over a broad temporal scope (1921–92). This allows the project to best capture the perennial features of inquiry usage that hold true over time and explore inquiry functionality in an empirically rich way.

### **Thesis Structure III: Empirical Findings**

Having established the approach that the thesis takes, Chapter Four of the thesis marks the beginning of the empirical analysis. Specifically, Chapter Four addresses Research Question One: *What goals do state managers have in mind when they call a public inquiry?* Departing from the unidimensional understandings of inquiry functionality within existing literature, the thesis conceptualizes inquiry functionality as multi-faceted and 'Swiss Army Knife-like'. In particular, the thesis identifies three key objectives that motivate inquiry usage: the relief of pressure, the maintenance of governmental autonomy over policy-making, and blame avoidance. These objectives are Swiss Army Knife-like in that, just as a Swiss Army Knife is as useful if one only uses for one thing (e.g. to cut rope), or for a number of things (e.g. to cut rope, saw wood, open a bottle), an inquiry may be primarily motivated for only one of the three functions above, or maybe utilized in pursuit of all three.

Research Question Two—*how do state managers utilize inquiries to achieve these goals?*—is then addressed in the following three chapters. Departing from the functionalism and instrumentalism of existing literature noted above and drawing on depoliticization literature stressing the 'arms-length control', manipulation and ideological use of formally independent bodies (see Burnham, 2001), the thesis develops an account of inquiry functionality centred on the ways that state managers rhetorically and strategically make use of inquiries *from without* (i.e. without directly exerting control over them internally).

Chapter Five then examines how state managers utilize inquiries to achieve a degree of pressure relief in the aftermath of crises, where demands for action and answers are placed on government. Here, I show that state managers frame inquiry initiation rhetorically within Parliament to give a sense of proactive crisis response, whilst using the quasi-legal nature of inquiries and the principle of *sub judice* strategically to hive off questions regarding causation and blame that get raised within parliamentary debates.

Following this, Chapter Six examines how state managers utilize inquiries as part of ongoing struggles to maintain governmental autonomy in the face of demands for change from below. In this chapter, I explore how state managers play on the long-winded nature of inquiry processes, the lack of clear mechanisms to track implementation of inquiry findings, and on the technocratic nature of inquiry reports to preserve the status quo and depoliticize demands for radical change.

Finally, Chapter Seven examines how inquiries are utilized within the broader blame avoidance strategies state managers deploy as they manage the fallout from crises. Therein, I demonstrate that state managers draw selectively on inquiry reports and their narrations of blame to attempt to rhetorically foist blame either onto lower-level political actors (scapegoating), or to suggest that blame for crises is diffuse and spread through a network of actors (appealing to the logic of institutional depoliticization).

#### **Thesis Structure IV: Public Inquiries within British Governance**

Following this empirical section, the thesis moves to address Research Question Three, which is more conceptual: *What role do inquiries play within broader patterns of British governance?* This is addressed in Chapter Eight of the thesis. Here, I argue that while depoliticization is typically thought of as *either* involving institutional and organizational changes, or as a broader set of discursive processes, the utilization of inquiries by state managers is characterized by an interplay between the institutional and organizational forms of depoliticization pursued by the state, and broader discursive processes through which certain issues are determined to be political. Furthermore, these two aspects of inquiry functionality are mutually reinforcing: the institutional aspects of inquiries that have a depoliticizing effect give resonance to the

discourses state managers deploy regarding inquiries, which also aim to depoliticize crises.

Following this, it is argued that inquiries reveal that, within patterns of British governance, depoliticization is not an act, but a set of ongoing processes. Building on work on the 'intercurrence' between depoliticization and politicization within British statecraft (see Warner and Luke, 2023), the thesis suggests that inquiries are framed in a highly politicized way initially by state managers, but that this is done to legitimate a process through which issues of causation, blame and reform can be depoliticized. Inquiries can therefore be considered instances of *politicizing to depoliticize*. Depoliticization and politicization are thus both present within British statecraft, and are often both deliberately pursued, but occur in a temporally distinct way. In the case of inquiries, politicization occurs initially within a longer-term process whose effect is primarily depoliticizing.

Finally, drawing on the work of Miliband (1984), the inquiry is understood as a key part of ongoing attempts to contain and depoliticize crises. Inquiries, from this perspective, can be conceived as bodies utilized to achieve the 'containment of struggle' (Miliband, 1984, p.56). This is because crises cause highly politicized eruptions of popular feeling outside of formal political institutions. In response, state managers attempt to contain this dissent within formal institutions where it can be moderated, managed and depoliticized (Miliband, 1984, p.38). Inquiries are conceived as one means by which this funnelling and containment can occur. This points towards the depoliticizing role that formal political institutions in Britain can play and runs contrary to existing understandings of the political within depoliticization literature (see Hay, 2007). Equally, this reconceptualization of inquiries also highlights how debate and political activity beyond these formal political arenas, undertaken by citizens in the broader public sphere, represents a key challenge state managers must manage in moments of crisis (see Warner, 2019).

## Chapter One: Literature Review<sup>5</sup>

### Literature on Public Inquiries: The Need for a Review

Many works within academic literature on public inquiries proceed without offering a substantive review of existing literature (e.g. Hutter, 1992; Roach, 2014). This is perhaps understandable, as literature on inquiries is relatively disconnected. Scholars have approached the study of inquiries from a number of markedly different disciplinary perspectives and methodological approaches. Scholars also sometimes define public inquiries in different ways. Thus, scholars sometimes show an awareness of work done on inquiries from within their particular disciplinary family, or which overlaps with their particular research interests, but tend to ignore wider research (e.g. Brown, 2000; 2004).

A lack of awareness of wider research on inquiries, however, causes problems. Specifically, researchers who take a narrow view of existing research may miss insights that, though derived from research on inquiries that is different from their own in terms of scope, focus, or methodology, are relevant to their work. Research on inquiries has also been diagnosed as 'failing' (Stark, 2019, p.398), and this may be because literature from different perspective share common limitations which can only be identified through a wider, more systemic review of what is out there. Finally, in being disorganized and disconnected, existing literature becomes more difficult to engage with. This risks curtailing interest in inquiries and the broader application of knowledge produced within research on inquiries, which in turn risks hampering the development of knowledge about processes within British politics in which inquiries play a part (e.g. processes of lesson learning, accountability, crisis management). It is important to acknowledge that work on inquiries has at times been utilized by scholars interested in broader political processes, especially those interested in blame and crisis management (Boin et al., 2008; Boin et al., 2017; Sulitzeanu-Kenan, 2006; 2010;

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<sup>5</sup> Some of the arguments made in this chapter regarding how existing literature on inquiries should be organized and understood also appear within an article I have published in a peer-reviewed journal (see Critch, 2023).

Resodihardjo, 2020). However, literature on inquiries would still benefit from substantial review, and a review is necessary before this thesis can proceed further.

As such, in the following chapter I critically review existing literature on inquiries, adopting a broad scope in an attempt to capture as many different approaches to the study of inquiries as is possible. This means that, whilst this thesis focusses on the role inquiries play in British governance in particular, here, I assess literature on inquiries from both the British context and beyond. This is because, whilst literature on inquiries in Britain typically only draws on wider literature on inquiries to a limited degree if at all<sup>6</sup>, this thesis takes the view that literature on inquiries more broadly is likely to contain insights relevant to the study of British inquiries. This is reflective of the definition of the term public inquiry that the thesis adopts (Sulitzeanu-Kenan, 2006, also see below), which treats bodies as public inquiries if they have a set of shared characteristics, even if they occur in different national contexts.

In terms of structure, the first section of the review provides an overview of literature on inquiries, which I consider to be fragmented on both definitional and disciplinary lines. I review a number of different sub-literatures within this section, in order to catalogue and critically assess what has already been written about inquiries. Having done this, I then argue that we can consider literature on inquiries as being divided on the question of inquiry functionality, and that this should be considered a key question regarding inquiries. I suggest two views exist regarding inquiry functionality. On one hand, inquiries are seen as serving the public good by delivering accountability and improving systems of governance. On the other, inquiries can be considered a 'tool of government' used to serve the narrow interests of state managers. I suggest that neither of these views is fully satisfactory, with the first view discounting self-preservation as a key motivation behind governmental responses to crises (Bulpitt, 1986), and the second failing to offer a convincing account of how or why inquiries consistently serve the interests of state managers. Following this, I summarize some of the key issues that this thesis will seek to address.

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<sup>6</sup> Burgess (2011), for example, makes no reference to literature on non-UK-based inquiries in their review of existing literature.

## The Fragmentation of Existing Literature on Public Inquiries

### *Definitional Issues*

In general, academic reflections on inquiries are ‘fragmentary’ (Burgess, 2011, p.8). In part, this fragmentation is definitional. Historically, research on public inquiries has lacked a ‘clear definition of what a public inquiry is’ (Brown, 2004, p.95). Often, the term public inquiry is a ‘used to describe [a variety of] mechanisms’, rather than demarcating a focus on one set of bodies (Elliott and McGuinness, 2002, p.14). Stark and Yates, for example, define public inquiries ‘as temporary working groups created, mandated and made independent by governments in order to fact-find, hold actors to account or develop policy lessons’ (2021, p.3; see also Stark, 2019, p.397). ‘Such an expansive definition’, they note, ‘covers a range of different types of inquiry, from the blue-ribbon commissions ... to more low-key policy-oriented inquiries’ (Stark and Yates, 2021, p.3).

The consequence of this lack of definitional clarity is that research sometimes examines markedly different bodies side-by-side without proper justification of the suitability of such comparisons. Stark, for example, examines the lesson-learning role public inquiries play within the policy-making process, conducting an ‘international comparison of four inquiries in Australia, Canada, New Zealand and the UK’ (2019, p.398). However, of the four inquiries drawn on, the UK inquiry—the Pitt Review—is an independent panel, which are potentially distinct from public inquiries<sup>7</sup>. The Australian inquiry, meanwhile, is a Royal Commission (the Victorian Bushfires Royal Commission). As is noted by Salter, relying on a vague definition of inquiries raises significant problems because ‘grouping such different [bodies] under a single category ... is intrinsically difficult’ (1989, p.173). For cases to be meaningfully bound together or considered expressions of the same phenomenon, the cases must ‘share a

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<sup>7</sup> Unlike public inquiries, independent panels ‘usually do not hold oral hearings ... instead, their role focuses on gathering information by negotiating the disclosure of documents’ (Norris and Shephard, 2017, p.11). Thus while their reports are typically public, independent panels proceed ‘in a way which allows exposure of relevant facts to public scrutiny’ to a lesser extent than public inquiries (Sulitzeanu-Kenan, 2006, p.624).



common characteristic or condition' (Stake, 2006, p.4), and it is not clear what the common characteristic is here.

Helpfully, more work recent has sought to address this issue somewhat. The work of Sulitzeanu-Kenan (2006, p.624), in particular, has offered a definition of public inquiries based on a set of concrete observable characteristics related to inquiry's establishment, relationship to the executive, its function, and the extent to which it is public. This definition has been utilized in a number of more recent studies on inquiries (Burgess, 2011; Molchadsky, 2015; Thomas and Cooper, 2020). It has the advantage of giving a clear basis on which a diverse set of cases can be said to be part of the same population. I therefore adopt this definition in this thesis<sup>8</sup>. However, it should be noted that while this definition has not yet overcome the definitional fragmentation that belies existing literature, and indeed several recent studies of inquiries proceed without a clear definition of inquiries (e.g. Stark and Yates, 2021).

### ***Fragmentation in Theory, Method and Focus***

Fragmentation is also present within existing literature on inquiries in a different sense. Existing literature exists as a series of small sub-literatures. There is Legal Studies literature on inquiries (Beer, 2011; Blom-Cooper, 1993; Ireton, 2018; Thomas, 2015), a literature focussed on inquiry reports that utilizes forms of discourse analysis (Boudes and Laroche, 2009; Brown, 2000; 2004; Gephart, 1992; Gephart et al., 1990), there are policy-area specific works which focus on policy impact and learning (Eastwood, 2009; Kewell and Beck, 2008; Rough, 2011; Stanley and Manthorpe, 2004); there is a literature which examines inquiries within post-crisis politics (Boin et al., 2008; Boin et al., 2017; Resodihardjo, 2006), and there are works focussed on individual inquiries (Bew, 2005; Maclean, 2001; Resodihardjo, 2006; Rolston and Scraton, 2005). Each of which is now considered in turn.

### ***Legal Studies Literature***

Inquiries are quasi-legal institutions in a number of ways: they have a statutory basis (at least some of the time) (Beer, 2011, pp.36–46), are typically judge-led (PASC,

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<sup>8</sup> I discuss the definition in detail in Chapter Three.

2005, p.7), and proceed in a formalized ‘heavily legalistic’ way with a ‘courtroom method of proceeding’ (Bew, 2005, p.115). This has meant that a significant legal studies literature has emerged on public inquiries. These works focus on ‘inquiry format and internal design’ and procedural issues related to inquiries (Stark, 2019, p.399). Drewry, for example, has examined the role that judges play as inquiry chairs and how they are key to the legitimacy of inquiries (1975). Ireton, meanwhile, has assessed what considerations inquiries have to make when determining how public they will seek to be (2018). One of the advantages of these works is that many of the authors are practitioners as well as academics, thus they have direct experience of participating in inquiries, which they bring to bear on their research (see Blom-Cooper, 1993; Sedley, 1989; Howe, 1999).

However, perhaps because of this direct connection, much of the legal studies literature offers a positive view of inquiries (although see Blom-Cooper, 2017). Sedley, for example, concludes that ‘public inquiries ... have curative properties which cannot be found elsewhere’, namely restoring ‘public confidence in [the state’s] capacity to cope’ (1989, p.479). Salter, likewise, praises the inquiry as ‘offer[ing] the public an unlimited opportunity for experiencing direct democracy’ and ‘an opportunity to define public issues, in public view, with the participation of the clients of those policies’ (1989, p.174). This positive view tends to obscure the more problematic aspects of inquiry usage (see Elliott and McGuinness, 2002). For example, there has not been significant commentary within the legal studies tradition on legal changes to inquiry usage that have potentially undermined inquiry independence (see Walshe, 2005).

As well as this, it has also been noted that legal studies literature on inquiries is methodologically limited, often relying on ‘biographical essays and anecdote’ rather than robust engagement with primary data (Stark, 2019, p.399). A notable exception to this is Beer’s (2011) edited volume which is seminal within the broader literature on public inquiries, offering a comprehensive but critical overview of inquiry procedure and process by drawing on a number of case studies and documentary evidence.

### ***Sensemaking/Discourse Analysis Literature***

It has also been noted that public inquiries should be situated within broader patterns of ‘official discourse’ (Burton and Carlen, 1979). Inquiries, after all, seek to produce

the authoritative account of particular crises, and do this by bringing together different stakeholders whose perspectives and narratives must be collapsed into a single 'monological' account (Brown, 2004, p.95; Gephart, 1992, p.118). As such, a sub-literature has developed that seeks to understand public inquiries as 'sensemaking' exercises. That is, as processes through which 'lived experience is [chopped into] meaningful chunks, labell[ed], and connect[ed]' in order to be rendered intelligible (Sandberg and Tsoukas, 2015, p.8).

Such works have usefully shed light onto the ways in which inquiry practices lead to some stakeholder's voices being neglected within inquiry reports (Gephart, 1992), and have also shown the key role inquiry reports play in resolving the legitimisation crises the state sporadically faces by 're-establish[ing] dominant myths by offering acceptable interpretations [of] events, and hence re-establish[ing] the legitimacy of social institutions' (Brown, 2000, p.48). Indeed, sensemaking literature fundamentally challenges the idea that inquiries exist to establish the facts in a neutral or benign way (see PASC, 2005, p.9). Rather, an inquiry represents an 'attempt to present a univocal and coherent view on what are ... readily acknowledged to ... to be complex and uncertain events', regarding which markedly different views exist (Brown, 2004, p.96). In adjudicating between these views, inquiries will privilege certain perspectives over others to achieve a single, coherent narrative of events. Sensemaking research on inquiries typically proceeds through close discourse analysis of inquiry reports and associated archival materials (see, for example, Brown, 2004, pp.98–9)<sup>9</sup>, thus this sub-literature offers insights into an aspect of the public inquiry neglected by other sub-literatures more focussed on inquiry process (such as the legal studies literature).

However, whilst this literature is useful in a number of ways, it does have two notable limitations. First, contra legal studies literature, sensemaking literature often treats inquiries as a mere tools of the state, descending into an instrumentalism or functionalism that is difficult to justify or evidence. I deal with this issue in more detail

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<sup>9</sup> Although this has been supplemented with ethnographic data in at least one instance (Gephart et al., 1990).

below, as it affects literature on inquiries more broadly, not only sensemaking literature.

Second, and more specific to sensemaking literature, is a narrow methodological focus. As I note above, sensemaking research largely limits itself only to an analysis of what inquiry reports say. However, inquiry reports are typically not best sellers themselves. Their findings are therefore communicated, and in doing so reinterpreted and reconstructed, through broader patterns of public discourse (i.e. in the media, in Parliament) This broader communication of inquiry findings is therefore as significant as what inquiries themselves say (Dwyer et al., 2021, see also Flinders, 2001, p.165; Tomkins, 1996). A focus only on inquiry reports tells us little about this aspect of the sensemaking process, which in turn leads to only a partial understanding of the role inquiries play within crisis sensemaking processes. Murphy's work offers a glimpse of what a broader approach to inquiry discourse might look like (2019), offering a comprehensive analysis of how blame is constructed in post-crisis situations and examining not only inquiry reports themselves but also broader patterns of sensemaking (e.g. within political speeches, parliamentary debates). These broader patterns of political discourse pertaining to inquiries are also a major focus of this thesis.

### ***Policy Learning/Policy-Area Specific Literature***

Inquiries, it should be noted, are ostensibly lesson-learning exercises, whose 'primary purpose ... is to prevent reoccurrence' (PASC, 2005, p.8). As such, inquiries typically offer a set of recommendations that, if implemented, should improve existing policies and practices and guard against further crises. This has meant that several authors have sought to examine inquiries in terms of policy learning (Stark, 2019; 2020; Renå and Christensen, 2020), and assess the impact inquiries have had on specific policy areas. Stanley and Manthorpe, for example, examine the impact inquiries have had on health and social care policy in Britain (2004). Works have also been produced examining the impact of inquiries on NHS governance (Kewell and Beck, 2008; Williams and Kevern, 2016), UK policing (Bland et al., 2000; Rowe, 2013; Souhami, 2013), UK energy policy (Rough, 2011), and legislation dealing with child sexual abuse (Ashenden, 2016). A major strength of this sub-literature is that, because of the policy-

area focus, a multi-case approach is often adopted (e.g. Stanley and Manthorpe, 2004). This is significant because the predominance of a light single-case approach within other sub-literatures has been argued to hamper attempts to meaningfully generalize about inquiries (see Stark, 2019). This sub-literature has also been the site of experimentation with the application of quantitative, quasi-experimental methods to the study of inquiries (see Kewell and Beck, 2008).

Some of the works within this sub-literature do fall into some of the definitional problems identified above, in that they examine the impact of a series of inquiries, broadly defined, but often treat different bodies side-by-side without offering a clear justification of their comparability. Kewell and Beck, for example, include any 'health inquiry' in their examination of the impact of inquiries on NHS governance (2008, p.376). As they acknowledge, this includes both national-level and local investigations and both pre-emptive and reactive inquiries, which other authors have suggested should be treated as separate phenomena (Sulitzeanu-Kenan, 2006). Furthermore, while literature on inquiries does not necessarily assume that inquiries are good lesson-learning exercises (indeed, often the opposite), in examining the inquiry in terms of lesson learning, the literature assumes that this is the main function of inquiries. As I discuss in more detail below, there are good reasons to believe that this is something of an incomplete view, which neglects the more 'crude, subsistence-level objectives' that motivate political action in times of crisis (Bulpitt, 1996, p.225), and fails to grapple with more critical views regarding inquiry functionality that have emerged within other inquiry sub-literatures.

### ***Blame/Crisis Management Literature***

In contrast to literature which treats inquiries as important, if imperfect, lesson-learning exercises, another sub-literature sees inquiries in more cynical terms. This cynicism is rooted in the idea that, inquiries occur during periods where 'the need to reassure the population and ensure societal cohesion is strong' and where 'political conflicts' are heightened because of the inevitable questions of blame and responsibility that crises raise (Renå and Christensen, 2020, p.43). Thus, 'crises ... involve a high-stake game of political survival, in which ... accountability and learning rituals pose a serious threat to incumbent politicians' and during which 'blame avoidance ... is ... likely to play a

central role' in their considerations (Sulitzeanu-Kenan, 2010, pp.613–4). From this perspective, inquiries provide a sense that 'crisis managers are in control of the situation, [while] forfeit[ing] the need for crisis managers to answer any questions as inquiries have to be able to do their job, and helps to calm things down' (Resodihardjo, 2006, p.200; 2020, pp.34–6). This sub-literature draws on the broader literature on blame avoidance to identify the kinds of blame avoidance strategies inquiries are utilized within (see Resodihardjo, 2020, for example).

This sub-literature again provides a useful corrective to views of inquiry functionality that take inquiries at face value by pointing out that serious crises represent threats to the political survival of incumbent politicians. It is reasonable to suggest that inquiries, as state-sanctioned responses to said threats, are not only called for public-minded reasons. At the same time, some of this sub-literature has a blinkered approach to inquiry functionality in that they see inquiries primarily or solely as blame avoidance exercises (see, for example, Resodihardjo, 2020; Sulitzeanu-Kenan, 2010)<sup>10</sup>. This unidimensional understanding of inquiry functionality neglects other more cynical motivations incumbent politicians have for calling inquiries, such as the need to sustain a degree of legitimacy in times of crises (Brown, 2004), or the use of inquiries as delaying tactics (see Stark, 2020). Furthermore, in being unidimensional, the sub-literature ignores the notion that inquiries may have multiple functions, as has been suggested in some research (Elliott and McGuinness, 2002; Renå and Christensen, 2020). Finally, it is worth noting that some of the research that examines inquiries through the lens of crisis management and blame has been produced in edited collections whose contents is only sometimes strictly about inquiries, or within research on crisis management more generally where the inquiry is only a partial focus (see Boin et al., 2008; Boin et al., 2017).

### ***Literature on Particular Events***

Finally, it is also the case that a number of scholars have conducted research on inquiries as part of analyses of particular crises which have been subject to inquiries.

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<sup>10</sup> Although some of the edited collections offer a broader view of inquiry functionality, incorporating concepts of learning and accountability alongside discussions of blame (see Boin et al., 2008).

This sub-literature is perhaps the hardest to review, as some research on particular events subject to inquiry also adopts a particular theoretical/methodological approach which aligns them with other sub-literatures (i.e. sensemaking, see Brown, 2004, for example). Indeed, single-case analysis has been noted to be the predominant methodological approach to the study of inquiries regardless of theoretical approach or research focus (Stark, 2019, p.399). However, there are a set of works that adopt a single-case approach that do not fit easily into any other sub-literature that are worth acknowledging.

These single-case analyses of inquiries 'have tended to focus on the events described' by the inquiry, rather than the inquiry itself (Brown, 2004, p. 98). Thus, the case within these works is actually the event the inquiry under examination was called in response to, rather than the inquiry itself. As such, within these works, inquiries are often only part of the analysis and are discussed alongside other events and bodies pertinent to the case. Scraton, for example, has published extensively on the Hillsborough disaster and the Taylor Inquiry called in response to it (Scraton, 1999; 2002; 2013). However, their main focus is the disaster itself, and as such the inquiry is only the focus of their analysis periodically and is discussed alongside other state responses to the disaster, particularly the various inquests that have taken place (see Scraton, 2013). Where inquiries are discussed within these works, the main focus is on their broad political legacy or impact (Scraton, 2013). As such, the focus of these works is often the post-inquiry period, when the impact of the inquiry is felt, rather than the period in which the inquiry ran.

### **Public Inquiry Functionality: A Key Dividing Line**

These sub-literatures are fragmented in that between these different methodological sub-literatures, and between holders of different definitions of the inquiry, there has been little interaction and debate. This fragmentation makes it difficult to review literature on inquiries in a systematic way, because the debates and recurrent themes around which literature reviews are so often organized are largely absent here. Perhaps the only dividing line in existing literature which can form the basis of a comprehensive literature review is the question of inquiry functionality, as it is the one issue on which most existing literature has a position, if often implicitly. Several authors

refer to this debate. Elliott and McGuinness, for example, note that inquiries are either seen as panacea or placebo (2002). Sedley likewise notes that inquiries are either seen as cure or disease (1989).

Thus, two views exist on the question of inquiry functionality. First, inquiries can be taken to be largely positive, if imperfect, bodies, that function as a means of holding governments to account when things go wrong. Under this view, inquiries are seen to be independent and procedurally robust due to their quasi-judicial method of inquiry, which ensures they are well disposed to ascertain the facts and submit government conduct and policy to proper scrutiny. This view is mainly found in literature on inquiries from the Legal Studies tradition, as well as wider grey literature.

Second, inquiries can be seen as little more than a placebo, or 'ceremonial' act (Brown, 2000, p. 47), which does little to actually hold government to account. Instead, inquiries work to strengthen the legitimacy of the state, minimizing allegations of government wrongdoing. Research from this position tends to question the independence of inquiries, instead viewing them in an instrumental way (Resodihardjo, 2006, p.200), as a tool of the state (Sedley, 1989; Wraith and Lamb, 1971). This view is mainly found in works focussing on the discursive aspects of the inquiry, as well as in some of the single-case study works on specific inquiries.

In the following section, each view is considered in turn, providing a thread through which existing literature can be critically reviewed. It is argued that literature that adopts the first view is useful in some respects but is overly formal and legalistic in its focus and lacks a critical analytical edge. In beginning to examine inquiries more critically, it is argued that the second view is a more developed account of inquiry functionality, but also has limitations. Namely, it fails to conceptualize the relationship between the inquiry and the state in a convincing way. In doing all this, the review also renders explicit the most important research questions that exist implicitly in existing literature, which then provide the impetus for the empirical work undertaken in later chapters.

### ***Delivering Accountability***

As a result of the passage of the Inquiries Act 2005 in the UK, the public inquiry has generated a significant amount of parliamentary scrutiny and research. These have



ranged from consultations undertaken as the 2005 Act was developed (Department for Constitutional Affairs, 2004; PASC, 2005), retrospective assessments of the efficacy of the Act (House of Lords Select Committee on the Inquiries Act 2005, 2014a; Ministry of Justice, 2010; National Audit Office, 2018), to several House of Commons Library Briefings on the topic (Caird, 2016; Cowie and Sandford, 2020). These works vary in scope and intent but are united in taking a largely positive view of the public inquiry, seeing it as a key form of accountability. The PASC review of public inquiries for example, begins by describing inquiries as a ‘pivotal part of public life in Britain, and a major instrument of accountability’, which is ‘viewed as a model of robustness, and admired’ internationally (2005, p.7). This is echoed by a later select committee review produced by the Department for Constitutional Affairs, which argues that inquiries are both ‘important and effective’, and that they ‘provide timely and important recommendations’ on how government can do better (Falconer in Department for Constitutional Affairs, 2004, p.7).

The PASC review gives the clearest exposition of how inquiries play this role. Inquiries, it is argued, have six functions: establishing the facts; learning from events; catharsis and therapeutic exposure; reassurance; accountability, blame and retribution; and political considerations (PASC, 2005, pp.9–10). The House of Lords Select Committee on the Inquiries Act also acknowledges establishing the facts, accountability, learning lessons, allaying disquiet (reassurance), and catharsis as key parts of inquiry functionality (2014a, p.9).

For literature which adopts this view of inquiry functionality, the key feature of the inquiry which makes it apt for holding government to account is its independence, as it is only by being independent that inquiries ‘provide an assurance that the facts surrounding an alleged failure will be subjected to objective scrutiny’ (Lord Laming cited in PASC, 2005, p. 9). Gilligan notes that the independence of inquiries in official discourse is important because it generates an ‘aura of authority [around the inquiry] in the public consciousness’ (2004, pp.8–9). This is important because, if the inquiry is not seen to be authoritative, it is unlikely to provide assurance and restore public confidence that crises have been adequately dealt with.

This idea of the public inquiry functioning as a means of achieving ministerial and governmental accountability within Parliamentary research on inquiries is itself

underpinned by a particular view of (British) politics. Namely, those who adopt this view conceive of British politics in a way that resembles the 'Westminster Model' (WM): the dominant understanding of how British government works. Within the WM, British government is an admirable system because of the centrality of Parliament, which allows for a strong executive but one that is both responsible and responsive (Birch, 1964). The PASC review of inquiries explicitly examines the inquiry in a way that is underpinned by the WM, because it conceives of the public inquiry as being part of a much more longstanding 'tradition of inquiry' stretching back to the seventeenth century (2005, p. 10). Crucially, at the centre of this 'tradition of inquiry', according to the Select Committee's report, is Parliament, because Parliament is itself 'the grand inquest of the nation' that undertakes 'the very meritorious task of watching our ministers; of reprehending them; of blaming and calling them daily to account' (Thomas cited in PASC, 2005, p. 10). Within this view, the public inquiry, although formally independent of both government and Parliament, is a modern expression of a governmental model characterized by an accountable executive that is scrutinized and held to account by a number of different bodies, of which the public inquiry is one and Parliament is the most prominent.

Of the sub-literatures listed above, the view that inquiries play an accountability function is present most prominently in Legal Studies literature on inquiries. Legal Studies literature unsurprisingly focusses on the quasi-legal mode of investigation inquiries follow, and this is seen to be the key means through which inquiries are able to play the accountability function. Inquiries are seen to be quasi-legal in two ways. First, they are almost always judge-led. Lord Scarman, a former inquiry chair, argued that the use of judges is crucial to the accountability function of inquiries because a judge has 'special qualifications': they are 'a trained investigator of the facts', and a 'trained adjudicator between different parties' (1986, p.xiii). As well as their training, judges are also seen to be important in that they are 'by office, and should be by nature, impartial and detached' (Scarman, 1986, p.xiii). This was noted by several legal practitioners who gave evidence before the PASC review of inquiries. Lord Hutton, for example, argued that an advantage of judge-led inquiries is that judges 'have the reputation of being politically dispassionate [and] are not concerned by political considerations' (Hutton in PASC, 2004a, Q.93, no pagination). This was

reiterated by Professor Jowell, who noted that judges provide a 'symbolic reassurance', through their independence, that inquiries will not serve a 'political purpose' and that government will not be allowed 'to hide anything' (Jowell in PASC, 2004b, Ev 39, para.1, no pagination). Thus, judges are both well versed in getting to the truth and assessing evidence but are also important in that they are widely considered to be politically impartial, thus ensuring the independence of the inquiry from government.

Second, inquiries are also quasi-legal in a procedural sense. The way inquiries gather evidence, primarily through hearings in which witnesses are called to give verbal testimony under examination by legal professionals is similar to how a formally judicial processes proceed. Many legal scholars argue that this is also key to ensuring that inquiries play an accountability function, because such a method of gathering evidence is especially suited towards finding the truth. As Sedley notes, by adopting this quasi-legal procedure, the inquiry 'borrows one of the strengths of the legal system, funnelling arguments away from the anarchy and subjectivity of public debate and into an apparently objective and orderly format' (1989, p.470). Thus, once again, the quasi-legal nature of inquiries is seen to provide a sense of objectivity which is not present in political procedures, which once again ensures that inquiries can get to the truth and thus hold government to account.

It is worth noting that inquiries only follow judicial procedures up to a point. Specifically, legal practitioners have argued that the adversarial approach taken within a legal trial would 'wholly inappropriate' for the public inquiry because inquiries are meant to focus on establishing the facts not on questions of blame (Blom-Cooper, 1993, p.206). Instead, inquiries are meant to be inquisitorial in approach, engaging in the questioning of witnesses without anyone being on trial (Sedley, 1989, p.470).

It is also worth noting that literature that adopts this view of inquiry functionality does entertain criticisms of the public inquiry but fails to acknowledge or adequately consider wholesale critiques, tending to instead focus on inquiry efficiency. The PASC, for example, notes that its review of inquiries is needed because whilst inquiries have been 'successful overall', the government has expressed concern that 'there have been cases where inquiries have been marred by arguments about procedure or have taken much longer or cost more than expected' (2005, p.8). Legal Studies literature,

likewise, has noted that inquiries often cost too much and move too slowly (Blom-Cooper, 1993, pp.204–5), and there has been some debate within this literature regarding whether an adversarial tendency has become more prevalent within inquiries in a problematic way (Blom-Cooper, 1993; Howe, 1999).

The criticisms entertained within these sub-literatures therefore focus on the idea that inquiries have been an *inefficient* means of holding the government to account, rather than on more wholesale critiques of the inquiry within these sub-literatures. Where such wholesale critiques of the inquiry are acknowledged, they are dismissed without any real consideration. The PASC review of inquiries, for example, notes that it is sometimes alleged ‘that inquiries may involve kicking an issue into the long grass, blaming predecessors in government, making a gesture, or simply buckling to public pressure to do something’, but this is dismissed as ‘cynical’, and the short section of the review that deals with this critique concludes that inquiries are ‘not popular things for governments’ (2005, p.9, para.11). Likewise, the HLSC acknowledges that it has been alleged that ministers have power over inquiries that they can exert in order to undermine the inquiry’s independence and influence the direction of inquiries in a particular way, but they conclude that ‘this has not happened’ and gives much greater focus to criticisms around inquiry ‘length and cost’ (2014a, p.6).

Case study research, however, has demonstrated how specific inquiries have been used to insulate government from criticism, rather than hold them to account (e.g. Rolston and Scraton, 2005; Scraton, 2013). Rolston and Scraton, for example, note that inquiries into the actions of the British state in Northern Ireland have been used as ‘weapons of the state in an ongoing war’ to sideline or even legitimate violent practices undertaken as part of British state rule in Ireland (2005, p.554). Thus, specific examples of inquiries exist that challenge the view that they always function as a means of achieving accountability. Furthermore, perhaps the most comprehensive study of inquiries and events that stimulated calls for an inquiry also presents issues for the view of inquiry functionality under discussion here. Specifically, Sulitzeanu-Kenan (2010) has identified every event subject to calls for an inquiry to take place in response to it from January 1984 until the end of 2003, of which there are 664, and subjected 132 of these to specific empirical testing. His findings are

noteworthy for two reasons. First, it is found that the overwhelming majority of the 644 events subject to calls for an inquiry did not see one called by the government. Second, it is found that the decision of whether or not to hold an inquiry is primarily correlated to the consideration of 'the politics of blame, [the] public agenda (issue-salience), and government popularity' (Sulitzeanu-Kenan, 2010, p.631). In short, Sulitzeanu-Kenan's work strongly suggests that inquiries may be used tactically to benefit the state, calling into question the view that inquiries only ensure accountability which, as has been demonstrated, tends to write off such arguments as cynicism.

### ***A Tool of the State***

Most existing literature does not take the view of inquiry functionality taken above. Instead, in the main, the public inquiry is considered as a tool of the state (Resodihardjo, 2006, p.200). The first major development critical literature on inquiries makes is to note that the inquiry is a discretionary measure, it is not something that occurs automatically, and indeed there are 'often instances where a public inquiry, though entirely appropriate, does not take place' (Sedley, 1989, p.470). Thus, to call a public inquiry is a conscious, and probably strategic, choice on the part of state managers (Sulitzeanu-Kenan, 2010).

Second to this, literature that sees inquiries as a tool of the state notes that the decision to hold an inquiry normally occurs during potential 'legitimation crises' (see Habermas, 1973). Legitimation crises occur because 'capitalism produces contradictions which destroy the very conditions on which it depends' (Gephart, 1992, p.116). The state, in attempting to maintain capitalism, must constantly intervene in order to suppress these contradictions, however, often, such 'attempts to repress these contradictions lead to further contradictions and crises' (Gephart, 1992, p.116). Legitimation crises occur when such contradictions become apparent to the extent that they cause negative events or disasters. In such moments, the ability of the state to manage the economic system and keep citizens insulated from 'the dysfunctional consequences' of capitalism comes into question, which in turn threatens the state's basic legitimacy (Gephart, 1992, p.116). Literature that views the inquiry as a tool of the state therefore argues that, given inquiries are called at government's discretion, and in moments that present a significant challenge for state managers, inquiry

initiation is likely a strategic move done not to provide accountability, but as a means of self-preservation that serves to protect the state from any potential challenge to their legitimacy.

This view is most prominently put forward in the sensemaking literature on inquiries. Whereas those who see the inquiry as providing accountability argue that inquiries seek the truth, some within this sub-literature problematize this notion. Brown, for example, argues that 'the world [should be understood] as 'multivocal, fragmented, decentred, with no master narratives or central texts, ... in which meaning is radically plural' (Bruner cited in Brown, 2004, p.96). Likewise, Rolston and Scraton draw on Foucauldian ideas around the production of knowledge, arguing that 'truth cannot be conceived [as] "outside power"' (Rolston and Scraton, 2005, p.550). As such, any claim to truth such as an inquiry report's authoritative account of events is actually shaped by the capacity of the state 'to impose its regime of truth on its citizens, particularly in those sites of intervention where state authority and political legitimacy are challenged' (Rolston and Scraton, 2005, p.550). This view is important in that it is indicative of the tendency of literature that considers the inquiry a tool of the state to consider the narratives inquiry reports produce to not reflect the truth, but state power (Elliott and McGuinness, 2002; Gephart, 1992; Scraton, 2013). This is summarized by Brown, who argues that:

Public inquiries, and the reports they produce, may thus be described as exercises in power, where power is defined as the capacity to extend hegemonic reach by suppressing or overwhelming competing accounts such that one's own interpretation dominates. (2000, p.48).

Literature that takes the view sees the narratives that inquiries produce as serving the state in a number of ways. First, it is sometimes argued that inquiries narrate events in a way that covers up or ignore failings on the part of the state. Elliott and McGuinness, for example, argue that 'the public inquiry frequently deals at the micro level, ignoring macro issues and the social, political and cultural contexts in which disasters occur' (2002, p.20). In a similar vein, Brown argues that inquiries tend to depoliticize disaster events (2004). Brown does not elaborate on the concept of

depoliticization in a theoretically-informed way, but given his discursive focus, this can be taken to mean a tendency to narrate events in a way that implies that government cannot be held responsible for the event in question. Indeed, within depoliticization scholarship, discursive depoliticization is understood as the process of moving an issue into the 'realm of necessity' whereby all sense of agency or responsibility is removed (Hay, 2007, p.81; also see Wood and Flinders, 2014). In doing this, state managers can avoid 'the potential for blame' over the problem in question (Flinders and Buller, 2006, p.297). It is in this sense that Burton and Carlen argue that inquiries attempt to 'represent failures as temporary, or [as] no failure at all' (1979, p.48). Thus, inquiries are seen as a tool of the state in that they resolve events that may threaten a legitimization crisis on the part of the state by depoliticizing the event in question to the extent that failings are not attributed to state managers.

The same authors also argue that the discourses inquiries produce in the form of reports also tend to reaffirm the power and legitimacy of the state. As was noted above, in literature that sees the inquiry as a tool of the state the inquiry is conceived as a response to potential legitimization crises, in which the authority of the state and its ability to manage capitalism effectively comes into question. Thus, as well as engaging in depoliticization, it is argued that inquiries 'also attempt to ameliorate anxieties provoked by the original event by elaborating fantasies of [state] omnipotence and control' (Brown, 2000, p.45). Again, this is seen to be achieved through the inquiry report, in which it is demonstrated that the state is in control, and that negative events such as those subject to inquiry represent a 'rare occurrence' (Boudes and Laroche, 2009, p.390).

As has been argued, in the face of growing empirical evidence, the acknowledgement that inquiries are called for strategic reasons is a more realistic assessment of inquiry functionality than the somewhat idealized position that they only serve to create accountability. However, the view of inquiries as a tool of the state is has several limitations. These are captured quite well in Stark's assertion that in works that consider the inquiry a tool of the state 'the problematic nature of inquiries is insinuated rather than properly evidenced', or indeed, explained (2019, p.399). Stark does not expand fully on this point, but it is correct in two ways. First, there is a lack of clarity in terms of how inquiries actually function as a tool of the state to resolve

potential legitimation crises. Some works come close to suggesting that inquiries are simply whitewashes. Hegarty, for example, argues that inquiries ‘may have been used to deny the existence of abuses’ of power altogether (2004, p.203), a point also made by Burton and Carlen (1979). Thus, here the inquiry reflexively covers up wrongdoing in a functionalist way, but the question of why inquiries consistently do this is left unaddressed. Others argue that inquiries do not deny wrongdoing altogether but take the views of stakeholders and forge them into a narrative that ultimately allows the state to escape much of the potential blame for the event in question (Gephart et al., 1990). Whilst not necessarily contradictory, this distinction is often not acknowledged, and serves to muddy the waters regarding the exact functionality of the inquiry.

Furthermore, ideas regarding the inquiry’s role as a tool of the state that are not just distinct but are potentially contradictory often appear alongside one another. One such contradiction is the usage of the notion of the inquiry as a depoliticization tactic alongside assertions that inquiries reinforce fantasies of state omnipotence and control (see Brown, 2004; Boudes and Laroche, 2009). These ideas clash because depoliticization tactics attempt to ‘place at one remove’ from government the political character of the decisions in order to alter expectations around what the government ought to be expected to do and what it can reasonably be held responsible for (Burnham, 2001, p.128–9). Thus, depoliticization tactics attempt to downplay government ability and responsibility to manage and control by placing certain policy areas outside of the political arena. This means that existing literature asserts both that inquiries discursively construct events in a way that depoliticizes them, and therefore casts the state as not in control of, and therefore not responsible for, the event in question, while arguing that inquiries at the same time reinforce the myth that the state is omnipotent and can exert total control in order to fully manage the contradictions of capitalism. This reflects problems regarding the use of theoretical concepts, such as depoliticization within this literature. Indeed, literature on depoliticization contains significant theoretical depth (Warner, 2020, p.373), which could be drawn on square the tension noted above. However, within inquiries literature this rich theoretical literature is not engaged with in depth. Instead the term is used in an informal way, without clear definition (see, for example, Brown, 2004, p.96).



Second to this, literature that sees inquiries as serving the state does not provide a convincing account of the relationship between the inquiry and the state. In short, regardless of whether inquiries serve the state by depoliticizing disaster events or reinforcing fantasies of omnipotence and control, literature that sees the inquiry as a tool of the state sees inquiries as always benefiting the state in some way but does not clarify how it is that inquiries serve this function time after time. Indeed, this view's explanations of *how* the state exercises power over inquiries either slip into an un evidenced instrumentalism or a vague functionalism (Stark, 2019, p.399). To take an example of instrumentalism, a popular argument is that governments control inquiries by strategically setting their terms of reference (Resodihardjo, 2006, p.200). However, empirical evidence demonstrating this trend has not been produced; there are examples of inquiries that have had 'essentially open-ended terms of reference' (Morgan, 1991, p.716); and in the contemporary period, inquiries' terms of reference tend to be negotiated between inquiry chairs and government (e.g. the Leveson Inquiry, see Leveson, 2012, pp.3–6), or designed in consultation with key stakeholders (e.g. the Grenfell Inquiry, see Moore-Bick, 2017). Similarly, Rolston and Scraton argue *qua* Miliband, that judges are drawn from the social milieu of state managers (2005, p.552), thus they tend to exhibit a 'coincidence of interests' and a similar worldview which means that the inquiries they chair tend to look sympathetically on the state (see Miliband, 1969), such that inquiries become an instrument of the ruling class. However, no evidence is produced to demonstrate the existence of this coincidence of interests in practice.

In other instances, literature falls into a vague functionalism, whereby the inquiry reflexively works in the state's interest or reproduces state narratives of crises. This is especially true of the discourse analysis literature on inquiries, which often uses the work of Gephart as a starting point (see for example, Brown, 2000). Gephart argues *qua* Habermas and Offe that inquiries are a form of 'corporatist governance', which 'legitimize the actions and interests of dominant groups' in the face of perpetual legitimization crises (Gephart, 1992, p.116; see Habermas, 1973, p.46; Offe, 1984). Case study research has contradicted the claims that inquiries always reflexively reproduce state narratives of crises (see Resodihardjo, 2006; McLaughlin and Murji, 1999). However, more fundamentally, the problem with this theoretical approach is

that it '[presupposes] the existence of [administrative systems (i.e. inquiries)] which can perform [these] functions attributed to it' (Clarke, 1991, p.9). It does not offer any explanation of how such systems emerge or are how they used to fulfil said functions.

Many works deal with this issue by falling back on the notion that the public inquiry is completely captured by the state. Brown for instance argues that:

inquiries, and the reports they produce, may thus be described as exercises in power, where power is defined as the capacity to extend hegemonic reach by suppressing or overwhelming competing accounts such that one's own interpretation dominates. (2000, p.48)

Again, the question of exactly how state power can capture the inquiry in this way is still not explored. However, besides this, this view is unconvincing on other grounds. Specifically, it fails to appreciate the formal independence of the public inquiry and the fact that empirically, the state has tended not to use the formal powers it has to exert overt control over inquiries (HLSC, 2014a, pp.61–4). Furthermore, within such a view, a lack of attention is paid to developments in state theory. In particular, there is not enough acknowledgment of the notion that the state has moved away from the use of direct political control and towards a statecraft based on indirect influence and more complex relationships between the central state and other institutions engaged in social and political management (Burnham, 2001). Whilst one must be careful not to overstate the extent to which depoliticization is novel as a form of statecraft (Buller and Flinders, 2005), or the extent to which it truly diminishes the roll of the state in governance (Foster et al., 2014), the fact that existing literature does not even consider major theoretical debates about the nature and pathologies of the British state again betrays a lack of theoretical sophistication and clarity within existing research. This is not to say that the independence of the inquiry should not be questioned, rather it is to highlight that existing literature is caught between two extremes whereby the inquiry is either considered completely independent from influence by the state, which in the face of empirical evidence seems unconvincing, or completely captured by overwhelming state power, which seems simplistic.

Finally, besides this lack of clarity regarding how inquiries end up as a tool of the state, critical literature tends to overstate the ease with which inquiries are able to work to the state's benefit, and there is little consideration of the limitations of inquiries as a tool of the state. Less consideration has been given to the idea, proposed by Resodihardjo (2006), that inquiries represent something of a double-edged sword, with much potential risk attached to them alongside the potential benefits for state managers. This is also an idea that is implicit in the work of Sulitzeanu-Kenan who notes that the decision to hold an inquiry involves complex calculations with high stakes given the precarious position state managers find themselves in when they make recourse to them (2010).

The failure to properly evaluate how well inquiries perform their function as a tool of the state, and to identify their limitations in this regard, stems from the issues noted above. It is difficult to evaluate an inquiry without clear criteria regarding what the intended function of the inquiry is. One cannot evaluate whether inquiries are good depoliticization tactics, for example, without properly engaging with conceptual literature on depoliticization to identify what kinds of depoliticization move inquiries represent, who the depoliticization is targeted at, and what factors have already been identified as hampering the efficacy of depoliticization tactics (see Warner, 2020, p.373). As well as this, if one considers inquiries as totally captured by the state, it becomes difficult to seek out and identify instances where they deviate from serving the function that the state desires them to play.

### **Identifying Key Research Questions**

To summarize then, existing literature on inquiries is fragmented, and as such there is little concerted debate or interaction between those writing from within different disciplines, making literature difficult to review. In this review, it has been argued that the question of inquiry function is perhaps the most prominent issue on which most literature takes a position, thus, it formed the basis of the analysis. On this it was noted that two views exist. First, some works see inquiries in a positive light, and as playing an accountability function. This position emphasizes the independence and procedural robustness of the inquiry and sees it as adept at establishing the facts and presenting them to those in power. This position is mainly found in literature within the Legal

Studies tradition as well as grey literature. Second, some view inquiries critically, as a tool that, rather than holding those in power to account, actually works to preserve the legitimacy of the state in moments where it may otherwise be questioned.

Overall, this review has argued that these views represent ‘idealized [extremes]’ (Elliott and McGuinness, 2002, p.14). The positive view of inquiries tends to exhibit an overly idealized view, rejecting suggestions that inquiry usage may have tactical benefits for state managers as cynical (PASC, 2005, p.9), in spite of empirical evidence to the contrary and ever more clear public scepticism towards the use of inquiries in moments of crisis. On the other hand, the critical view, while more convincing for its acknowledgement of the ways in which inquiries can have strategic benefits for state managers, is often deterministic and lacks a degree of clarity. The inquiry is seen to be wholly captured by the state, however there is little empirically evidenced explanation as to how this control is exerted. Evidence that suggests inquiries may be a ‘double-edged sword’ (Resodihardjo, 2006, p.199), or have potential pitfalls as well as benefits is largely ignored (Sulitzeanu-Kenan, 2010). Indeed, as is argued by Greer and McLaughlin, the use of public inquiries in moments of crisis is ‘at once politically calculated and inherently risky’ (2017, p.114), yet existing literature tends to focus solely on one side of this dynamic, ignoring the other depending on which view of inquiry functionality. Literature that sees inquiries as playing an accountability function ignores the political calculation involved in calling inquiries, arguing that they are ‘not popular things for governments’ in any respect (Heseltine cited in PASC, 2005, p.9), whereas literature that sees inquiries as a tool of the state tends to focus solely on the political calculations and potential benefits of calling an inquiry for state managers, without any acknowledgement of the risks or limitations. Finally, contradictory explanations of how inquiries benefit the state appear alongside each other, and concepts are used in a theoretically uninformed way. Along with this comes an inability to identify the limitations of inquiries as a strategic tool of the state, or to fully conceptualise the calculations that come with inquiry usage or non-usage.

From this summary of existing literature, three key research questions can be highlighted.

*1.) What goals do state managers have in mind when they call a public inquiry?*

In this review it has been argued that the functionality of inquiries is the most prominent issue within existing literature, in that it is the one on which most literature takes a position, if often implicitly. On this debate, this review has argued that the view that inquiries should be considered primarily as tools of the state, rather than as playing an accountability function is more convincing. However, it was noted that literature that sees the inquiry as a tool of the state does not provide a conception of what goals the inquiry is actually called to fulfil on the state's behalf. Clarifying this is thus a key issue for new research focussed on inquiries.

*2.) How do state managers utilize inquiries to achieve these goals? As was*

noted, a further problem with critical literature on inquiries is a tendency to disregard the formal independence of inquiries and portray them as totally captured by state power. However, detailed studies demonstrate that direct state interference in inquiries has by and large not occurred. It is crucial to examine the subtle ways in which inquiries can be made to correspond to the objectives of the state without relying on largely empirically unfounded assertions of complete state dominance over the inquiry. Doing so will provide much greater insight into the relationship between the inquiry and the state, an issue of both academic and political importance.

*3.) What role do inquiries play within broader patterns of British governance?*

As has been argued throughout the chapter, and within the Introduction, public inquiries are highly significant within British governance and are key to state attempts to manage the most pressing crises. A rich, empirically grounded examination of the role public inquiries play within crisis management, and how state managers utilize them in pursuit of these goals, then, should seek to position the inquiry within these broader dynamics. Doing so promises to reveal much about patterns of British governance more generally.

These three questions represent the most pressing questions that emerge from an analysis of the current state, and limitations of, existing literature on inquiries. The solution to the problems of existing literature, and the approach taken by this project to answer the questions noted above, is to produce a theoretically-informed, empirically-grounded conception of the inquiry. Such a conception must take at least somewhat seriously the independence of the inquiry, rather than seeing it as

completely captured by state power in a direct way, whilst also acknowledging that, empirically, inquiries often do serve to legitimate the state, are widely seen to be subject to state influence, and are used tactically. Within this, any theoretical tools used must be used in an informed way, concepts must be used precisely and must be grounded in relevant theoretical literature. In doing this, the role of the inquiry and its relationship to the state can be properly clarified, and having clarified the inquiry's role, one can then start to evaluate how successful inquiries are and use empirical evidence to examine the tactical questions that confront state managers vis-à-vis inquiry usage, leading to a more dynamic, rather than deterministic account of how inquiries tend to play out.

At this point then, existing literature on public inquiries (both British inquiries and research focussed on other national contexts) has been reviewed. Within the chapter, the key limitations and problems within existing literature were identified, as were the key questions that remain open regarding inquiries which this thesis seeks to address. In the following two chapters, I set out the theoretical and methodological approach the thesis takes in order to sufficiently address and answers these key questions.

## Chapter Two: Theoretical Framework

### Examining Public Inquiries through the Statecraft Interpretation

In the previous chapter, existing literature on public inquiries was reviewed and the key outstanding issues regarding academic understandings of inquiries were identified. The chapter ended with the formulation of three key research questions regarding inquiries that the thesis seeks to address<sup>11</sup>, and also noted methodological and theoretical limitations within existing research. To address the research questions identified, then, the thesis cannot simply retread the same methodological and theoretical paths that existing research has established. Instead, it must identify a theoretical and methodological approach that is up to the task of addressing the key research questions the thesis has identified.

The following chapter goes some way towards this by elaborating the theoretical part of the thesis's approach to the study of inquiries. The thesis adheres to the 'statecraft' interpretation or framework, established within the work of Jim Bulpitt (1983; 1985; 1986; 1988; 1989; 1992; 1995; 1996), and developed by a number of other scholars (Buller, 1999; 2000; Buller and James, 2012; James, 2012; 2016; Hayton, 2014). This framework focusses on 'the politics of governing' (Buller, 1999, p.695), and how a small group of key political personnel (the Court) navigate the challenges that confront them. Under this view, politicians 'avoid trouble or hassle' above all else (Bulpitt, 1989, p.57), and attempt to maintain a relative autonomy from other political actors whose demands may prove a headache (Bulpitt, 1986). I argue that this approach therefore dovetails well with this thesis's focus: the ways that inquiries are utilized by state managers to achieve key objectives in the wake of crises.

Statecraft has been especially fruitfully used within research focussed on depoliticization (Burnham, 1999; 2001; 2007; 2011; 2014; Rogers, 2009; 2013; Copley, 2017; Warner, 2017). Attempts to depoliticize particularly thorny issues—hiving them off to technocratic bodies at 'one remove' from central government to

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<sup>11</sup> These are: 1.) What goals do state managers have in mind when they call a public inquiry? 2.) How do state managers utilize inquiries to achieve these goals? 3.) What role do inquiries play within broader patterns of British governance?

mask ‘the political character of decision-making’ in relation to them (Burnham, 2001, p.128)—are considered a key pathology of governmental statecraft (Burnham, 2014). Thus, following a number of other researchers, the thesis also adopts a view of statecraft that focusses on the politics of depoliticization as a particularly key element.

Structurally, the chapter begins with a discussion that places statecraft within a wider tradition of elite theorizing in British Politics. Following this, the main aspects of the statecraft framework are set out. First, I discuss how statecraft adopts a broad analytical scope which dovetails well with this project’s attempt to analyse inquiries over time and within different contexts. Second, I note that statecraft has a focus on a specific set of actors (the Court) at the centre of British government, which again fits with a study of inquiries, which are ‘an instrument of executive accountability’ whose initiation is decided upon by high-level political elites within the core executive (Flinders, 2001, p.163). Third, I explore the statecraft framework’s focus on the recurrent dilemmas that confront state managers, and state manager’s pathological responses to these dilemmas. This, I argue, again connects well with a study of inquiries, whose initiation has become something of ‘a reflex action’ in state manager’s attempts to respond to crises (Drewry, 1975, p.58). Finally, the chapter ends with a discussion of the relationship between statecraft and the concept of depoliticization. Therein, it is noted that whilst conceptualizing depoliticization as a form of statecraft has been popular, it is not the only approach. The chapter therefore defends the depoliticization as statecraft approach against its ‘second-wave’ critics, and signposts how inquiries can be fruitfully understood as a body deployed by state managers to depoliticize crises. In doing this, the chapter lays out the conceptual foundations onto which the empirical chapters of the thesis will build their analysis of how inquiries fit within the politics of governing and the politics of crisis management.

### **Elite Theory in British Politics**

Perhaps the first thing to note about statecraft is that it is an elitist approach to political analysis. For Bulpitt, politicians are rational and self-interested, and as such seek ‘to benefit their own interests’ (1988, pp.184–5). Politicians therefore do not act in a democratic, deliberative, or consultative way. Instead, they seek to achieve ‘relative autonomy for the centre (Cabinet and senior civil service (Whitehall)) on those matters



... defined as “high politics” at any particular time’ (Bulpitt, 1986, p.27). This autonomy is pursued through the use of a variety of ‘manipulative mechanisms’ (Bulpitt, 1996, p.225), including:

the employment of Parliament as a talk-shop and essential intermediary with peripheral forces; depoliticization of potentially awkward issues; and the “peripheralization” of many matters of ‘low politics’ to governmental agencies outside the centre (Bulpitt, 1986, pp.27–8).

Rather than seeking to reflect the views of the masses, then, political elites pursue governing strategies that work to ‘euthanize’ (Bulpitt, 1986, p.27), or ‘anaesthetize’ politics in order to avoid the problems that come with more deliberative or consultative approaches (Bulpitt, 1996, p.227). Indeed, Bulpitt’s analysis of Thatcherism is underpinned by the idea that the corporatist ‘new democracy’ compromised the pursuit of successful statecraft (1986, pp.28–30). In light of this, monetarism, for Bulpitt, ‘began life as a technique for taking certain decisions out of politics [and] matured as a device for giving politicians a certain autonomy from other groups’ (1986, pp.32–3). The Thatcherite monetarist revolution was therefore an expression of the perennial pursuit of self-interest on the part of political elites, who seek to insulate themselves from popular pressure in order to avoid the problems responding to such pressure can involve when making policy.

In taking this elitist view, Bulpitt’s work sits within a broader tradition of British Politics scholarship. At the time of the passage of the Great Reform Act, Walter Bagehot expounded a decidedly elitist view of the British constitution. For Bagehot, behind the ‘the myths of parliamentary liberty’ and the supposed ‘dual representation of the interests of Lords and Commons, the historic suspicion of over centralized states, the checks and balances between executive and legislature’ lay a political system where power was fundamentally concentrated (Colls, 1998, p.98), where no separation of powers existed between executive and legislature, and where the former dominated the latter (Colls, 2010, p.518). The problem, Bagehot suggested, was that increasing democratization and extension of the franchise would mean that the public would expect greater influence over political decision-making, which would render

centralized government 'impossible' (1963, p.161). Yet the elite system of government persists, Bagehot argues, because of 'the doctrine of double government' (Beer, 1974, p.1292). That is, the British constitution is made up of two parts. The 'efficient' part of the system—'those [parts] by which it ... works and rules' (Bagehot, 1963, p.61)—remains dominated by a narrow elite. But crucially, this efficient part remains a 'secret' (Cox, 1987, pp.45–67), hidden by the 'dignified' aspects of the constitution, which the public see and consider constitutive of the system, but exist primarily to 'excite and preserve the reverence of the population' (Bagehot, 1963, p.61). The dignified aspects of the constitution thus make 'palatable', through 'theatrical show', a system that would be unpalatable to the majority of citizens, if only they were aware of its efficient secret (Bagehot, 1963, p.248).

It is worth noting that Bagehot's work has come under criticism for its presentation of the constitution in this way (Vile, 1967; Kavanagh, 1971; 1974; Beer, 1974; Spring, 1976), and Bagehot considered his formulation outdated almost as soon as it had been published (Bagehot, 1963, p.i). Despite this, much contemporary research has drawn on similar themes. Of particular note is the literature on the British Political Tradition, which has sought to contest the Westminster Model (WM) of British politics. The WM sees 'Britain's political development ... as essentially superior to that found elsewhere' (Hall, 2011, p.10), and emphasizes the 'excellence of British political institutions' (Gamble, 1990, p.407) as well as the 'balanced, harmonious, and yet flexible constitutional arrangements' underpinning them (Kerr and Kettell, 2006, p.7). Within the WM, then, British government is a model of representativeness and responsibility (Birch, 1964).

This idealized view of British democracy has been contested by a number of scholars who suggest that dominant ideas about democracy in Britain are marked by a limited notion of responsibility (Marsh and Hall, 2007; 2016; Hall et al., 2018). As such, because of this tradition's persistence, British government is actually characterized by a lack of accountability and transparency (Tant, 1993); elitist, top-down, centralized, executive-dominated politics (Richards and Smith, 2002); and a preference for 'strong and decisive' (rather than responsive, open, consultative) government (Marsh et al., 2001, p.247).

At the same time, for some scholars, the rise of governance and the ‘massive proliferation of networks’ (Bevir and Rhodes, 2006, p.74), and ‘hollowing out’ of the state that has accompanied this is seen to have led to a ‘differentiated polity’, characterized by a ‘fragmentation’ and diffusion of power (Rhodes, 2007, p.1245). These changes have meant that ‘the capacity of the British core executive [have] been eroded’ (Rhodes, 2007, p.1248), such that ‘the centre is characterized as much by fragmentation and interdependence as by strength’ (1997, p.13). Under this view, Britain ‘constitutes a decentralized and diffuse political system, in which policy networks play a powerful role’ (Ward, 2021, p.892). It therefore presents a challenge to elitist analyses of British politics that stress the significance of a unitary core elite able to exercise power and control.

However, the rise of governance should not be taken as a death knell for elite analysis. This is because processes ostensibly involving a hiving off or diffusion of power and responsibility often allow central government to retain, or even, enhance their power and control. Depoliticization, in particular, is often associated with the diffusion of responsibilities and the creation of arms-length bodies and more complex policy networks (Flinders and Buller, 2006). However, moves that deprive central government of power and democratize policy-making *prima facie* often enhance governmental control in practice (Burnham, 2001). As such, whilst it is important to acknowledge that policy networks exist, the notion that these have democratized or opened up policy-making significantly is overstated (Marsh et al., 2001).

Instead, policy networks are often organized in a hierarchical way, and are characterized by asymmetries of power which reflect wider material inequalities within society (Marsh et al., 2003). This ‘asymmetric power model’ therefore acknowledges the rise of governance but maintains that the core executive has power to control other actors involved in policy-making, such that ‘the key actors in policy-making in Britain are still within, rather than outside, the core executive’ (Marsh et al., 2003). More recent scholarship has therefore pointed towards the role that the core executive has in ‘meta-governance’: the processes by which governments direct and control policy networks (see Dommett and Flinders, 2015). As Fawcett notes, ‘meta-governance ... not only indicates a continued role for the state in the regulation of self-regulating networks but ... *also casts doubt on the view that the vertical hierarchies of the old*

*social structures of the state have been replaced or subsumed by such networks'* (2009, p.37, emphasis added).

Complementing this has been a wave of recent scholarship identifying a wave of retrenchment and 'executive centralization', suggesting a continued contemporary significance for more elite-driven analysis (Ward and Ward, 2021; Ward, 2021; Richards et al., 2019; Gaskell et al., 2020; Judge, 2021; Ewing, 2020). Some scholars have stressed the persistence of the British Political Tradition and the preference for centralized elite-driven decision-making which accompanies it, and the ability of this tradition to endure even in the face of demands for decentralization and participatory democracy (Richards et al., 2019). Others have noted more recent moves to 'recalibrate the relationship between the core executive, mainstream delivery departments, and their arm's-length bodies', in order to 'increas[e] control ... [and] increas[e] the capacity of the core executive to dictate levels of discretion and autonomy' (Dommett and Flinders, 2015, pp.5–7; Ward and Ward, 2021). Similarly, recent analysis of the typical British policy style—that is, the "standard operating procedures" for making and implementing public policies' (Richardson, 2018, p.215; Jordan and Richardson, 2013)—has noted a shift (back) to an 'impositional policy style' (Richardson, 2018, p.216). This impositional style means that, whilst governments still have to negotiate and direct complex networks (meta-govern), British governments tend to do this through only 'constrained consultation' (Richardson, 2018, p.216), marked by a 'government knows best' attitude (Vines, 2015, p.370).

All of this is to say that statecraft as a fundamentally elite theory of British governing, sits within a much broader universe and historical tradition of elite theorizing about British politics. Such ideas have been challenged by scholars stressing the rise of governance and the hollowing out of the state, and this must be contended with, even though this project is historical in scope. However, despite the added complexity that these developments imply, it has been demonstrated that asymmetries of power between government and other groups within policy networks continue to exist, meaning centralization and governance are not mutually exclusive processes. This suggests that elitist approaches still have much to offer for scholars interested in British government, and that, when thinking about the contemporary relevance of the findings of this thesis (which again is historical in scope), the

centralized, elite-driven view of British democracy expounded here does still reflect contemporary realities to a significant degree. Having placed statecraft as an elitist approach to the study of governing Britain in its broader context, the chapter now turns to some of the major aspects, and strengths, of the statecraft approach and the relevance of the approach to inquiries.

### **Analytical Scope and Macro Analysis**

Buller has suggested that 'perhaps the first advantage of statecraft is its appreciation of some of the theoretical issues involved in researching a subject with a broad analytical focus' (2000, p.6). For Bulpitt, Political Science is often guilty of a 'micro-ism obsession', as a result of the dominance of pluralism within the discipline (1995, p.511). Pluralism and micro-level analysis go hand in hand because, from a pluralist perspective, 'the state is neutral and power [is] fragmented amongst groups, institutions, and policy networks' (Bulpitt, 1995, p.511). Such a perspective 'is not one which grants much significance to macro matters', instead encouraging a 'bottom-up' approach focussed on the interactions and negotiations between a host of different actors (Bulpitt, 1995, p.511). Bottom-up approaches, however, have two problems for Bulpitt. First, they 'generate an unmanageable mass of complex and contradictory material' (Buller, 2000, p.7). Second, they ignore the way British governance actually works (which, as has been discussed, is characterized by inequalities of power and resources, and the existence of a core political elite with their own distinct interests and power).

At the same time, while macro analysis might appear preferable to what Bulpitt terms 'the micro-ism obsession' (1995, p.511), it has also been criticized. This is because Bulpitt at times suggests that macro analysis is 'concerned with explaining 'how the British polity works ... as a whole' (1995, p.515). This led Rhodes to conclude that 'such a sweeping analysis poses problems, many of which are acknowledged by Bulpitt' (1988, p.33). Indeed, Bulpitt stressed the difficulty of macro analysis, noting that 'because it requires some knowledge about a lot of things' (1995, p.515), 'the supporting data ... [provided] is much less than perfect' (1983, p.239), 'hence accusations of superficiality are always possible (and plausible)' (1995, p.515). As such, Bulpitt suggested that:

macro analysis is essentially fraudulent ... because it promises more than it can deliver. It promises a total picture of polity politics. What it delivers is merely a macro perspective prioritizing some particular aspect(s) of the polity's operations (1995, p.515).

Consequently, more recent research that has adopted the statecraft framework has tended to re-interpret what macro analysis implies. Buller, for instance, notes that his analysis of the UK's European integration under the Thatcher and Major governments has a 'broad analytical focus' and covers a 'wide analytical terrain', for which a statecraft approach is useful and appropriate, but 'is not concerned with a fully-fledged macro analysis' (2000, pp.7–8). Relatedly, in his work on election administration, James (2012) does not offer a full analysis of one polity (indeed, the research is actually comparative, and focusses on one key aspect of governing: electoral administration). However, James frames their work on election administration as in line with Bulpitt's critique of pluralist, bottom-up approaches. This is because:

literature on election administration has often seen it as a micro-issue without linkages to broader issues of macro governance and state-society relations. The advantage of using the statecraft approach is that it allows us to attempt to bridge these connections (2012, p.66).

In reframing the macro approach Bulpitt suggests in the ways discussed above, Buller and James's research overcomes some of the problems Bulpitt identifies with micro-level analysis whilst maintaining a manageable focus and scope, such that 'broad ... methods, [and] utilizing diverse sources can minimize the impact of th[e] problem' of potential superficiality (Hopkins, 2011, p.60)

Ultimately then, both Buller and James offer useful insights regarding macro analysis and statecraft, and these apply well to this own project's relationship with the framework. Like Buller, here I am 'not concerned with fully-fledged macro analysis' (2001, p.7), instead the focus on one aspect of British governing: the utilization of public inquiries. Furthermore, James's concerns regarding the study of election

administration mirror my own regarding the study of inquiries. Namely, existing literature on inquiries has not explained and analysed how inquiries sit within 'broader issues of macro governance and state-society relations' well enough (James, 2012, p.66). How inquiries are utilized in pursuit of key objectives within ongoing political processes is less well explored and is the focus here. Such a project requires a broad analytical approach for which statecraft is well suited.

### **The Court**

Another key aspect of the statecraft framework is the way in which Bulpitt's elite focus expresses itself: namely, in its focus on the Court or 'Centre'. In being influenced by the work of Frey (1985), Bulpitt stresses the importance of 'principal actor designation' (see Buller, 1999, p.695; Buller 2000, p.7). As Frey argues, '[a]ny political analysis ... focuses upon designated actors as critical analytic components' (1985, p.127). Thus the question of which actors are focussed on is key. For Frey however, within much political analysis, 'actor designations are usually made perfunctorily and are rarely reconsidered' (1985, p.130), which leads to analytical problems. This is a salient concern for research on inquiries because inquiries involve a whole series of actors, both when inquiries are called (government, the core executive, individual ministers, government departments, the media, the public), and when they run (inquiry chairs, inquiry panels, core participants, witnesses, stakeholder groups, legal advisors). Attempting to cover all of this risks an overstretched analysis, thus a more restricted focus on one principal actor (and how they relate and respond to others) makes sense.

For Frey then, researchers should be upfront about which actor they designate as the principal actor and should do so based on clearly defined criteria. Following this, Bulpitt stresses that principal actor designation is 'a crucial issue' which he addresses in a particular way (1996, p.223). Bulpitt rejects at the outset an individualistic or "Great Person" approach' on the basis that such an analysis 'degenerates into an itemization of the preferences and prejudices of important people' (1996, p.223). This necessitates a focus on a group or collective entity. Following Frey, Bulpitt suggests that to be considered a principal *actor* a group must have cohesiveness (1985, pp.141–4). That is, a group must 'normally behave in a unitary (united) fashion' (Bulpitt, 1995, p.518). Only if a group often acts 'as if they were a

single entity' (i.e. with cohesion) is 'the collectivity meaningfully interpretable as unitary' (Frey, 1985, p.142).

In focussing on 'the politics of governing' (Buller, 1999, p.695), Bulpitt suggests that the principal actor to be focussed on is the Centre or Court: a small set of key actors intimately involved in high politics in Britain. As well as meeting the criteria regarding cohesion in Bulpitt's judgement, the selection of the Court reflects Bulpitt's elitist viewpoint, and is necessitated by Bulpitt's commitment to macro analysis (1983, p.57). As Bulpitt notes in *Territory and Power*, his focus on the Court 'is to a large extent a forced one, since it is doubtful if any macro study of territorial politics can be carried out without viewing the subject from the Centre' (1983, p.2). This mirrors Bulpitt's concern that micro or 'bottom-up' analysis 'run[s] the risk of yielding an unmanageable mass of complex, ad hoc and often contradictory empirical evidence' (Buller, 1999, p.694).

Scholars have noted that in Bulpitt's work, '[t]here is some ambiguity' about who the Court is comprised of (James, 2012, p.67). In several works, Bulpitt defines the Court as 'a political-administrative community of senior ministers and top civil servants, operating in and around Cabinet' (1985, p.134; 1983, p.3). However, in later works, the focus becomes narrower still, with Bulpitt focussing on "party leaders" in 1988 while discussing Foreign Policy under Thatcher, and the "Conservative Party elite" in a 1989 discussion of local-central relations' (James, 2012, p.67).

For research focussed on governance/governmental decision-making, a focus on the broader 'political administrative community' appears to make more sense than an analysis only focussed on party leaders, but even here there is still a degree of ambiguity about who exactly who should be considered a part of the Court, and who should not (Hopkins, 2011, p.55). Attempting to achieve greater clarity regarding this question, however, may descend into 'squabbling over semantics' (James, 2012, p.67). Instead, it is perhaps more useful to simply suggest (as I have done elsewhere in this chapter) that Bulpitt's work sits within a broader tradition of elite theory which maintains that 'power exists [and is exercised, by a small set of actors] within the central state' (James, 2012, p.67). Exactly who composes this set of actors may shift over time. In Bulpitt's view, for example, in the Feudal era, the Court was the Royal Court (the monarch and a set of key advisors drawn from the nobility), only with the



dawn of mass democracy did it evolve to mean ‘the Cabinet and then [the] “political-administrative community” referred to above’ (1983, p.3). Others too, have pointed out that the contours of the Court may shift over time, or when different policy issues are dealt with (Buller, 2000, p.8; 1999, p.705). For Bulpitt, however, ‘whatever the precise location’, the point is that ‘a court ethos has always dominated [British politics]’ (1983, p.3), and this means that British governing is marked by a degree of elitism whereby a small number of political actors operate in an at least somewhat coordinated way.

Before moving on, it is important to stress, as I did at the chapter’s outset, that for Bulpitt, the Court operates in a way that is not only coordinated, but also *self-interested*. That is, the Court engages in a ‘struggle to secure its interests and objectives in the face of constraints and resistance to societal forces’ (Buller, 2000, p.9). For Bulpitt, because of its majoritarian winner-takes-all electoral system, and centralized state, ‘the consequences of [electoral] defeat ... are ... awful’ for politicians: ‘losing office ... means the political wilderness’ (Bulpitt, 1988, p.188). Politicians are therefore interested primarily in ‘subsistence-level objectives’ (Bulpitt, 1996, p.225): self-preservation and maintaining their own status. Successful statecraft, under this view, comprises ‘winning national office, avoiding too many problems while there’ (Bulpitt, 1996, p.225), and achieving an aura of ‘governing competence’ (Bulpitt, 1995, p.520). In the face of these practical concerns, ‘ideology or policy’ is, by contrast, ‘of secondary instrumental importance’ (Bulpitt, 1989, p.57).

This aspect of Bulpitt’s approach is controversial. Scholars have criticized it as reductive and as leaving no place for the role of ideas within the analysis of the behaviour of political elites (Griffiths, 2016, p.738; Marsh, 1995). More recently work has attempted to flesh out a role for ideas within the statecraft interpretation, with Hayton noting that ‘ideological considerations are an important facet of statecraft decisions, limiting choices ... informing strategic calculations [and] influenc[ing] how actors interpret the political context they face’ (Hayton, 2016, p.730). Furthermore, Bulpitt’s own position on this issue is more complex than is acknowledged. Specifically, Bulpitt does not suggest that politicians do not have genuine ideological beliefs which they would like to implement. Rather, he acknowledges that they do, but argues that politicians ‘will rarely be able to afford the luxury’ of acting on these

because they will typically be caught up in the day-to-day political firefighting necessary to ensure their own survival (Bulpitt, 1996, p.226).

The extent to which politicians cannot afford to act ideologically is based on what Bulpitt calls the 'natural rate of governability', which varies over time (James, 2016, p.87). Politicians may therefore experience periods when they enjoy the discretion to act ideologically and seek change, however often state managers 'may be so constrained by their surroundings that "ad hoc-ism" and "muddling through" may be the best that can be achieved under the circumstances' (2012, p.70). Thus, as an ideal (or 'jam on the bread', as Bulpitt puts it), politicians may certainly seek to pursue 'ideas or doctrines' that they sincerely hold, but the fact that 'British governing is [also] one long electoral campaign', and the dire consequences of losing this campaign, means that only the most successful governments achieve the necessary autonomy from day-to-day pressures necessary to act ideologically (Bulpitt, 1996, pp.224–5). Given inquiries are called in moments of crisis, it is reasonable to assume that they constitute moments where "'ad hoc-ism" and "muddling through" [are judged to be] the best that can be achieved', and where more immediate practical concerns regarding political survival outweigh ideological considerations in most instances (James, 2012, p.70). I therefore consider the analytical bias against the role of ideas within statecraft to be a deliberate one made with clear justifications that apply well to the subject under examination here.

As with other aspects of the statecraft approach, this focus on the Court has applicability to a study of public inquiries. Indeed, public inquiries are ultimately 'an instrument of *executive* accountability': 'it is ministers and their officials ... that decide whether to establish an inquiry' (Flinders, 2001, p.163), often in 'in consultation with colleagues and civil servants' (Scraton, 2004a, p.48). Thus a small core of key actors initiates inquiries in response to serious emergent crises and despite some suggestions that inquiries represent 'democratic pluralism at work' (Thomas, 1982, p.40), it is often assumed that they do so for their own benefit (see Scraton, 2004a, p.49). Furthermore, it is assumed that these same personnel respond to inquiries in an organized and united manner (Flinders, 2001, p.165; Tomkins, 1996), and again do so in a self-interested way (Sulitzeanu-Kenan, 2010, pp.613–4). Thus, in attempting to focus on the role of inquiries within political management, it appears logical to focus

attention on the actions of this small group of relevant ministers, officials and civil servants, which dovetails with Bulpitt's notion of the Court.

Furthermore, inquiries have become a perennial feature of British politics, and can be connected to a longer tradition of inquiry in Britain (see PASC, 2005, pp.7–11; Wraith and Lamb, 1971). This means that the temporal focus is broad in this thesis: inquiry usage is examined across the twentieth century. This dovetails well with Bulpitt's assertion that the Court has the benefit of being a 'temporally constant actor', 'present in every period under study' (Buller, 1999, p.694). In other words, whilst the personnel making up the Court and its precise contours changes over time, the existence of a core group of key political decision-makers is something that persists. As such, Bulpitt's framework, and its focus on the Court as a principal actor, has particular utility and applicability within research, such as this thesis, that adopts a broad temporal scope (see Bulpitt, 1983, p.2; Buller, 2000, p.8). This does not mean that the thesis does treat the role of other actors within the inquiry process as insignificant. However, since the focus here is on how inquiries are utilized within the politics of governing, and since the project adopts a broad temporal scope requiring a temporally constant actor through which the analysis can be grounded, a primary focus on the Court makes sense here.

Within the thesis, I often use the terms state managers and government representatives within the empirical chapters, and it is worth clarifying their definition and their relation to the concept of the Court. The concept of state managers is popular within literature on depoliticization (e.g. Burnham, 2001; Rogers, 2013; Jessop, 2014; Moraitis, 2020), which I draw on throughout the thesis, and is derived from the work of Block (1977; 1980). Here, I use the term state managers to denote those personnel who form the Court. It has advantages over a term like politicians because, as is noted above, the Court is not only made up of elected officials: it also includes key civil servants and bureaucrats. The state managers therefore is broad enough to capture these different kinds of personnel who make up the Court. In the work of Block, it is also usefully assumed that state managers have their own distinct interests (1980, p.229). Indeed, for Block, state managers are not reflexively in hoc with the interests of the capitalist class in a way that falls into the problematic functionalism already identified within some literature on inquiries (Block, 1977), but also have interests

distinct from, say, other political figures, such as backbench parliamentarians. Blocks conception of state managers, their position, and their interests therefore dovetails nicely with Bulpitt's own discussion of the distinct interests of the Court.

The term government representative, meanwhile, is used mainly in the chapters of the thesis which examine the rhetorical and strategic utilization of inquiries within parliamentary debates. I use that term in those chapters when referring to moments where ministers make announcements related to inquiries on behalf of government. Such ministers, in being high-level key decision-makers, are part of the Court, but I use the term government representatives to make clear that in those sections I am referring to the behaviour of explicitly political figures who are acting on behalf of the wider Court within Parliament, not to the Court as a whole.

### **Continuity, Recurrent Dilemmas and Governing Codes**

The statecraft approach is also useful in drawing attention to continuities and recurrent features of British governance and is well suited to studying such features. This is because, whilst a particular focus was given to Conservative Party statecraft in Bulpitt's work, one of the underlying assumptions of the analysis is that statecraft represents something all governments must engage in (Bulpitt, 1996, p.225). Indeed, in his analysis of the Thatcher government's statecraft, Bulpitt contests explanations of Thatcherism that (over)emphasize its novelty. Most interpretations of Thatcherism, Bulpitt argues, suggest that Thatcherism 'represents a radical break with past Conservative practice and ... with the post-war Keynesian consensus' (1986, p.19). For Bulpitt, by contrast, 'there is precious little difference between monetarism [i.e. Thatcherism] and the politics of Keynes' demand management' (1986, p.33), and 'in statecraft terms, that there is a greater similarity between the Conservative Party led by ... Thatcher and its predecessor under Churchill and Macmillan than is often suggested' (1986, p.39). Bulpitt arrives at this conclusion because he assumes that the political context that political elites operate in is structured in a way that presents particular, perennial challenges that elites must respond to whether they like it or not (Copley, 2021, p.41). In this sense, Bulpitt's approach has considerable similarities with methodological approaches focussed on 'reiterated problem solving', within which analysis is framed in terms of the 'recurrent dilemmas faced by social actors' (Haydu,

2010, p.32), which represent temporal continuities as ‘enduring problems’ across different political epochs (Haydu, 1998, p.354).

For Bulpitt, whose focus is on political elites in Britain, and who assumes such elites are self-interested and seek to maximize their own power and status, democratic politics poses two perennial challenges that must be navigated. First, in order to maintain power and status, politicians must periodically secure re-election. Hence, statecraft is often defined as ‘the art of winning elections’ (Bulpitt, 1986, p.21; James, 2016, p.86; Buller and James, 2012, p.538). However, statecraft also focusses on the broader ‘politics of governing’ (Bulpitt, 1995, p.515), and ‘how political elites confront and respond to governing challenges’ (James, 2016, p.86). As such, Bulpitt also stresses that achieving an aura of ‘governing competence’ in office is an indispensable part of statecraft (1995, p.520). This can be linked to electoral concerns: a party widely seen to lack any competence will presumably be punished in any upcoming elections (Buller and James, 2012, pp.540–1). Yet a failure to maintain an image of competence will likely also generate popular resistance, which in turn causes further problems in terms of governing and policy implementation (Bulpitt, 1986, p.22).

Others still, have supplemented Bulpitt’s statecraft analysis with a Marxist focus on economic management (see Burnham, 2001; Copley, 2017; 2021). Such scholars stress the structural dependence of the state on capital (Przeworski and Wallerstein, 1988; Burnham, 2001, p.128; Rogers, 2009, pp.635–8; Copley, 2021, p.32). This dependence means ‘all governments ... are constrained in what they can do by the need to sustain economic conditions that promote investment’ (Wickham-Jones, 1995, p.466; Block, 1977, p.15; 1980). This creates a need for governments to ‘appear to be competent, as a way of gaining market confidence’ (Burnham, 2001, p.128), since market confidence will prompt investment and state manager’s ‘own continued power rests on a healthy economy’ (Block, 1977, p.15). Such an analysis is useful in helping to avoid the criticisms that statecraft analyses ignore ‘the economic context in which [policy] choices are set’ (Marsh cited in James, 2012, p.73).

In stressing the need to win elections and the related need to maintain a degree of governing competence, Bulpitt’s account therefore offers an analysis that stresses continuity. This is because, while ‘not all Courts will play the game [of statecraft] equally well, ... they will all be forced to play the same game’ (Bulpitt, 1996, p.225). In

other words, Bulpitt downplays the significance of differences in the ideological makeup of particular leaders or parties (Bulpitt, 1986), instead stressing that all governments must engage in a 'pragmatic decision-making and tactical manoeuvring' in the face of longstanding 'structural constraints imposed upon the state' (Copley, 2021, p.41). In the face of these constraints, Bulpitt argues, even governments of markedly different ideological stripes will tend to 'pursue governing strategies and employ supportive manipulative techniques to ensure, as far as possible, that they achieve their crude, subsistence-level objectives' (Bulpitt, 1996, p.225). Namely achieving 'a level of governing competence, and ... at least not mak[ing] things any worse' (Burnham, 2001, p.128). Thus, within the statecraft interpretation, because of the existence of structural constraints, the types of problems governments face remain similar over time. As Bulpitt succinctly summarizes:

[the] structural characteristics of modern British politics have produced party elites with common, initial, subsistence-level objectives, namely winning national office, avoiding too many problems while there and getting re-elected (1996, p.225).

Furthermore, Bulpitt suggests that governments tend to respond to these recurrent problems in similar ways. For Bulpitt, British politics can usefully be periodized into a set of regimes, with each regime having 'an anatomy or style of governing which persists over time' (1995, p.517; 1989, p.65). This is because each regime develops its own 'governing code': 'a reasonably coherent set of principles, methods and practices by which [key statecraft] objectives will be realized' (Buller, 1999, p.695). Thus, whilst Bulpitt emphasizes 'short-term politicking or tactical manoeuvring' in his analysis (Buller, 1999, p.695), the moves politicians make are not haphazard or random, rather they are informed by a 'a set of precepts about the problems and methods of governing Britain' which hold across governments (Bulpitt, 1992, p.265). Of course, governing codes change and are adapted over time. Often, it is crises that 'force the Court to alter its governing code or political support mechanisms, leading to a change of Statecraft regime' (Buller, 1999, p.702). For Bulpitt, whilst we should not overstate the discontinuity between Keynesianism and

monetarism, the economic and political crises which undermined the Keynesian settlement did necessitate a reformulation in how the Conservative Party pursued a successful statecraft (1986). This once again dovetails well with Haydu's analysis, which stresses the state managers engage in 'reiterative problem solving' and suggests that different historical 'periods are demarcated on the basis of contrasting solutions for recurring problems' (Haydu, 1998, p.354)

This aspect of Bulpitt's approach dovetails well with an analysis of inquiries, as literature on inquiries assumes that inquiries are used in response to perennial problems governments face (periodic crises, scandals etc). Furthermore, whilst inquiries have certainly evolved over time, it is also assumed within existing literature that inquiries are called for by the public, and initiated and used by governments in a habitual, perennial way in different eras and by governments with different ideological/political positioning (Drewry, 1975, p.58). Indeed, it has been suggested that, after the breakdown of the select committee inquiry in the wake of the Marconi scandal in the early twentieth century, public inquiries have become the British government's 'favoured mechanism' for responding to the most high-profile crises (Jasanoff, 2005, p.218). It has thus been suggested that British politics can be periodized 'into the Pre-Marconi and the Post-Marconi days' (Chesterton cited in PASC, 2005, p.11).

The rise of the public inquiry then, can be considered a moment in which British government's governing code shifted, and the persistent recourse that has been made to inquiries since then indicates its position as a key '[practice] by which [key statecraft] objectives will be realized' (Buller, 1999, p.695). Inquiries thus represent a striking continuity within an otherwise changing picture of British governance, both in terms of how they are used and in terms of the perennial problems to which they respond. Moreover, inquiries have also been more specifically linked to the perennial need to maintain a degree of competence or legitimacy in the face of crises (Gephart, 1992). Bulpitt's approach therefore offers a focus on continuity and the perennial challenges governments face, and highlights ways in which governments of different ideological stripes play the same game or operate in the similar ways, which is useful to a study of inquiries.

## **Statecraft and the Politics of Depoliticization**

Finally, statecraft analyses often place keen emphasis on the notion of depoliticization as a means of achieving relative autonomy. This is because, as discussed above, statecraft emphasizes that the Court is involved in an 'endless struggle to secure its interests and objectives in the face of constraints and resistance to societal forces' (Buller, 2000, p.9), and for Bulpitt, this process of resisting societal forces is a process of distancing and insulation, rather than accommodation (Bulpitt, 1986, p.27). More specifically, Bulpitt argues what politicians seek 'to achieve in government [is] a relative autonomy' from 'both domestic and external pressures' (1986, p.27).

Thus, for Bulpitt, the adoption of Keynesian ideas in the post-war period was primarily a means of 'economic management which would evade the problems posed by discretionary political decision-making' because it involved 'macro demand management by an insulated political and bureaucratic elite', often on the basis of set principles, which allowed government to 'evade the responsibilities of political decision-making' (Winch, 1969, p.292) that come with 'direct government interference in the economy' or 'continuous bargaining or politicking with powerful interest groups' (Bulpitt, 1986, p.27). Of course, this approach gradually fell apart in the post-war period, as greater 'interventionism' (Clarke, 1988, pp.294–304) and 'politicized solutions' were 'opted for ... as a response not only to seemingly intractable balance of payments problems but also to the problem of rising wages and the threat of rampant inflation' (Burnham, 2006, p.304). In the face of such crises, simply 'pulling demand and exchange-rate levers in the Treasury and the Bank of England was no longer thought to be enough' (Bulpitt, 1986, p.29), but more interventionist policy-making failed to meet expectations or address underlying economic issues and therefore led to further 'industrial and political unrest' (Clarke, 1988, p.304).

Thus, for Bulpitt, the story of the shift from Keynesianism to monetarism is one in which Keynesianism's ability as a governing regime to deliver and maintain autonomy for the Centre began to break down as crises and political unrest undermined the discretion of the Centre and necessitated the adoption of more interventionist policies, which in turn created greater expectations and responsibilities which further undermined Centre autonomy. Monetarism, then, despite being in many ways 'a modest little economic theory', acted as 'a superb (or lethal) piece of statecraft'



(Bulpitt, 1986, pp.31–2), in that, in working ‘as a technique for taking certain decisions out of politics’ (1986, p.32), monetarism allowed for ‘the reaffirmation of centre autonomy’ (Bulpitt, 1986, p.36).

In attempting to achieve and maintain this relative autonomy from the demands of other actors, Bulpitt suggests that the Centre seeks ‘the “euthanasia of politics”’ or, to put in more widely used terminology, to ensure that political decision-making remains ‘depoliticized’ (Bulpitt, 1986, p.32). As such, several scholars have studied the politics of depoliticization in combination with or through the lens of statecraft (Wood, 2016, p.523; Kettell and Kerr, 2022, p.13; Burnham, 2001; Flinders, 2004; Buller and Flinders, 2005; Flinders and Buller, 2006; Diamond, 2015). In particular, as was noted earlier, a set of Marxist scholars have attempted to link statecraft to a broader analysis of governing British capitalism (Burnham, 1999; 2001; 2007; 2011; 2014; Rogers, 2009; 2013; Copley, 2017; Warner, 2017). As was noted above, these scholars link Bulpitt’s (1995, p.520) focus on governing elite’s need to achieve ‘a minimum level of governing competence’ to the importance of the state’s ability ‘to attain credibility in the eyes of global financial markets’ (Copley, 2017, p.696). These scholars have also drawn on the concept of depoliticization in order to analyse ‘statecraft in the context of economic crisis’ (Copley, 2017, p.696). For these authors, in times of economic crises, ‘one of the central issues for state managers is how to re-establish the law of value’ (Burnham, 2011, p.499) and ‘restore the profitability of capital’ (Burnham, 1999, p.43). State manager’s attempts to do this, however, are beset by problems. Most notably, the kinds of moves state managers are likely to make to attempt to restore profitability (i.e. austerity, the imposition of labour discipline, increased labour exploitation) are likely to prove unpopular, and their implementation therefore jeopardizes the legitimacy, public popularity, and electoral success of state managers<sup>12</sup>. As Rogers notes, ‘governments ... are dependent *both* on the accumulation of capital and the legitimacy they derive from the support of the electorate’ (2013, p.6, emphasis in original). Therefore, while the sort of policies noted above may be judged necessary to address ongoing economic crisis, they must be

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<sup>12</sup> This is referred to as the contradiction between legitimation and accumulation (Copley, 2017, p.696; Rogers, 2013, pp.5–8; Watson, 2009, pp.258–62).

implemented in a way that does not risk popular backlash. In the face of this dilemma, the depoliticization of such policies is a viable solution. Through depoliticization, unpopular decisions can be presented as necessary, inevitable, or as imposed from without, which 'make[s] it less likely that [state managers] will have their legitimacy questioned when [such] economic policy choices mean that additional social and economic costs have to be accepted by the general population' (Rogers, 2009, p.637).

These insights have relevance vis-à-vis public inquiries. Inquiries have often been assumed to be a means of defusing pressure placed on central government from below (Flinders, 2001, p.164), and 'calm[ing] things down' in the wake of crises (Resodihardjo, 2006, p.200). Inquiries are also suggested to be a way of reinforcing governmental competence and authority in the wake of accusations of wrongdoing (Gilligan, 2004, pp.18–22). Furthermore, from a more critical perspective, inquiries are seen to be a way of (re-)legitimizing state authority in the wake of crises that express 'the dysfunctional consequences of capitalist markets' or the contradictions of a particular regime of accumulation (Gephart, 1992, p.116). Inquiries are also *prima facie* a typical example of a depoliticization tactic in a number of ways. Inquiries, after all, are 'non-majoritarian' bodies (see Flinders and Buller, 2006, p.298), operating with formal independence from elected politicians, and sitting outside of the conventional political arena. Inquiries also tend to draw the legitimacy from a sense of independence, objectivity and expertise (Sulitzeanu-Kenan and Holzman-Gazit, 2016; Rolston and Scraton, 2005; Gilligan, 2004). All of these characteristics are typically associated with depoliticization tactics (see Flinders and Buller, 2006; Burnham, 2001). Indeed, the notion that inquiries play a depoliticizing role has been broached within existing literature by several authors (see Gephart, 1992; Brown, 2004, p.95; Woodhouse, 1995, p.25).

Thus, statecraft's focus on autonomy for the Centre, and the accompanying idea that depoliticization is a key tool via which this autonomy is achieved and maintained dovetails well with much about what is already written about inquiries, and this again demonstrates the utility of this approach to the project. However, the term depoliticization is used in an informal way within existing literature on inquiries: there is little engagement with wider theoretical literature. This is a problem because research on depoliticization is 'expansive' (Warner, 2020, p.373), and the 'net of

depoliticization as a theoretical lens has been cast wide' (Warner, 2017, p.72). Thus, depoliticization means rather different things to different scholars, and research (such as this thesis) which draws on the concept should be clear about which notion of depoliticization they are drawing on in order to avoid confusion and conceptual muddle.

As is made clear above, the understanding of depoliticization drawn on within this thesis sees depoliticization as a 'a mode of statecraft [or] a governing strategy' (Wood, 2016, p.523; Kettell and Kerr, 2022, p.13). This is how the concept of depoliticization was understood when it was initially applied to the study of British politics (see Burnham, 2001). Within this understanding, depoliticization is a set of 'tools, mechanisms and institutions through which politicians can attempt to move to an indirect governing relationship and/or seek to persuade the demos that they can no longer be held responsible for a certain issue, policy field or specific decision' (Flinders and Buller, 2006, pp.295–6). Thus, depoliticization is something 'institutionalized by "the state"' (Wood, 2016, p.523), and the focus here is on 'the crisis avoidance strategies of state managers' (Burnham, 2014, p.189), and more generally 'on the activities of the state in shifting responsibility and foreclosing debates around key policy areas and wider political and socio-economic developments' (Kettell and Kerr, 2022, p.13).

This view of depoliticization is the 'more commonly applied' understanding of the concept (Kettell and Kerr, 2022, p.13), however it has been challenged. For this second wave of scholarship, a focus on depoliticization as statecraft is ultimately too 'state-centred' (Jenkins, 2011, p.158), and defines depoliticization in a 'very narrow way' (Blühdorn, 2007, p.314), that leads to 'largely cosmetic or shallow analyses' (Wood and Flinders, 2014, p.152). For these authors, depoliticization (and politicization) 'should be regarded as phenomena which are relevant at all levels of advanced modern society', not only as a tool deployed by the state within the formal political arena (Blühdorn, 2007, p.314). By contrast, second-wave scholars suggest that 'depoliticization entails forming necessities, permanence, immobility, closure and fatalism and concealing/negating or removing contingency' (Jenkins, 2011, p.160) and that this can involve 'the movement of issues, people, processes and so on between different (permeable and non-static) arenas' and that this can happen in 'political

spaces beyond the formal governmental arena' (Bates et al. 2014, pp.245–6). Such a view of depoliticization is self-consciously 'expansive' (Bates et al., 2014, p.245), and tends to provoke a greater focus on the (de)politicizing effects that 'speech act[s]' and discourse can have (Wood and Flinders, 2014, p.161). In taking this more expansive view, scholars within the second wave argue that they better capture the 'full complexity' of depoliticizing processes than one could with a narrow statecraft focus (Hay, 2014, p.298).

This second wave of depoliticization, then, offers a strong critique of the view that treats depoliticization as a form of statecraft only, and the two views have arrived at something of a theoretical loggerheads (Wood, 2016, p.525–6). As such, it is necessary to justify this project's continued adherence to the statecraft approach in light of the above criticisms. First, whilst Political Science scholarship which casts its scope wider to examine politics beyond the state is to be praised, the role of the state and the activities of the core executive—or the Court—remain a key concern for political scientists, even in the face of claims that 'vertical hierarchies of the old social structures of the state have been replaced or subsumed by ... networks' (Fawcett, 2009, p.37). Second-wave scholarship's lack of attentiveness to the role of the state is therefore perhaps concerning (Foster et al., 2014, p. 229). Second, as Hay has argued, it is perhaps wise to be 'somewhat sceptical of the idea that the extent to which a theoretical perspective might capture the complexity of the world it seeks to analyse is an unambiguous token of its value or sophistication' (2014, p.298). This is because, since Political Science seeks to 'achieve some kind of analytical purchase on the subjects and objects of enquiry', a degree of parsimony and 'necessary simplification' is essential (2014, p.298). In short, given the complexity of the social world, 'our task has to be to cut through at least some of this to reveal certain general features of the objects of our analysis' (2014, p.298). A focus on depoliticization as statecraft, to be sure, is underpinned somewhat narrow and this places limits on what it can be used to explain. However, as Wood notes, this approach to depoliticization 'is *self-consciously* narrow' (2016, p.523, emphasis added). That is, a deliberate necessary simplification is made on the basis that, in so doing, depoliticization as statecraft 'scores highly in terms of meaning, clarity and precision' (Burnham, 2014, pp.189–90).

It is also true, however, that some scholars have been too quick to dismiss this second wave of scholarship on depoliticization. Burnham, in particular, castigates second-wave, expansive definitions of depoliticization as ‘result[ing] in the rather bland assertion that “depoliticization is everywhere”’ (2014, p.190). Yet, as Wood suggests, while ‘positioning different “approaches” against each other in a “shoot out” over which offers a more convincing account has been popular in Political Science as a way of organising research agendas’, given that the different approaches to depoliticization sketched out above have different focuses and rest on different theoretical assumptions, such attempts to pit different definitions against one another are unlikely to bear fruit (Wood, 2016, p.530). Instead, it is perhaps better to see different approaches to depoliticization as ‘focus[sing] our attention on some substantive problems rather than others’ (Wood, 2016, p.531). Each approach therefore has utility, but each is better suited to, and designed for, the study of some problems rather than others. As such, so long as the approach selected is ‘justified to the task in hand’, each approach to depoliticization can be considered to have value (Wood, 2016, p.531). Thus, in this thesis, given the focus on the behaviour of political elites and governmental decision-making, a narrower definition of depoliticization as a form of statecraft is adopted. However, insights regarding depoliticization derived from second-wave scholarship are acknowledged and drawn on where appropriate and are considered interesting and fruitful additions to the literature.

### **Inquiries through the Lens of Statecraft and Depoliticization**

In developing the statecraft interpretation, then, Bulpitt offers an elitist view of the problems of governing, focussed on the Court’s ongoing search for principles, policies, practices and techniques that allow them to maintain autonomy from societal pressures, achieve an aura of governing competence, and maintain their own power (by securing re-election).

In this chapter, I have argued that this framework can be fruitfully applied to the study of inquiries and have identified the key aspects of the approach that will be drawn on within this thesis. Specifically, it was noted that statecraft analysis encourages researchers to adopt a broad analytical scope, which helps researchers zoom out and identify how the bodies or processes they study fit within ‘broader issues of macro

governance and state-society relations' (James, 2012, p.66). This is ultimately what this thesis seeks to do with inquiries, as is indicated by Research Question Three: What role do inquiries play within broader patterns of British governance? The statecraft approach therefore matches the analytical ambitions of the project.

As well as this, the focus statecraft places on the Court as the primary actor whose behaviour should be analysed usefully focusses the analysis that adopts the statecraft framework. This was noted to be appropriate for this project which focusses on public inquiries. A body whose initiation is decided on by a small 'political-administrative' elite within central government (Bulpitt, 1983, p.3; see Flinders, 2001, p.163).

Statecraft was also noted to focus on perennial governing challenges and how governments respond to these in similar ways according to the well-established (though shifting) governing codes. The use of public inquiries was argued to have become embedded within the British government's governing code since their emergence in the early twentieth century, having become the British government's 'favoured mechanism' for responding to the most high-profile crises (Jasanoff, 2005, p.218). The statecraft approach therefore usefully draws attention to the fact that the use of inquiries should not simply be seen in an individual disconnected way but should rather be seen as a pathology of British statecraft and the governance of crises that is worth exploring.

Finally, the chapter noted that within the statecraft framework, a focus on depoliticization as a key tool of statecraft is typical. The concept of depoliticization plays a prominent role within the empirical analysis of inquiries undertaken in the coming chapters, and debates related to the concept of depoliticization are where the thesis seeks to make its main contributions. Adopting the statecraft framework, then, is fruitful in that it encourages an awareness of and is conducive to analysing these patterns of depoliticization within the politics of governing.

In doing all this, the chapter has set out a key part of the approach the thesis will take to address its research questions. The next chapter follows directly on from this and continues this work by setting out the methodology the thesis will adopt. This will complete the section of the thesis devoted to the theoretical/methodological

approach, following which the empirical analysis of the thesis (which proceeded using this approach) is presented.

## Chapter Three: Methodology

### Conducting Research on Public Inquiries

This chapter follows on from the previous chapter's discussion of the thesis's theoretical approach, setting out the methodology the thesis adopts in order to address its three research questions<sup>13</sup>. Methodologically speaking, researching inquiries is no easy task. Inquiries are renowned for being 'labyrinthine' and difficult to navigate (Elliott and McGuinness, 2002, p.15), are used in a diverse range of situations (Norris and Shephard, 2017, p.7–10), and are relevant to a plethora of different issues that might interest researchers (judicial politics, crisis management, blame, policy learning, etc.).

Existing literature on inquiries has been dominated by a single-case approach, but as was noted in Chapter One, existing research has not satisfactorily answered key questions about inquiries, especially related to their functionality. I argue that these two points are linked: that the single-case approach favoured within existing research hampers attempts to achieve a richer, fuller understanding of why inquiries are called and how they are used. This chapter therefore seeks to set out a methodological approach for the study of inquiries that circumvents this stumbling block.

The chapter begins with a short review of existing methodological approaches to studying inquiries that teases out some of the key limitations of the light, single-case approach. Following this, I note more recent, innovative approaches to the study of inquiries, especially the work of Sulitzeanu-Kenan who has produced a set of experimental, and observational quantitative studies (2006; 2007; 2010; Sulitzeanu-Kenan and Holzman-Gazit, 2016), and the work of a number of scholars who have pursued a multi-case approach (Murphy, 2019; Thomas and Cooper, 2020; Kennedy, 2018; Ireton, 2018). This project seeks to build on these latter works, adopting a qualitative, multi-case approach in order to produce a fine-grained account of inquiry functionality.

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<sup>13</sup> These are: 1.) What goals do state managers have in mind when they call a public inquiry? 2.) How do state managers utilize inquiries to achieve these goals? 3.) What role do inquiries play within broader patterns of British governance?



In the second half of the chapter, I flesh out this methodology in greater depth. I begin by discussing case selection. Here, 14 cases were selected for analysis. I began this process by identifying a population of bodies that can be designated as public inquiries according to Sulitzeanu-Kenan's (2006, p.624) definition, which produced a population of 29 inquiries. From this, 14 inquiries, covering the period 1921–92, were selected on the basis of data availability. Given that the number of cases is high for a small-n study, the next section of the chapter discusses strategies employed to ensure that the generalizations made across the cases are strong and reliable, drawing on Tesch's (1992) work on decontextualization, Coffey and Atkinson's (1996) approaches to coding, and Jick's (1979) work on triangulation in particular.

Following this the main sources of data and the strategies of data collection and analysis are discussed. This project primarily relies on archival data and parliamentary debates. Archival documents proved indispensable for addressing the question of why state managers call inquiries. This is because this question relates to the internal, private motivations of state managers, regarding which 'there is no more important single source of information' than government archival documents (Burnham et al., 2008, p.200). In terms of parliamentary debates, this thesis adopts a statecraft approach that focusses on the politics of depoliticization. It is therefore assumed that inquiries are utilized in a subtle, complex and indirect way from without (rather than from within) by state managers. This perspective led to a focus on parliamentary debates related to inquiries as a data source here, because much of government's strategic and rhetorical utilization of inquiries occurs within Parliament: inquiries are initiated within Parliament, their reports are discussed within Parliament.

I approached the analysis of both of these data sets in an abductive, phased way (see Thompson, 2022). I first sought to 'to extrapolate as much semantic meaning and understanding from the corpus as possible' and generate a set of codes with my theoretical framework and existing literature in mind (2022, p.1413), and consolidated, streamlined and organized these codes in later rounds (2022, p.1413).

In engaging deeply with multiple data sources and breaking free of the single-case approach that has dominated existing research, this methodology puts the project in a strong position to produce a reliable, fine-grained account of why inquiries

are called and how they are utilized by state managers in pursuit of particular goals. It therefore offers an opportunity to understand a key part of British governance more fully.

### **Existing Methodological Approaches**

As is noted by Stark, methodologically, existing scholarship on inquiries is dominated by single-case analysis (2019, p.399). In the first instance, this is perhaps because public inquiries present themselves as specific bounded cases: an inquiry is called in response to a specific event, it investigates, publishes its report and findings, and then it ends. Each inquiry therefore has its own context and unique data set that researchers can access. The study of individual inquiries also reflects researcher positionality. Many researchers come to the study of inquiries because of an interest in specific events or policy areas which have been subject to inquiry. Criminologist Phil Scraton, for example, has written extensively on public inquiries, but has done so with a particular research interest in the Hillsborough Stadium disaster and the state's response to this event (Scraton, 1999; 2004b; 2009; 2013; 2019; Scraton et al., 1995). Such scholarship, of which Scraton's work represents a particularly impressive example, has significantly advanced understandings of key crisis events in British political history, and has critically examined state responses to these events.

Whilst this preference for single-case analysis is understandable, however, it also has limitations. For those taking a particular interest in the public inquiry itself, this is particularly true. This is because scholars pursuing single-case research on inquiries are often primarily interested in a particular crisis and state responses to that crisis. This means that the inquiry, for them, is only a part of the picture and is only the research focus to some extent.

More general problems also exist with this approach. As is noted by Stark, case analysis within existing inquiries scholarship tends to be 'light': it 'eschews primary data collection completely', 'draw[s] ... evidence from secondary sources' and is often reliant on 'historical constitutional scholarship' 'from the previous century' which 'relied upon biographical essay and anecdote' and 'tended to shun theoretical underpinnings or research design' (2019, p.399). Furthermore, because of the diverse usage of inquiries, the context of specific inquiries varies considerably. As I imply above, for

some scholars this is not an issue because they are interested in the specific contextual details associated with particular cases. However, many single-case analyses of inquiries do offer more general reflections on inquiries on the basis of the cases they examine (e.g. Brown, 2004). For these works, the variability of individual inquiries and their context is an issue because it is difficult to demonstrate that insights derived from an analysis of one inquiry hold true across cases or are context specific (Burgess, 2011, p.4).

This, combined with a lack of concerted engagement with primary data, leads to significant issues. Indeed, it has been noted that within critical literature on inquiries, 'the problematic nature of inquiries tends to be insinuated rather than properly evidenced' (Stark, 2019, p.399), and as is I touch on in Chapter One, a functionalist understanding of inquiries is sometimes adopted, whereby inquiries reflexively deliver certain outcomes or are seen as merely a tool of the state with little independence or autonomy. In short, the dominance of single-case analysis within existing literature is one of the factors standing behind the lack of satisfactory generalized accounts of inquiry functionality, because focussing on one case hampers attempts to convincingly generalize about public inquiries and their role in British governance.

### **Experimental/Quantitative Methods and Multi-Case Analysis**

Thus, given the research questions of this project are aimed at providing a nuanced, rich account of how inquiries function in general, a 'light' single case approach is unlikely to be sufficient for the task. Helpfully, more recent work by scholars interested in inquiries has moved beyond single-case analysis. Sulitzeanu-Kenan, in particular, has produced a set of experimental and observational quantitative studies on inquiries (2006; 2007; 2010; Sulitzeanu-Kenan and Holzman-Gazit, 2016). Such methods have been effective at uncovering interesting and significant correlational relationships relevant to inquiries. For example, Sulitzeanu-Kenan's quantitative study of the effects of inquiry usage on media salience identifies that inquiry usage is not correlated with any strong effect on the media salience of inquiry issues (2007). However, again, this project is interested in understanding how a complex process (inquiry usage) works in practice, and in identifying the mechanisms underpinning this process. These are things 'statistical and experimental methods' have been noted to be 'less able to

tackle', because of the focus on 'correlational analysis' (Trampusch and Palier, 2016, p.441).

Of more interest to this project then, are the set of works on inquiries that engage in qualitative multi-case analysis. Hutchison (2016), for example, analyses the Francis Inquiry in order to examine scandals in healthcare. Their discussion of this case is well contextualized with an examination of other scandals and inquiries in social care, allowing Hutchison to more authoritatively identify the ways in which their case is indicative of wider trends. Murphy's study of the language of inquiries also draws on multiple cases in a 'pragmatic' way to identify consistent linguistic features common to inquiry usage across individual cases (2019, p.13). There have also been several attempts to examine specific issues related to inquiries, such as why they are called (Thomas and Cooper, 2020), their terms of reference (Kennedy, 2018), or how public they are (Ireton, 2018), which examine multiple cases thematically, drawing out the commonalities that exist across cases in a way that also generates more convincing generalizable claims.

Furthermore, it is also true that existing literature on inquiries has made greater attempts to engage in data collection and analysis than is acknowledged by Stark (2019). Most notably, the sensemaking literature on inquiries has demonstrated the value of close analysis of inquiry reports (e.g. Brown, 2004). Furthermore, as Stark notes (2019, p.399), other works have taken an ethnographic approach to the study of inquiries (Gephart et al., 1990; Vaughan, 1996), or have conducted interviews with inquiry participants (Rowe and McAllister, 2006)<sup>14</sup>. Gibbs and Hall (2007), furthermore, also signpost that the documentary data held within public inquiry websites could have utility for researchers.

At present, however, these works represent exceptions within a wider literature historically dominated by single-case analysis. Light single-case analysis also continues to be the norm in recent work (see, for example, Kenny and Ó Dochartaigh, 2021). Indeed, many of the examples cited above of engagement with data collection

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<sup>14</sup> Some of the grey literature on inquiries also offers insights regarding inquiry participation garnered from interviews (e.g. Jones, 2017; Inquest, 2019; House of Lords Select Committee on the Inquiries Act 2005, 2014b; PASC, 2004a; 2004b; 2004c).

and analysis are taken from the universe of inquiries scholarship *broadly defined*. Rowe and McAllister's work (2006), for example, focusses on Royal Commissions, not public inquiries specifically. Vaughan's work focusses on a US 'Presidential Commission' (1996, p.xi). Gephart et al's study, meanwhile, is derived from the Canadian context (1990). The literature more specifically devoted to UK public inquiries has engaged less with a qualitative multi-case approach, and research that does adopt this approach to UK inquiries still tends to be light in terms of its engagement with data (see Thomas and Cooper, 2020; although also see Murphy, 2019 for an exception). As well as this, many of these works tend to focus on specific aspects of inquiry process, and as such limit themselves to one source of data. The most notable example of this is again the sensemaking literature on inquiries, which largely limits itself to an analysis of inquiry reports. This misses the broader communication (by government) of inquiry findings, which is perhaps as significant as what inquiries themselves say (Dwyer et al., 2021, see also Flinders, 2001, p.165; Tomkins, 1996). More generally, too, it has been noted that the 'tracing' of complex processes requires 'wide-ranging search of the empirical record' and the uses of multiple sources of data (Beach and Pederson, 2013, p.61; Hay, 2016, p.502).

What this project seeks to do then, is adopt the multi-case approach that has already been successfully deployed within more recent research on inquiries in order to overcome the problems of generalization associated with the single-case approach. However, in order to address existing literature on inquiries' deficient relationship with primary data, the project seeks to draw from multiple sources of data in order to give a rich, dynamic account of inquiry process *as a whole*. Perhaps the best example of this approach is the work of Murphy (2019), who uses a multi-case approach, and draws on a variety of data sources (inquiry terms of reference, inquiry reports, government responses to reports, parliamentary debates) in order to offer an impressive account of the discourses that exist within and outside of inquiries. Albeit one that focusses only on blame.

### **Generalization and Case Selection**

Before discussing some of the more specific aspects of the methodology, the issue of generalization is worth addressing. Qualitative research that examines multiple cases

must always contend with accusations of ‘superficiality’ (Bulpitt, 1995, p.515), or ‘cherry picking’ (Elman et al., 2016, p.383). Indeed, for some scholars, when engaging in primarily qualitative research, ‘generalizing across contexts is dangerous’ (Carspecken, 1996, p.25), ‘problematic’ (Bengtsson and Hertting, 2014, p.708), or even impossible (see Eisenhart, 2008, p.51). Yet, whilst qualitative researchers are almost always interested in ‘the particulars’ of their given object of study or cases (Ayres et al., 2003, p.871), it has been noted that most contemporary qualitative Social Science research departs from ‘radical particularism’ (Eisenhart, 2008, p.53) and is interested in identifying ‘patterns and themes’ (Patton, 1980, p.302), or some ‘fundamental structure’ across cases (Colaizzi, 1978, p.61). As such, it is necessary to clarify the means by which such patterns, themes of structures are identified within the analysis.

### ***Case Selection***

In the first instance, when trying to achieve some ‘composite summary’ from a set of cases (Hycner, 1985, p.296), it is important that the cases ‘share a common characteristic or condition’ (Stake, 2006, p.4). Without this, cases cannot meaningfully be bound together or considered part of the same group or phenomenon. This is especially important for this project, since previous work on inquiries that adopts a multi-case approach has at times failed to explicitly justify its selection of cases or explain how they can be said to be meaningfully connected (e.g. Stark, 2020). The contention this project makes is that, even when public inquiries are called in response to different kinds of issues at different times, we can identify a set of inquiries which proceed in the same way<sup>15</sup>, and which are used to achieve the same kinds of functions (see PASC, 2005). Following Sulitzeanu-Kenan (2006), rather than focussing on nomenclature (i.e. whether something is called an inquiry or not), which fails to distinguish between planning, advising and investigating inquiries, cases were identified on the basis that they conformed to a sevenfold set of characteristics. These are, that the body in question is:

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<sup>15</sup> I.e. are typically judge-led, independent of Parliament, proceed through the taking of oral and written evidence, produce reports with recommendations therein (see Beer, 2011).

1. An ad hoc institution: that is, one established for a particular task; once its primary task is concluded, the tribunal is dissolved;
2. Formally external to the executive;
3. Established by the government or a minister;
4. As a result of the appointer's discretion: that is, not the result of a requirement prescribed by any statute or other rule;
5. For the main task of investigation: a criterion used to distinguish between investigative and advisory functions;
6. Of past event(s);
7. In a public way: that is, it is not only directed inward (to the appointing body) but also outward, to the public, typically during a crisis of confidence between the public and government, in a way which allows exposure of relevant facts to public scrutiny (Sulitzeanu-Kenan, 2006, p.624).

In adopting this definition, investigative bodies that are fundamentally different from the independent post-crisis inquiries under examination here are excluded from the analysis<sup>16</sup>, whereas bodies which are not necessarily referred to as inquiries or which have some differences with each other but are clearly similar in some significant ways (i.e. why they are called, their relationship to the executive, how they proceed) are included as part of the same community<sup>17</sup>.

The identification of cases occurred within the first part of the project, which was archival in nature. As a starting point, all inquiries since the advent of the public inquiry (1921, see *Tribunals of Inquiry (Evidence) Act, 1921*) and the typical 'closure period' governmental archives are subject to (1992, at time of data collection) were identified. This identification of potential cases was done using the PASC's report on

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<sup>16</sup> Select committees, for example, which run within Parliament, are staffed by MPs and are therefore overtly politicized bodies would be excluded on several counts.

<sup>17</sup> The definition makes no distinction, for example, between statutory inquiries, which have the ability to compel the production of documents or witnesses to attend to give evidence (Beer, 2011, p.42), and non-statutory inquiries, which do not. Since, in terms of what they are used for and how they proceed, non-statutory and statutory inquiries are fundamentally similar.

inquiries, which lists all inquiries into matters of public concern held in Britain 1900–2004. Within the list, to be consistent with Sulitzeanu-Kenan’s definition of public inquiries, investigations that were not fully held in public (i.e. either fully or partially private) were excluded as potential cases, as were investigations that were not fully independent or ad hoc (i.e. select committees). This process of exclusion generated a list of 29 inquiries from a list of 89 inquiries of various kinds. Relevant archival material was available for 14 of these cases (see Appendix I). This 14 therefore became the sample of cases<sup>18</sup>.

The set of cases selected in this project cover a diverse array of policy areas and issues (see Figure I)<sup>19</sup>, and as is noted above, they also cover a broad temporal scope. This is a significant strength because ‘an important reason for doing the multi-case study is to examine how the ... phenomenon performs in different environments’ and this is only possible if ‘cases in both typical and atypical settings [are] selected [and when] the design of a study can incorporate a diversity of contexts’ (Stake, 2006, p.23). Thus, in selecting inquiries from across a number of policy areas and time periods, we can identify with some authority the aspects of inquiry usage that are inherent within the process of calling and running an inquiry. Indeed, as shown in Chapter Four, one of the distinctive aspects of this research is that it demonstrates that inquiries are made use of by state managers in strikingly consistent ways. At the same time, whilst acknowledging and exploring this, the diversity of cases analysed means that I also identify how inquiry usage differs across time periods and zoom in on particular cases that diverge from the norm in interesting ways<sup>20</sup>.

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<sup>18</sup> The 14 are: the Hyde Park (Savidge) Inquiry, the Glasgow Corp Inquiry, the Budget Leak Inquiry, the Thetis Inquiry, the Detention Barracks Inquiry, the Crichel Down Inquiry, the John Waters Inquiry, the Aberfan Inquiry, the Widgery Tribunal, the Crown Agents Inquiry, the Kings Cross Fire Inquiry, the Piper Alpha Inquiry, the Clapham Junction Inquiry, the Taylor (Hillsborough) Inquiry.

<sup>19</sup> The fourteen cases cover nine policy areas.

<sup>20</sup> For example, in Chapter Seven which focusses on blame avoidance, I explore how the ways that inquiries construct blame has changed over time.



	<b>Policy Area</b>	<b>Code</b>
<b>Savidge/Hyde Park</b>	Civil Rights, Minority Issues (*Immigration), and Civil Liberties	2
<b>Glasgow Corp</b>	Regional and Local Government Administration	24
<b>Budget Leak</b>	Macroeconomics	1
<b>Thetis</b>	Defence	16
<b>Detention Barracks</b>	Civil Rights, Minority Issues (*Immigration), and Civil Liberties	2
<b>Crichel Down</b>	Government Operations	20
<b>John Waters</b>	Civil Rights, Minority Issues (*Immigration), and Civil Liberties	2
<b>Aberfan</b>	Energy	8
<b>Widgery</b>	Defence	16
<b>Crown Agents</b>	Banking, Finance, and Domestic Commerce	15
<b>Kings Cross Fire</b>	Transportation	10
<b>Piper Alpha</b>	Energy	8
<b>Clapham Junction</b>	Transportation	10
<b>Hillsborough</b>	Sports and Recreation	29

Figure I: Inquiry Policy Areas<sup>21</sup>

### ***Strategies for Generalization***

That cases within a multi-case project can all be clearly identified as examples of the same phenomenon, and that said cases represent a diverse array of examples of that phenomenon, is only part of the process of achieving robust generalizations within a multi-case study. Given the complexity and messiness of qualitative data, researchers must develop strategies that allow for the ‘identification of key themes and patterns’ (Coffey and Atkinson, 1996, p.26). Especially in multi-case analysis, such a process must involve the ‘decontextualization’ of the data set, whereby relevant sections of the data are identified and ‘separated from their context’ (Tesch, 1992, p.104). By ‘stripping away the detail, ... the researcher can concentrate on the “general” and start to perceive the connections that exist within the data set and make generalizations (Tesch, 1992, p.104). This is because, in multi-case studies, the ‘origin of each unit of meaning [i.e. case] is less important than its membership in a group of like units’, thus ‘some of the original context in which each unit of meaning occurred [must be] stripped away as the data are reduced’ (Ayres et al., 2003, p.873).

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<sup>21</sup> Coded in accordance with the UK Policy Agendas Codebook (Jennings and Bevan, 2010).

In part, this decontextualization of data involves the identification of relevant parts of each (in this case) document or debate being analysed (see below), and this was the starting point for the analysis of the data used in this thesis. Beyond this, coding has also been noted to be a key aspect of data decontextualization and is therefore a key tool through which strong cross-case analysis can be achieved. When coding, researchers 'link different segments or instances in [their] data' together, 'to create categories of data that [the researcher] define[s] as having some common property or element' or as 'relating to some particular topic or theme' (Coffey and Atkinson, 1996, p.27). In more practical terms, codes are 'tags or labels' created by the researcher, which are 'attached to "chunks" of [the data]: words, phrases, sentences or whole paragraphs' (Miles and Huberman, 1994, p.56). In reviewing one's data, and organizing sections of it into codes, data becomes simplified and reduced: those sections directly relevant to the themes the researcher is interested in become easily accessible and retrievable, keeping the data in 'manageable proportions' (Coffey and Atkinson, 1996, p.28). As will be discussed below, given the utility of coding as a means of simplifying what are in qualitative terms large data sets (as is being dealt with here) and given its centrality to the analysis of qualitative data in a thematic way, coding was a central part of the data analysis process within this thesis.

Triangulation has also been identified as a means of achieving strong generalizations. Triangulation involves 'the combination of methodologies in the study of the same phenomenon' (Denzin, 1978, p.291). In utilizing multiple methods of data analysis, 'researchers can improve the accuracy of their judgments by collecting different kinds of data bearing on the same phenomenon' (Jick, 1979, p.602), because doing so 'enhances our belief that the results are ... not a methodological artefact' (Bouchard, 1976, p.268). Such methodological triangulation can also be done 'within-method', whereby 'multiple techniques within a given method [are used] to collect and interpret data' (Jick, 1979, pp.602–3). Given, as is noted above, the context of cases dealt with here varies considerably in a number of ways, it is especially important to take steps to ensure the reliability of generalizations made within the project. Helpfully, data that has been coded is inherently conducive to some degree of within-method triangulation, because coded data can be presented and analysed in a number of ways. Thus, in this project I complement the qualitative analysis of coded data with

descriptive statistical analysis, presenting data related to the incidence of codes (i.e. how frequently they were used), and the temporal distribution of these incidences, in graphical and numerical form in order to bolster the reliability of the generalization made.

At the same time as engaging in effective ‘decontextualization’, data must also at points be ‘recontextualized’ as well (Tesch, 1990, p.115). In other words, whilst researchers are interested in cases for ‘their commonality’, they are also of interest for ‘their uniqueness’ (Ayres et al., 2003, p.872). Indeed, the uniqueness of individual cases can provide a useful lens through which to examine how typical, general dynamics (observed through decontextualization) play out in practice. As such, each of my empirical chapters is structured in such a way whereby general dynamics are identified and explored. However, space is given to zoom in on and recontextualize individual cases to show how given dynamics play out in practice, or to highlight moments where cases diverged from the general pattern in interesting ways.

## **Data Analysis**

Having justified the multi-case methodological approach the project takes, noted the procedure regarding case selection, and discussed the strategies employed to produce reliable generalizations and avoid accusations of cherry picking, I now discuss data collection and analysis. As already noted, the data sources for this project were primarily governmental archival material and parliamentary debates. Taking each in turn, I discuss the significance and utility of each data source to the project, what data was collected, and how the data was coded and analysed.

### ***Archival Material***

One of the main questions motivating this research project relates to the motivations and goals state managers have in mind when they initiate inquiries. Questions related to the private, internal motivations of those that govern are often addressed through archival analysis (Burnham et al., 2008, p.200). Two factors explain the utility of archival sources in this regard. First, archival sources are ‘primary sources’, produced contemporaneously to *and as part of* the events they detail, rather than after the fact (see Lichtman and French, 1978, p.18). Second, in terms of ‘intended audience’,

archival documents are primary sources in that they constitute material meant for 'internal or limited circulation only' (Burnham et al., 2008, p.187). Thus, archival material allows researchers to go beyond the publicly-stated justifications of government decision-making and get to the private motivations state managers have, since such material was 'secreted exclusively for the purpose of action' (Webb and Webb, 1932, p.100).

This project makes use of archival material in two important and novel ways. First, this thesis is, as far as this researcher is aware, the first work to analyse archival data related to public inquiry usage. Second, the thesis departs from the usual means of approaching archival research. This is because, typically, archival research proceeds with a single-case focus, so that the researcher can undertake a full search of all archival data related to a given event or topic, which is considered the ideal (see Burnham et al, 2008, pp.204–5). However, as is noted earlier, this thesis seeks to break away from the single-case approach which has dominated existing research on inquiries. A full analysis of all material related to multiple cases, however, is unfeasible.

Considering this, it was necessary to devise a way of undertaking archival analysis of a larger number of cases. Cabinet Conclusions are the clear choice as a data source for this exercise, as they give a sense of the discussions which occur around a given decision but are manageable as a data source even when dealing with a large number of documents since they are summaries of discussions which took place. Furthermore, Cabinet Conclusions deal with Cabinet discussions of a given issue, rather than, say, departmental discussions. This has often been seen to be a limitation of Cabinet Conclusions as a data source because it does not provide a full picture of the different views that exist across government regarding a given issue (Burnham et al., 2008, p.204). Within much existing research on inquiries, however, it is assumed that inquiry initiation is discussed and decided upon at the highest level. Stark and Yates, for example, assert that a definitive feature of public inquiries is that they are 'instruments convened by the executive branch of government' (2021, p.3).

Thus, it is reasonable to assume that Cabinet discussion would be a valid place to examine the question of what motivates inquiry usage<sup>22</sup>.

The use of Cabinet Conclusions as a data source then, has a strong rationale. However, whilst Cabinet Conclusions have ‘attracted the most attention [of available archival material] ... they have also attracted the most criticism’ (Lowe, 1997, p.249). Such criticisms relate to the fact that Cabinet Conclusions are summaries of discussions not full transcripts. This leads to potential issues as it is not always clear which Cabinet member said what or what factors were decisive in the Cabinet making a given decision (Burnham et al., 2008, p.204). When explaining a governmental decision, as here with the question of why state managers call inquiries, this can make it harder to definitively identify what the key factors were and what was said by key decision makers.

To understand how this issue of reliability is mitigated, it is important to return to the rationale of the project. This was that, if one is interested in the perennial motivations behind public inquiry usage, then a broader survey of an array of cases allows for confidence that the factors identified are ones that are related to inquiry usage generally, rather than being relevant only to specific cases. As such, through coding, themes motivating inquiry usage that appear consistently across Cabinet discussions related to an array of different inquiries can be identified. The breadth of the study therefore allows for confidence that the themes identified are ones present in Cabinet discussions related to inquiry usage across time and policy area. This confers reliability onto the claim made here that they represent key motivations for inquiry usage generally.

Furthermore, the archival part of the project sought to address Research Question One: What goals do state managers have in mind when they call a public inquiry? As such, the primary goal of this part of the project was to identify a set of

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<sup>22</sup> The use of Cabinet Conclusions as a data source also had practical benefits. Namely, for much of the COVID-19 pandemic (which this project was undertaken during), The National Archives (TNA)—the main store of UK government archival data—was closed for in-person visits. Fortunately, Cabinet Conclusions are one part of the TNA’s collection which has been digitized. Thus, their use allowed data collection to proceed during a period where lockdown restrictions meant many forms of data collection were not possible.

themes (i.e. the goals or motivations mentioned in Cabinet papers) that could then be explored in greater depth and in relation to all aspects inquiry process in the next section of the project. Thus, in order to play its role within the thesis, this part of the project did not need to give a complete account of why inquiries are called. Rather, it needed to reveal enough about the reasons why state managers make recourse to inquiries to allow the more detailed analysis of how state managers utilize inquiries strategically and rhetorically in pursuit of these goals to proceed. Thus, while some of the themes identified in this section are not present across archival material pertaining to all cases<sup>23</sup>, they emerged enough times to assume that they frequently motivated inquiry usage. Indeed, in the more complete analysis of parliamentary debates pertaining to inquiries, it became clear that certain reasons for inquiry usage could be perceived in a larger number of cases than archival material, in being incomplete, indicated.

It should also be noted that criticisms of Cabinet Conclusions sometimes overstate their limitations. Indeed, returning to Lowe, it is important to acknowledge that, while criticized, Cabinet Conclusions have also ‘attracted the most attention’ of any type of archival data set, suggesting they do have value (1997, p.249). Indeed, the notion that one cannot identify who says what or what factors are decisive within Cabinet Conclusions because they are only summaries is contestable. While Cabinet Conclusions are summaries, they are often quite detailed, and points of view are attributed to individuals<sup>24</sup>. As well as this, discussions often end with the relevant minister, or in some cases the prime minister, summarizing the discussion, highlighting the key factors behind them<sup>25</sup>. Consequently, it is often possible to tease out considerable detail regarding specific examples of how the motivations behind inquiry usage are explained.

In terms of data collection, using The National Archives (TNA) website, I identified and collected every Cabinet Conclusion wherein the 14 inquiries (or the

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<sup>23</sup> This also fits with the ‘Swiss Army Knife-like’ conception of inquiry functionality I advance in the next chapter of the thesis, which suggests inquiries are not used for all of the same reasons all of the time.

<sup>24</sup> See, for example, TNA CAB 128/27, CC (54) 50th Conclusions, 13 July, pp.4–6; TNA CAB 128/93, CC (89) 14th Conclusions, 20 April, pp.1–3.

<sup>25</sup> See, for example TNA CAB 128/90, CC (88) 24th Conclusions, 7 July, p.5.

issues inquiries were called in response to) identified earlier as cases were discussed. Some Conclusions referenced related Cabinet memoranda or annexes, I also collected these. Each of these 55 documents was then uploaded into NVivo for analysis. As a first step towards decontextualization and 'separat[ing] [the data] from [its] context' (Tesch, 1992, p.104), I identified the relevant sections of the Cabinet Conclusions and separated them out from the rest of the document. Cabinet Conclusions contain a record of all discussions at a given meeting, split according to subject matter, thus much of the discussion within the collected Conclusions concerned other issues not related to inquiries and could be discarded.

Having identified the relevant data from each section, I then coded the data abductively. Abductive research is 'neither data-driven nor hypothesis-driven but conducts parallel and equal engagement with empirical data and extant theoretical understanding' (Thompson, 2022, p.1411). This strategy for approaching the data was selected because I did not have a set of prescriptive hypothesis that I sought to test in this project (as in deductive research), but I did have a broad theoretical approach (statecraft/depoliticization) which informed the analysis. I also had a set of claims from existing literature regarding inquiry functionality which were in my mind when undertaking data analysis (which meant the coding was not wholly inductive). The complete set of codes this generated can be found in Appendix II.

In practice, this meant that I did not have a predetermined set of codes that I sought to impose and coded the data in an open way, but this coding took place with my theoretical assumptions and the claims of existing literature in mind. For example, I knew that I wanted the codes generated to reflect on the question of inquiry functionality: whether inquiries are called for to serve the public good or for narrower strategic reasons by state managers. As such, several codes were created with these different views of inquiry functionality in mind. On the one hand, codes were created to capture discussions of 'Establishing facts' or achieving 'Accountability' through inquiry usage (see Appendix II). On the other, codes were created to capture discussions of inquiries having a 'Tactical use', or to 'Relieve political pressure' (again, see Appendix II).

Following Thompson's approach to abductive coding, the coding was done in a staged way. In the first round, I sought to 'to extrapolate as much semantic meaning

and understanding from the corpus as possible' (2022, p.1413). This meant that 'every single point of significance [was] included as a code during the first round of coding' (Thompson, 2022, p.1413). The later rounds of coding were, by contrast, 'more selective [and] consolidate[d] codes' (Thompson, 2022, p.1413). That is, the goal is to organize certain codes under single headings and remove any codes deemed insignificant (Saldaña, 2015). In particular, in the archival coding, it was clear that some codes could be further broken down. For example, in the first round of coding, the 'Relieve political pressure' code was generated. In later rounds, it was possible to identify more specific issues related to pressure relief, for example using inquiries to address the 'Need for outside legitimacy' or the 'Need to act quickly and decisively'. These codes were therefore created to hone in on these more specific aspects of pressure relief. It was also noticed that some codes were thematically linked, they were thus organized under subheadings. For instance, as I note above, some codes related to the general question of inquiry functionality, and were grouped together, as were the codes related to pressure relief (see Appendix II).

### ***Parliamentary Debates***

The analysis of archival documents described above provides a basis on which to start questions regarding why state managers call inquiries and the intended or expected functionality of inquiries. As well as this, archival analysis provided little evidence that inquiries were directly controlled or directed by state managers: a popular assumption within existing literature. This complemented my initial analysis that the current functionalist understandings of inquiries underpinning much of the existing critical literature are unsatisfactory in their assumption that inquiries reflexively deliver certain benefits or achieve certain goals. As such, the second part of this project sought to develop a novel understanding of how inquiries are utilized by state managers to achieve a set of key objectives. Here, it is assumed that, rather than controlling what inquiries do or report from within, state managers utilize inquiries and their reports strategically and rhetorically from without to fulfil their goals. Thus, the inquiry is still seen as a strategic tool of the state, but in a way that avoids problematic and unevenced claims that inquiries are under direct state control. This perspective is consistent with the critique of existing literature's focus on direct control noted above,



and with the statecraft approach the thesis adopts which stresses the rise of depoliticization as a dominant governing strategy, characterized by government's exertion of arms-length, indirect control over somewhat independent institutions (Burnham, 2001). This led to a focus on parliamentary debates related to inquiries, because much of government's strategic and rhetorical utilization of inquiries occurs within Parliament.

In terms of data collection, using Hansard online, I collected all parliamentary debates related to the 14 inquiries identified above, and all debates related to the issues that those inquiries examined, that are contemporaneous to said events and inquiries. The stipulation of contemporaneousness was added to avoid debates where historical events are mentioned in an offhand way by parliamentarians, or debates that reflect on historical crises or disasters. However, in each case, where to draw the line of contemporaneousness was an interpretive act, since some scandals and the inquiries that respond to them last longer than others, and since the aftermath of some scandals and inquiries is more pronounced than others. In general, I typically collected debates for several years following the end of the inquiry in question. This round of data collection produced a large data set (290 debates), however much of the data is not relevant, with many debates only having a few sections that reference events subject to inquiry. Thus, as with the data above, the first step in the analysis was to demarcate relevant parts of the data to produce a manageable data set. Parliamentary debates also required further organization compared to archival material. This is because, for this part of the project, I wanted to analyse both how state managers utilize inquiries but also how opposition parliamentarians responded to these (and how state managers responded in turn). As such, in the first round of coding, I identified instances of government representatives speaking, and instances of opposition parliamentarians speaking so that these could be treated somewhat distinctly.

Following this, I coded the data in a similar phased abductive way as described above, categorizing the data in an open way but with my broad theoretical perspective related to statecraft and depoliticization, as well as the findings of the archival analysis, in mind (see Appendix III, for full list of codes). This led to some codes emerging more from the data. For example, a set of codes regarded how opposition and backbench parliamentarians reflected on inquiry reports, which generated codes such as

‘Confidence in chair’ and ‘Confidence in report’. Other codes were generated more with existing literature in mind. The code ‘Use of inquiry as a delaying tactic’, emerged from the data but chimed with the idea that inquiries kick issues into the long grass which is present within existing research (see Stark, 2020). Finally, other codes related more to my theoretical framework. The code ‘Blame or responsibility lies with subsidiary bodies’, for example, emerged from the data but related clearly to the thesis’s focus on the politics of depoliticization and governmental attempts to hive off decision-making and service delivery to arms-length bodies in order to avoid blame and obscure lines of responsibility (see Appendix III).

In the second round of coding, I again coded any data or theme identifiable and relevant within the data. This ensured maximum ‘saturation’ of the data (i.e. ensuring codes captured all the relevant data within all the debates), and also involved refining codes where some had been too general or contained several specific phenomena worth considering separately. For example, the above code ‘Use of inquiry as a delaying tactic’ was supplemented with the creation of the code ‘Use of the inquiry to shut down debate because inquiry is running’, which captured a specific utilization of inquiries for the purposes of delay that was noted as I coded the data. I then condensed and organized these in later rounds of coding. In particular, as well as initially splitting the codes based on whether they captured government representatives’ statements or the statements of Opposition/backbench parliamentarians, it became clear that different codes, which were thematically related, related to different stages of inquiry process. As such, I organized both the sets of codes generated for government statements and backbench/Opposition statements into groups labelled ‘Pre-Inquiry/Inquiry Running Period’, ‘Post-Inquiry (Policy and Report)’, and ‘Post-Inquiry (Blame)’. I also removed any themes that were initially identified but deemed not relevant or without frequent instances<sup>26</sup>.

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<sup>26</sup> There were exceptions to this where in some cases, the fact that a code had not been used frequently was itself significant. For example, in the ‘Post-Inquiry (Blame)’ section of the government representative codes, the code ‘Acceptance of blame’ generated very few instances. However this was itself significant in indicating that, in general, government representatives tend not to accept that inquiry reports show that they are to blame.

It should also be noted that, in the chapter of the thesis which deals with inquiries and blame avoidance, I supplement the analysis of parliamentary debates described here with an analysis of inquiry reports themselves. This is because the chapter focusses on how inquiry reports and findings are utilized by state managers to avoid, but this was impossible to analyse without some understanding of what said inquiry reports actually say. Therefore, I collected the reports of all 14 of the inquiries under examination here. To analyse them, I conducted a content analysis of the reports, focussed on how the reports understand and assign blame. As well as this, the chapter on the maintenance of autonomy also required some supplemental analysis to take place alongside the analysis of parliamentary debates discussed above. In particular, the discussion of the extent to which inquiries challenge or maintain the status quo required an analysis of inquiry recommendations themselves. Four sets of inquiry recommendations were selected for coding. This is because only some inquiries provided adequate contextual detail to identify what existing norms and institutional practices were in relation to a given recommendation, which is a necessity when assessing the extent that recommendation challenged or worked within these. The inquiries that included (and signposted) adequate contextual detail related to their recommendations were: the Aberfan Inquiry, the Clapham Junction Inquiry, the Piper Alpha Inquiry, and the Hillsborough Inquiry. The recommendations of each of these inquiries were coded drawing on Bachrach and Baratz's distinction between issues of 'key importance' and those that are more 'routine' (1962, p.948).

### **This Thesis's Approach to Researching Public Inquiries**

The methodological approach offered in this thesis then, seeks to go beyond the single-case approach that has dominated existing research on inquiries and which I argue has limited existing literature's ability to convincingly answer key questions regarding public inquiries. In adopting a multi-case approach, examining 14 inquiries across a broad temporal scope (1921–92), this project examines how inquiries have been used 'in different environments' and across 'a diversity of contexts' (Stake, 2006, p.23). This allows for stronger general claims to be made about inquiry functionality than single-case studies wherein it is not certain which details of that inquiries

functionality and usage are contextual and which occur within public inquiries in general.

As well as this, the project's methodology seeks to go beyond the empirical lightness of much existing research on inquiries, which either 'eschews primary data collection completely', or is reliant on 'biographical essay and anecdote', 'tend[ing] to shun theoretical underpinnings or research design' (Stark, 2019, p.399). By contrast, this project has a strong empirical foundation, drawing on what are in qualitative terms large data sets of both primary archival material and secondary material in the form of parliamentary debates, as well as inquiry reports themselves. In addition, the project has a clear research design and adopts a series of clear strategies regarding the analysis of the data, adopting an abductive coding approach (see Saldaña, 2015; Thompson, 2022) and engaging in the decontextualization and recontextualization (see Tesch, 1992), and triangulation (Denzin, 1978), of data to ensure that the general claims made within the project are robust.

At this point, then, the thesis's theoretical framework, which is a statecraft approach focussed on the politics of depoliticization, and multi-case methodological approach which involves an abductive analysis of both archival data and parliamentary debates, have been set out. This concludes the section of the thesis dedicated to setting out the approach taken to addressing the three research questions identified in Chapter One. In the following four chapters I present the empirical findings achieved through the application of this approach. First, in the chapter directly following this one, I address Research Question One: what goals do state managers have in mind when they call a public inquiry? Therein I identify three key functions state managers have when making recourse to inquiries. Following this, I address Research Question Two—how do state managers utilize inquiries to achieve these goals?—in Chapters Five, Six, and Seven, which analyse each of these three main functions, and how state managers utilize inquiries in pursuit of them, in turn.

## Chapter Four: The Expected Functions of Public Inquiries

### Inquiry Functionality: A Central Research Question

In this chapter, having set out the research questions that this thesis seeks to address, and having discussed how the thesis seeks to do this methodologically and theoretically, the empirical findings of the thesis can be presented. In this chapter, I focus on Research Question One: What goals do state managers have in mind when they call a public inquiry?

As was noted in Chapter One, within existing literature, views regarding why state managers call public inquiries in the wake of crises have proliferated (see Resodihardjo, 2006, p.200), with different sub-literatures offering different views of inquiry functionality (e.g. Burgess, 2011, p.8; Brown, 2004; Elliott and McGuinness, 2002). However, because of the fragmentation of existing scholarship, there is a lack of critical engagement between those holding these different views. Indeed, within existing literature on inquiries, literature reviews are rare, and despite the ‘considerable attention’ inquiries have elicited (Brown, 2004, p.98), scholars often claim that inquiries have attracted ‘little intellectual attention’, indicating a lack of awareness of wider research (Burgess, 2011, p.8).

Furthermore, claims regarding inquiry functionality are often theoretically derived. Gephart et al., for example, argue *qua* Habermas that the state’s fundamental role is to engender ‘the requisite level of mass loyalty’ in the economic system and its own ability to manage it (1990, p.29). Considering this, inquiries, they theorize, function to resolve ‘legitimation crises’: moments where the legitimacy of the state is threatened because the state’s inability to manage capitalism’s inherent contradictions is rendered evident (Habermas, 1973). This functionalist theorizing is problematic on its own grounds, ‘presuppos[ing] the existence of [state institutions] which can perform the functions attributed to [them]’ (Clarke, 1991, p.8; see also Burnham, 2001, p.80), but it occurs because existing scholarship is marked by ‘a reluctance ... to develop primary data’ (Stark, 2019, pp.398–9). Without engagement with data, *a priori* theorizing is the only way to make sense of inquiry functionality, but this causes further problems because it means that, at present, there is no substantial empirical basis upon which to evaluate competing claims regarding inquiry functionality.

To summarize, the fragmentation of existing literature on inquiries has led to a proliferation of different views regarding inquiry functionality that have not been compared or evaluated. Furthermore, scholars' reluctance to develop primary data means that no means of evaluation or comparison exists within existing literature. A variety of views exist regarding this question, but existing views are somewhat unconvincing and empirically unmoored. Addressing this question of inquiry functionality more adequately is therefore key to addressing some of the shortcomings of existing literature. Addressing the question of why governments call inquiries (Research Question One) is key to this thesis's ability to address Research Questions Two and Three. This is because in order to examine the role inquiries play/how inquiries are utilized within broader patterns British governance, one must first have a clear understanding of what inquiries are called for in the first place.

The problems of existing literature also point the way forward in terms of answering this question of inquiry functionality more adequately: the collection and analysis of primary data to produce a convincing, empirically grounded view of inquiry functionality. Here, archival data drawn from Cabinet papers is used to do this. In research concerning the decisions and motivations of state managers, 'there is no more important single source of information' than government archival documents (Burnham et al., 2008, p.200). The chapter locates its analysis at the level of the state, assuming that while individual inquiries are called in different contexts, they ultimately respond to perennial, recurrent issues inherent to the practice of governing. In doing this, the chapter transcends the methodological issues within existing literature, and also represents the first analysis of government archival documents related to decisions to call public inquiries.

Structurally, the chapter proceeds as follows. First, a key question within existing scholarship is whether inquiries are called for narrow, self-serving, tactical reasons, or for public-minded reasons (see Elliott and McGuinness, 2002). I resolve this issue by demonstrating with archival evidence that inquiry usage is a tactical decision, not taken for the public good. Having established this, I identify three specific functions that motivate state manager's deployment of inquiries: the relief of political pressure on government, the maintenance of autonomy over post-crisis response, and blame avoidance. I discuss how archival data reveals each of these aspects of inquiry

functionality, taking each in turn. Following this, I discuss how the approach developed here, which emphasizes the public inquiry's multifaceted, 'Swiss Army Knife-like' functionality, represents an advancement on existing approaches to explaining inquiry usage.

### **Public Inquiry Usage as Tactical, Not Public Minded**

As was discussed in Chapter One, a major dividing line exists within existing literature on inquiries regarding whether inquiries are deployed tactically by state managers, or whether inquiry usage is more public minded. Elliott and McGuinness summarize this dichotomy well, describing how, within existing literature, 'at one, idealized, extreme the public inquiry represents a panacea', 'remedying ... misfortune' by providing accountability, ensuring lessons are learnt and making recommendations to prevent reoccurrence (2002, p.14). Alternatively, the public inquiry is considered 'little more than a placebo, creating the impression that remedies are being evaluated' while actually fulfilling the more cynical objectives of state managers (2002, p.14). However, there has been a lack of engagement between, and empirical assessment of, these two positions. An analysis of Cabinet minutes makes clear that, empirically, state managers think tactically about inquiry usage. However, Cabinet minutes also suggest that, for state managers, inquiry usage is often the least disadvantageous option, not a panacea. This dovetails with the statecraft framework adopted within the thesis (see Bulpitt, 1986; James, 2016; 2018), which emphasizes the primacy of 'pragmatic decision-making and tactical manoeuvring' within state manager's attempts to respond to political dilemmas (Copley, 2021, p.41), and suggests that, often, "ad hoc-ism" and "muddling through" may be the best that can be achieved' by state managers in the face of crises (James, 2012, p.70).

Cabinet minutes indicate inquiry usage is largely a tactical rather than public-minded decision in three ways. First, Cabinet discussions concerning inquiries are often protracted, existing across multiple Cabinet meetings. This is because such discussions are not simply the Cabinet taking note that an inquiry is to be called, they are drawn out and strategic. In several cases, initial Cabinet discussions regarding inquiry usage led to the production of supplementary memoranda drawn up by members of the Cabinet for circulation at the next Cabinet meeting. Such memoranda

cover issues related to inquiry usage in more depth, again indicating the level of tactical consideration and thought that goes into inquiry usage. In the case of the Crichel Down Inquiry for example<sup>27</sup>, key figures within the Cabinet, such as the Attorney-General, produced several supplementary memoranda, covering issues such as the Inquiry's terms of reference, how open government should be in terms of sharing documents with the Inquiry<sup>28</sup>, and the wider strategy for responding to the issues raised by the Crichel Down case<sup>29</sup>.

The drawn-out nature of discussions of inquiry usage is also indicative of the fact that governments think strategically about the inquiry at every stage. Indeed, in the case of the Inquiry into the Assault of John Waters<sup>30</sup>, Cabinet had discussions regarding 'whether it would be appropriate ... to appoint' some form of investigative body to respond to the allegations at all<sup>31</sup>. Following this, discussion turned to what 'form of inquiry' ought to be initiated (whether it should it be a 'formal inquiry' held under the 1921 Act, or a 'non-statutory inquiry of more limited scope')<sup>32</sup>. Then the terms of reference were discussed<sup>33</sup>. Finally, as the Inquiry ended, there was

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<sup>27</sup> The Crichel Down Inquiry was called in 1954 in response to a scandal which developed around the Crichel Down estate. During the Second World War, the land had been compulsorily requisitioned by government. It had been promised that land requisitioned in this way would be returned to its original owners post-war. However, in the case of Crichel Down, this did not take place. This led the descendent of the original owner to launch a campaign to reacquire the land, which prompted the Inquiry.

<sup>28</sup> TNA CAB 129/64, C (53) 361, Crichel Down Inquiry Crown Privilege: Memorandum by the Attorney-General, 29 December.

<sup>29</sup> TNA CAB 129/65, C (54) 16, Crichel Down: Memorandum by the Secretary of State for the Home Department and Minister for Welsh Affairs, 15 January; TNA CAB 129/68, C (54) 182, Disposal of Land Acquired Compulsorily for Public Purposes: Memorandum by the Secretary of State for the Home Department and Minister for Welsh Affairs, 1 June.

<sup>30</sup> The Inquiry into the Assault on John Waters was called in 1959. It concerned allegations that a 15-year-old boy, John Waters, had been assaulted by two police officers in Thurso, Scotland. The allegations had already been reviewed by the government, who had initially decided to take no further action, but after a campaign mounted by the local MP, an inquiry was called.

<sup>31</sup> TNA CAB 129/96, C (59) 24, John Waters: Memorandum by the Secretary of State for Scotland, 12 February, p.2.

<sup>32</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.4.

<sup>33</sup> TNA CAB 128/33, CC (59) Ninth Conclusions, 13 February, p.6.



discussion of how to handle the ‘publication of [the report]’, the ‘form of debate’ that should be called in Parliament, and what ‘future action’ should be taken to ensure the issue is drawn to a close, on which the Scotland Secretary produced a detailed memorandum<sup>34</sup>. In other words, it is not only a tactical decision to call an inquiry for state managers, questions regarding what form inquiries take, their terms of reference, and how government should respond to inquiries once they have concluded are also subject to tactical discussion. In other cases, Cabinet also thought tactically about how they ought to interact with the inquiry as it ran, particularly regarding the ‘general approach’ ministers should take when ‘appearing’ before the inquiry and concerning the ‘disclosure of official documents’<sup>35</sup>.

Second, what is absent from archival data is also significant. When analysing the data, codes were created that would give scope for references to more public-minded factors influencing inquiry usage such as the desire for accountability, or to establish the facts, to emerge from the data. Both codes, however, saw only occasional usage (see Figure II).

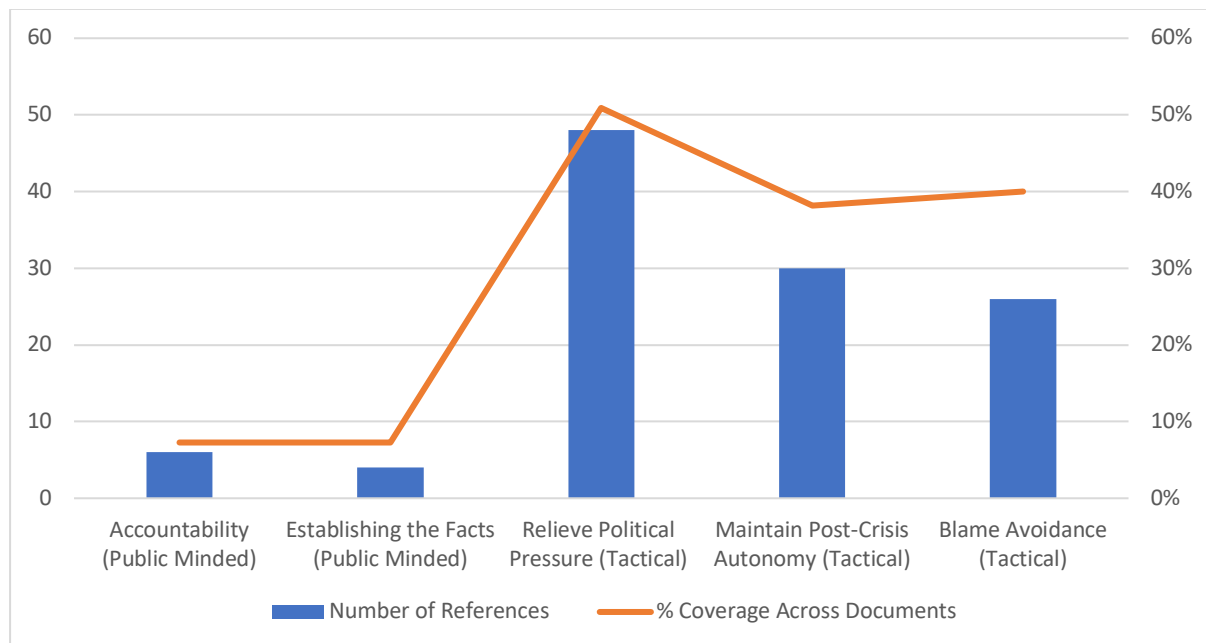


Figure II: Coverage of Inquiry Functionality Codes

<sup>34</sup> TNA CAB 129/97, C (59) 66, John Waters: Memorandum by the Secretary of State for Scotland, 10 April, pp.1–2.

<sup>35</sup> TNA CAB 129/65, C (54) 16, Crichel Down: Memorandum by the Secretary of State for the Home Department and Minister for Welsh Affairs, 15 January, pp.3–4.

Within all the Cabinet discussions covered by the analysis, discussions regarding inquiries being called to establish the facts only occurred four times. Furthermore, whilst references to the notion of accountability were somewhat more frequent (six in total, see Figure II) across three cases (see Appendix II), three of these concerned drafting government's parliamentary announcement of or response to inquiry findings, thus they were governments arguing publicly that inquiries ensure accountability, rather than demonstrating a private commitment to this. For example, Cabinet discussions regarding the Crichel Down Inquiry report's publication in Parliament included a draft of the Minister for Agriculture and Fisheries speech, containing the argument that 'in view of the ... public way in which [mistakes and errors] have been exposed' through an inquiry, government had been held accountable, 'no further action ... is necessary or appropriate', and 'full confidence' in government should be restored<sup>36</sup>. Thus, the idea that these references represent state manager's private motivations should be viewed with scepticism. Instead, discussions of inquiry usage far more frequently concern tactical considerations regarding the relief of political pressure and blame avoidance. Both codes saw much more frequent usage within the analysis, with the blame avoidance theme seeing 26 references and the relief of political pressure code seeing 48, making it the most frequently referenced code.

Third, not only are notions that inquiries will establish the facts or achieve accountability largely absent within Cabinet considerations of inquiry usage, there are also specific reasons to doubt whether state managers call inquiries in pursuit of these goals. This is especially true of establishing the facts. It is striking the extent to which the facts around many events subject to inquiries are known by Cabinet before inquiries have been called. In several of the Cabinet discussions examined, ministers began discussions by summarizing what had occurred regarding the event subject to

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<sup>36</sup> TNA CAB 129/68, C (54) 183, Crichel Down: Sir Andrew Clark's Report. Memorandum by the Minister for Agriculture and Fisheries, 1 June, p.3.

inquiry. In the case of the sinking of HMS *Thetis*<sup>37</sup>, for example, Cabinet discussion began with the First Lord of the Admiralty ‘explain[ing] how the disaster occurred’<sup>38</sup>. Likewise, discussions regarding the Crichel Down Inquiry not only began with a summary of the issue that had prompted the Inquiry<sup>39</sup>, but following this initial meeting a memorandum written by the Home Secretary and Minister for Welsh Affairs was produced providing even greater depth and context before the Inquiry had reported<sup>40</sup>. Furthermore, several of the events examined by inquiries in the dataset under analysis were of a somewhat historic nature, around which the facts were widely known and had been reported in the press (the Assault of John Waters, Crichel Down, the Improper Conduct of Crown Agents). The fact that inquiries were called in such instances thus casts doubt on their fact-finding role.

In some cases, state managers quite explicitly undermine the notion that public inquiries will establish the facts. In the case of the Piper Alpha disaster<sup>41</sup>, for example, Cabinet resolved to call an inquiry, yet the Secretary of State for Energy began discussions by asserting that ‘it would be very difficult to establish the cause of the explosion’<sup>42</sup>. In other cases, there was optimism that relevant facts related to the event in question could be ascertained, but state managers did not see the public inquiry as the means to achieve this. Indeed, in several instances of inquiry usage, governments simultaneously initiated more low-profile considerably quicker ‘technical inquiries’ which, are used ‘to ensure that the application of ... lessons from disaster[s] [does] not

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<sup>37</sup> The Inquiry into the Sinking of HMS *Thetis* was called in 1939, after the *Thetis*, a submarine, sank during sea trials in Liverpool Bay. The Inquiry was tasked with identifying why the sinking had occurred.

<sup>38</sup> TNA CAB 23/99, CC (39) 31st Conclusions, 7 June, p.14.

<sup>39</sup> TNA CAB 128/26, CC (53) 81st Conclusions, 29 December, p.189.

<sup>40</sup> TNA CAB 129/65, C (54) 16, Crichel Down: Memorandum by the Secretary of State for the Home Department and Minister for Welsh Affairs, 15 January.

<sup>41</sup> The Inquiry into the Piper Alpha Disaster was called in 1988 after an explosion at the Piper Alpha Oil Rig, positioned in the North Sea. The disaster is considered ‘a top-five engineering disaster on the global scale ... in the same league as Chernobyl, Challenger, Three Mile Island’ (Singh et al., 2010, p.937) and 167 people died (Duff, 2008)..

<sup>42</sup> TNA CAB 128/90, CC (88) 24th Conclusions, 7 July, p.4.

have to wait until the [relevant] public inquiry [has] concluded<sup>43</sup>. Thus, these technical inquiries are seen to establish facts and learn lessons, again suggesting that inquiries have a different role.

Thus, Cabinet minutes indicate inquiry usage is tactical, not done for public-minded reasons. However, it is important to note that in several discussions examined, governments demonstrate initial reluctance to commit to inquiry usage, and hope that the situation can be dealt with without any action on their part. In the case of the John Waters Inquiry, for example, the Lord Advocate and Crown Counsel had already ruled on the conduct of the police officers accused of assaulting Waters and had decided 'that criminal proceedings would not be justified'<sup>44</sup>. As such, Cabinet agreed that it would be 'undesirable' for government to announce an inquiry that re-examined that decision as it would undermine judicial authority and set a 'precedent damaging to the normal administration of criminal justice'<sup>45</sup>. Instead, it was decided that 'the Lord Advocate should publicly state that he had decided not to institute [criminal] proceedings in the case of John Waters because the evidence was insufficient to justify this course'<sup>46</sup>. However, Cabinet noted that it was 'unlikely' that this statement would 'allay the growing public disquiet' which had developed regarding the case<sup>47</sup>. Government therefore adopted a conservative wait-and-see approach, assessing if 'pressure for an investigation was maintained' or dissipated before committing to an inquiry, rather than utilizing the inquiry as a first port of call<sup>48</sup>.

### **Relieving Political Pressure**

Moving on to the more specific aspects of inquiry functionality revealed by archival data, Cabinet papers demonstrate that a significant motivation for state managers to

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<sup>43</sup> TNA CAB 128/90, CC (88) 25th Conclusions, 14 July, p.2; see also TNA CAB 23/99, CC (39) 31st Conclusions, 7 June, p.14.

<sup>44</sup> TNA CAB 129/96, C (59) 24, John Waters: Memorandum by the Secretary of State for Scotland, 12 February, p.1.

<sup>45</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.4.

<sup>46</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.5.

<sup>47</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.5.

<sup>48</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.5.

call inquiries is the desire to relieve political pressure that exists regarding a given issue. Indeed, the 'Relieve political pressure' code generated the most references of any of the codes applied during data analysis: 48 across more than a third of the documents (42.42% coverage, see Figure II), and covering 11 of the cases (see Appendix II).

Archival evidence suggests pressure comes in three forms. First, public inquiries may be utilized to quell political pressure emanating within Parliament, with several Cabinet minutes noting that the balance of 'parliamentary ... opinion'<sup>49</sup>, 'the wishes of the House of Commons'<sup>50</sup>, or 'parliamentary ... pressures' demanded action on a given issue<sup>51</sup>. In the case of the Hyde Park Inquiry, a Commons debate was arranged regarding 'allegations made as to the methods of investigation employed by the police' in that incident<sup>52</sup>. This parliamentary pressure was forthcoming because the individual accusing the police of wrongdoing was an MP, and thus able to exert his own influence through connections. The Cabinet discussed how they should respond to this pressure, deciding that government would announce its intention to hold an inquiry during the debate<sup>53</sup>. Similarly, the 1943 Inquiry into conditions at Military Detention Barracks also appears to have been initiated in response to Parliamentary pressure, with Cabinet noting that a 'motion had been tabled in the House of Commons calling for an immediate inquiry', and that, whilst 'a War Office Inquiry had been made some 20 months ago into conditions at detention barracks ... Parliament ... might not be content with the findings of a purely military tribunal', hence the decision to hold a

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<sup>49</sup> TNA CAB 129/198, CP (77) 113, Inquiry into the Crown Agents: Memorandum by the Lord Chancellor, 7 December, p.1.

<sup>50</sup> TNA CAB 128/62, CM (77) 39th Conclusions, 8 December, p.1.

<sup>51</sup> TNA CAB 128/62, CM (77) 35th Conclusions, 10 November, p.12; see also TNA CAB 24/239, CP (33) 57, Allegations of Bribery and Corruption in the Corporation of Glasgow: Proposed Inquiry under the Tribunals of Inquiry (Evidence) Act, 1921, 6 March, p.2.

<sup>52</sup> TNA CAB 23/57, CC (28) 29th Conclusions, 17 May, p.10. This was the event which led to the Hyde Park Inquiry, which concerned the arrest of Sir Leo Money and Irene Savidge in Hyde Park for committing an indecent offence. Money alleged that they were subject to harsh treatment whilst detained, and that evidence had been perjured by the police during the investigation.

<sup>53</sup> TNA CAB 23/57, CC (28) 29th Conclusions, 17 May, p.10.

public inquiry<sup>54</sup>. Likewise, in the case of the Inquiry into the Assault on John Waters, while Cabinet was initially reluctant to act because the case had already been reviewed and dismissed by the Lord Advocate and the Crown Counsel<sup>55</sup>, David Robertson MP, whose constituency was the site of the alleged assault, applied pressure by raising the issue privately with the Secretary of State for Scotland and publicly in the House of Commons<sup>56</sup>. Cabinet papers show that this pressure, which garnered the ‘support of a substantial number of members of both parties’, was decisive in the decision to call an inquiry<sup>57</sup>. Indeed, in discussing how to respond in the Commons, Cabinet agreed that the Lord Advocate should initially reiterate that, in his view, no further action was warranted, but if ‘the pressure for an investigation was maintained the Secretary of State should indicate that the government would be prepared to consider ... establishing an inquiry’<sup>58</sup>.

Second, Cabinet papers demonstrate that governments call inquiries to relieve pressure emanating from general ‘public opinion’<sup>59</sup>. Indeed, several Cabinet papers reference ‘public disquiet’<sup>60</sup>, ‘public anxiety’<sup>61</sup>, or ‘grave public concern’ around a given event as a key factor motivating inquiry usage<sup>62</sup>. In some cases, it was noted that whilst pressure or disquiet had not yet mounted, there would likely be ‘public interest’ in the issue as it unfolded<sup>63</sup>, or that inaction on a given issue may make it difficult to

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<sup>54</sup> TNA CAB 65/35, WM (43) 93rd Conclusions, 5 July, p.129.

<sup>55</sup> TNA CAB 129/96, C (59) 24, John Waters: Memorandum by the Secretary of State for Scotland, 12 February, p.1.

<sup>56</sup> TNA CAB 129/96, C (59) 24, John Waters: Memorandum by the Secretary of State for Scotland, 12 February, p.1.

<sup>57</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.4.

<sup>58</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.5.

<sup>59</sup> TNA CAB 129/198, CP (77) 102, Crown Agents, The Fay Report: Memorandum by the Lord Chancellor, 7 November, p.2.

<sup>60</sup> TNA CAB 128/33, CC (59) Ninth Conclusions, 13 February, p.6.

<sup>61</sup> TNA CAB 65/35, WM (43) 93rd Conclusions, 5 July, p.129.

<sup>62</sup> TNA CAB 128/41, CC (66) 52nd Conclusions, 27 October, p.10.

<sup>63</sup> TNA CAB 23/84, CC (36) 33rd Conclusions, 4 May, p.1; see also the reference to ‘urgent public importance’ (TNA CAB 23/75, CC (33) 15th Conclusions, 8 March, p.16).

‘maintain public confidence in the administration’<sup>64</sup>. Such instances demonstrate that, whilst inquiries are sometimes used in response to pressure, government also use inquiries to head off likely disquiet before it has mounted.

Third, media pressure is also considered by state managers in discussions of inquiry usage. In some cases, state managers fear negative press coverage will provoke public disquiet if not dealt with. For example, in the case of the sinking of HMS *Thetis*, the President of the Board of Trade, Oliver Stanley, noted that the incident was the ‘subject of a whispering campaign against the government’<sup>65</sup>. Stanley argued for an inquiry to ‘be opened as early as possible’ to quell this negative coverage before it became harmful<sup>66</sup>. In other instances, negative media coverage is either seen as a form of pressure itself, or as analogous to public pressure. In the case of the Inquiry into the Improper Conduct of Crown Agents<sup>67</sup>, for example, Cabinet was initially reluctant to call a public inquiry, but a report circulated to Cabinet by the Lord Chancellor noted that both the ‘House of Commons’ and ‘the whole of the press’ reacted negatively to this. Within the same discussion, however, the Lord Chancellor recommended that ‘nothing less than a public inquiry would ... now satisfy parliamentary and *public* opinion’, thus references to the press and public interchanged<sup>68</sup>. Similarly, in a memorandum drawn up by the Secretary of State for Scotland reviewing allegations of bribery and corruption within the Corporation of

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<sup>64</sup> TNA CAB 129/69, C (54) 239, Crichel Down: Note by the Minister of Agriculture and Fisheries, 19 July, para. 29.

<sup>65</sup> TNA CAB 23/99, CC (39) 31st Conclusions, 7 June, p.14.

<sup>66</sup> TNA CAB 23/99, CC (39) 31st Conclusions, 7 June, p.14.

<sup>67</sup> The Crown Agents were a statutory corporation under the auspices of the Ministry of Overseas Development tasked with development and investment management. By 1974, however, the corporation was in financial collapse, and required a government bailout. The Inquiry was tasked with examining how the Crown Agents collapsed as it did.

<sup>68</sup> TNA CAB 129/198, CP (77) 113, Inquiry into the Crown Agents: Memorandum by the Lord Chancellor, 7 December, p.1, emphasis added.

Glasgow<sup>69</sup>. the media was referred to as ‘the *public* press’<sup>70</sup>, and press coverage was considered analogous to the triggering of ‘public interest’ regarding the allegations<sup>71</sup>. This was also the case in a separate Cabinet discussion of the allegations of corruption, in which ‘representations ... made ... in the press’ were used as evidence that the issue was ‘of urgent public importance’ and therefore warranted an inquiry<sup>72</sup>.

Importantly, whilst here different forms of pressure have been distinguished for analytical purposes, in reality they often interact in that one form of pressure may stimulate other forms. This is explored above in terms of media and public pressure but is also true for other forms. For example, returning to the case of the Inquiry into the Assault of John Waters, parliamentary pressure exerted when Robertson tabled a motion on the assault in the Commons led to wider media coverage of the case and ‘public outcry’ (McKie, 1972, p.204). Given this symbiosis, state managers view inquiries as opportunities to quell several forms of pressure in one act. For example, in the case of the Inquiry into the Improper Conduct of Crown Agents, in a document circulated to the rest of the Cabinet, the Lord Chancellor noted that a ‘public inquiry would ... satisfy *parliamentary and public* opinion’<sup>73</sup>, and Cabinet also discussed ‘parliamentary and public pressures’ alongside one another<sup>74</sup>. The same is true of the Military Barracks Inquiry, which was also called because ‘*Parliament and the public* might not be content with ... a purely military [investigation into the scandal]’<sup>75</sup>.

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<sup>69</sup> The Inquiry into Allegations of Bribery and Corruption in the Corporation of Glasgow was called in 1933 to investigate alleged malpractice in the municipal business of Glasgow.

<sup>70</sup> TNA CAB 24/239, CP (33) 57, Allegations of Bribery and Corruption in the Corporation of Glasgow, Proposed Inquiry under the Tribunals of Inquiry (Evidence) Act, 1921: Memorandum by the Secretary of State for Scotland, 6 March, p.1, emphasis added.

<sup>71</sup> TNA CAB 24/239, CP (33) 57, Allegations of Bribery and Corruption in the Corporation of Glasgow, Proposed Inquiry under the Tribunals of Inquiry (Evidence) Act, 1921: Memorandum by the Secretary of State for Scotland, 6 March, p.2.

<sup>72</sup> TNA CAB 23/75, CC (33) 15th Conclusions, 8 March, p.16.

<sup>73</sup> TNA CAB 129/198, CP (77) 113, Inquiry into the Crown Agents: Memorandum by the Lord Chancellor, 7 December, p.1, emphasis added.

<sup>74</sup> TNA CAB 128/62, CM (77) 35th Conclusions, 10 November, p.12.

<sup>75</sup> TNA CAB 65/35, WM (43) 93rd Conclusions, 5 July, p.129, emphasis added.



## **Maintaining Post-Crisis Autonomy**

Next, ostensibly, inquiries guide government's responses to crises, and archival data demonstrates that governments do feel pressure to be seen to publicly accept inquiry findings. However, archival evidence suggests that acceptance may often be merely rhetorical, raising the prospect that inquiries avoid a tying of government's hands in terms of substantive post-crisis action<sup>76</sup>. Furthermore, archival data also suggests that governments attempt to present their own initiatives as an expression of inquiry recommendations post hoc, thereby giving a veneer of legitimacy to their own policy ideas. It should be noted that much of the archival data that revealed these dynamics pertains to the post-inquiry period when governments must respond to inquiry reports. The notion of maintain post-crisis autonomy was also less explicit than questions of blame and pressure within Cabinet discussions. However, the fact that several codes were generated regarding Cabinet's attempts to manage the policy implications/recommendations of inquiries in a way that most benefits them, and that the above section on pressure suggests that inquiries work to neutralize pressure to do something in the wake of crises, means that we can infer that the maintenance of autonomy is a key consideration when inquiries are initiated by state managers. Indeed, the codes 'Acceptance of reports' and 'Square existing policy with reports', which I treated as related to this notion of responding to inquiry reports while preserving autonomy, were used 30 times across eight cases (see Appendix II). It should also be noted that the extent to which government's hands are not tied by inquiry findings does vary, though, and in some cases, governments go beyond rhetoric to demonstrate that they accept an inquiry's findings. I explore these points in turn below.

First, in most cases governments publicly accept inquiry reports and recommendations. Interestingly, Cabinet papers suggest that governments do this even in instances where there are private reservations within Cabinet about inquiry

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<sup>76</sup> This is often referred to as the "shelving" function within existing literature and is explored fully in Chapter Seven.

findings. In the case of the Taylor Inquiry<sup>77</sup>, for example, doubt was expressed within Cabinet about the Inquiry's findings and recommendations<sup>78</sup>, yet it was decided that 'government should accept Lord Justice Taylor's findings'<sup>79</sup>. Reservations about the report's findings were concluded with a statement that 'nevertheless, the recommendations would be initially attractive to the public', suggesting that Cabinet considered being seen to accept inquiry findings and recommendations as necessary in the broader effort to calm public pressure<sup>80</sup>. This pressure to be seen to accept inquiry findings is also intimated in Cabinet discussions related to the Aberfan Inquiry<sup>81</sup>, during which it was argued that 'to reject [the report] seemed out of the question and it might be thought difficult to justify deferment of acceptance'<sup>82</sup>.

Crucially, however, from what can be determined from archival evidence, acceptance is often merely rhetorical, consisting of government making a statement saying they accept the inquiry's findings, rather than making substantive moves to act on them. This raises the prospect that inquiries allow government to relieve political pressure and accrue other benefits whilst allowing them to maintain autonomy over post-crisis response. In the case of the Criche Down Inquiry, for example, Cabinet was content with inaction, and hoped that the Inquiry in itself would be sufficient to placate the public. The Minister for Agriculture and Fisheries made this point explicitly in his announcement of the publication of the Inquiry's report, noting that, because of the 'public way in which [errors] have been exposed, I am satisfied that no further

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<sup>77</sup> The Taylor Inquiry refers to the Inquiry held in response to the Hillsborough Stadium Disaster, which occurred 15 April 1989. The Inquiry examined issues around football stadium safety.

<sup>78</sup> TNA CAB 128/96, CC (90) Third Conclusions, 25 January, p.2.

<sup>79</sup> TNA CAB 128/96, CC (90) Third Conclusions, 25 January, p.1.

<sup>80</sup> TNA CAB 128/96, CC (90) Third Conclusions, 25 January, p.2.

<sup>81</sup> The Aberfan Inquiry was called in 1966 after a spoil tip (pile of waste material) at a Welsh colliery collapsed after heavy rainfall. The collapsing waste material engulfed many buildings in the nearby village, including a school, over 100 people were killed. The Inquiry investigated the cause of the collapse.

<sup>82</sup> TNA CAB 128/42, CC (67) 52nd Conclusions, 25 July, p.3.

action by me ... is necessary or would be appropriate<sup>83</sup>. In terms of righting the wrongs highlighted by the report, meanwhile, on the issue of returning the Crichel Down land to the descendent of the original owner, the Inquiry found that the original owner was 'fully justified' in being aggrieved by decisions denying him the ability to reclaim the Crichel Down land (see Griffith, 1955; Delafons, 1987)<sup>84</sup>. Cabinet, however, concluded that 'there was no prospect' of the land being returned<sup>85</sup>. Instead, in a memorandum by the Minister for Agriculture and Fisheries, paying the original occupant's legal costs was proposed, on the basis that this 'would help to counter any accusation that they were being unfairly treated'<sup>86</sup>. Thus, government appear to attempt to make a minor, symbolic act of compensation sufficient to avoid further political pressure being applied on government, and was all government initially felt compelled to do to act on the Inquiry's findings.

The Crichel Down Inquiry was also meant to guide future policy regarding the disposal of compulsorily purchased land<sup>87</sup>. However, archival evidence demonstrates that the policy implications of the report mattered little to Cabinet. Instead, Cabinet began their own efforts to formulate policy on the disposal of compulsorily purchased land before the Inquiry had begun, hiving off the question of 'modifying ... policy governing the disposal of land' to a Cabinet committee<sup>88</sup>. The committee in question produced two reports for Cabinet's consideration, one discussing future policy on compulsorily purchased land, and a second on the Inquiry's findings, thus

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<sup>83</sup> TNA CAB 129/68, C (54) 183, Crichel Down, Sir Andrew Clark's Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June, p.3; see also TNA CAB 128/27, CC (54) 37th Conclusions, 2 June, p.6.

<sup>84</sup> TNA CAB 129/68 C (54) 183, Crichel Down, Sir Andrew Clark's Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June, Attached Annex, p.32.

<sup>85</sup> TNA CAB 128/27, CC (54) 37th Conclusions, 2 June, p.5.

<sup>86</sup> TNA CAB 129/68, C (54) 183, Crichel Down, Sir Andrew Clark's Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June, p.1, this proposal is later agreed (TNA CAB 128/27, CC (54) 37th Conclusions, 2 June, p.6).

<sup>87</sup> See TNA CAB 129/68 C (54) 183, Crichel Down, Sir Andrew Clark's Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June, attached annex.

<sup>88</sup> TNA CAB 128/26, CC (53) 81st Conclusions, 29 December, pp.189–90.

disaggregating the Inquiry from the issue of policy to some extent<sup>89</sup>. In the report dealing with the Inquiry's findings, the Inquiry's implications on wider policy were not discussed. Indeed, Cabinet papers indicate that the issues of policy and the Crichel Down Inquiry were discussed separately within Cabinet (each had its own heading within the minutes), and that the only issues Cabinet saw as arising from the Inquiry's report were 'how ... government should handle discussion of the report in Parliament and whether they should reimburse [the original occupant's] legal costs'<sup>90</sup>. There was no suggestion that the report implications vis-à-vis policy should be considered. Thus, government policy on the disposal of compulsorily purchased land was formulated as the Inquiry ran, rather than being led by inquiry findings, and inquiry findings were largely not considered as tying government to particular policy decisions.

Cabinet do attempt to publicly make their policy appear consistent with and informed by the issues raised in the Inquiry's report once it had been formulated. Indeed, in Cabinet discussions related to the announcement of the government's planned policy changes, it was noted by the Prime Minister that 'the adoption of the policy now proposed would prevent a recurrence of what had happened over Crichel Down, [and that] it was important this fact should be brought out clearly in the debate'<sup>91</sup>. Thus, the new policy, though devised without consideration of the Inquiry's findings, was made to look consistent with the Crichel Down Inquiry's report. Furthermore, though private discussions of future policy within Cabinet occurred separately to discussions of the Inquiry, the two were discussed together by government in Parliament, with government announcing their new policy in the Commons debate about the Inquiry report. The Minister for Agriculture and Fisheries, making the statement on behalf of the government, referred to government's proposed changes to policy regarding the disposal of compulsorily purchased land as 'action necessary following Sir Andrew Clark's Report', rhetorically constructing it as in response to and consistent with the Inquiry's findings<sup>92</sup>. Likewise, in the case of the

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<sup>89</sup> TNA CAB 129/68, C (54) 183, Crichel Down, Sir Andrew Clark's Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June.

<sup>90</sup> TNA CAB 128/27, CC (54) 37th Conclusions, 2 June, p.6.

<sup>91</sup> TNA CAB 128/27, CC (54) 50th Conclusions, 13 July, p.5.

<sup>92</sup> HC Deb 20 July 1954 c1194.

Taylor Inquiry, the Hillsborough disaster occurred as government was attempting to pass the Football Spectators Bill through Parliament. The disaster forced government to place ‘a short delay’ on the Football Spectators Bill, and government faced pressure to ‘drop the Bill or postpone it to the following session’ of Parliament, on the basis that ‘proceeding with [the Bill] at a rapid pace appeared to pre-empt the findings of ... Taylor’s Inquiry’<sup>93</sup>. Cabinet, however, resolved to press on with the Bill, on the basis that ‘it was not in any way expected’ that Taylor would produce recommendations that contradicted the Bill<sup>94</sup>. Thus, rather than the Inquiry leading policy, it was hoped within Cabinet existing policy could be pressed on with regardless, and that Taylor’s recommendations could be dealt with without fundamentally changing the character of government policy.

However, both the Crichel Down Inquiry and the Taylor Inquiry suggest that the extent to which the use of rhetoric alone is possible in response to inquiry reports is affected again by political pressure. Regarding the Crichel Down Inquiry’s findings regarding wrongdoing, Cabinet noted that, despite initially preferring inaction, it might be ‘necessary that [criticized] officials should be transferred to other posts’, on the basis that ‘there was little prospect that public opinion, as reflected in the House of Commons, would be satisfied unless some transfers were made’<sup>95</sup>. After a committee investigation<sup>96</sup>, government committed to this<sup>97</sup>. Government also reconsidered its position on the original occupant’s reacquisition of Crichel Down, with the Minister for Agriculture and Fisheries noting that he ‘was now inclined to think that an offer could be made in the debate to sell the land ... which would have the advantage of giving [the original occupant] an opportunity to recover the land’<sup>98</sup>. Finally, as the debate got closer, the Minister for Agriculture and Fisheries announced to Cabinet that he ‘was to resign his office’, considering it ‘the only dignified course’ in light of the ‘strong feelings

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<sup>93</sup> TNA CAB 128/93, CC (89) 14th Conclusions, 20 April, p.2.

<sup>94</sup> TNA CAB 128/93, CC (89) 14th Conclusions, 20 April, pp.2–3.

<sup>95</sup> TNA CAB 128/27, CC (54) 45th Conclusions, 1 July, p.6.

<sup>96</sup> TNA CAB 129/69, C (54) 238, Crichel Down: Note by the Secretary of the Cabinet, 19 July.

<sup>97</sup> HC Deb 20 July 1954 cc1187–8.

<sup>98</sup> TNA CAB 128/27, CC (54) 50th Conclusions, 13 July, p.6.

aroused among government supporters by the [Inquiry] report<sup>99</sup>. Political pressure thus gradually forced government into action to maintain the impression that they were acting in a way consistent with the findings of the Crichel Down Inquiry, which was seen by Cabinet as crucial to ensuring the Inquiry relieved pressure by satisfying public opinion in the way that was hoped<sup>100</sup>.

However, the action taken was largely symbolic and piecemeal, and government retained autonomy regarding changes to land disposal policy. In the case of the Taylor Inquiry, 'Taylor ... concluded [in his report] that ... he could not support the implementation of the national football membership scheme proposed under Part I of the Football Spectators Act'<sup>101</sup>. This was a problem for government as the membership scheme represented a significant initiative, designed as a response to football hooliganism: a moral panic which had become a key issue within the Thatcher government's 'law-and-order agenda' (Melnick, 1986, p.5; Jemphrey and Berrington, 2000, p.473; Hall, 1978). Cabinet decided that government's public response should be to 'accept Lord Justice Taylor's findings' and pause implementation of the membership scheme<sup>102</sup>, but also resolved that 'Part I of the [Football Spectators] Act should remain on the statute book in case it became desirable to proceed with a membership scheme at a later date'<sup>103</sup>. The Inquiry thus had some influence on policy because it led to a significant government climb-down (Nettleton, 1990). However, Part I of the Football Spectators Bill was not repealed, government pressed on with other aspects of the Bill, and policy was still formulated without the Inquiry's influence and then adapted post hoc, rather than the Inquiry guiding policy formulation.

### **Blame Avoidance**

Finally, archival data also demonstrated that Cabinet tend to see the post-inquiry period, and the reports inquiries produce, as opportunities to engage in blame avoidance. Indeed, the (two) codes related to blame avoidance were frequently used,

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<sup>99</sup> TNA CAB 128/27, CC (54) 51st Conclusions, 20 July, pp.3–4.

<sup>100</sup> TNA CAB 128/27, CC (54) 45th Conclusions, 1 July, p.6.

<sup>101</sup> TNA CAB 128/96, CC (90) Third Conclusions, 25 January, p.1.

<sup>102</sup> TNA CAB 128/96, CC (90) Third Conclusions, 25 January, pp.1–2.

<sup>103</sup> TNA CAB 128/96, CC (90) Third Conclusions, 25 January, pp.1–2.

generating 26 references across 40 percent of the documents (see Figure II), and covering nine cases. In the discussions following the release of the King's Cross Underground Fire Inquiry's report<sup>104</sup>, for example, after summarizing the main findings of the report, the Transport Secretary noted that 'the Opposition's spokesman on Transport was seeking to suggest that government bore some ... responsibility for the fire by allegedly failing to provide LRT [London Regional Transport] and London Underground with sufficient resources'<sup>105</sup>. The Transport Secretary also noted, however, that the Inquiry 'report made clear that there was no evidence that the overall level of subsidy which the government had made available had been inadequate to finance necessary safety measures'<sup>106</sup>. Similarly, the Piper Alpha disaster was used by trade unions and the Labour Party pressure government regarding the lack of trade union involvement on North Sea oil rigs<sup>107</sup>. In discussing the Piper Alpha report's findings, it was noted within Cabinet that while the report 'contained some criticism of the Department for Energy', it gave 'no comfort for the Opposition since Lord Cullen has opposed an increased role for the trade unions in safety matters'<sup>108</sup>. These examples suggest that, just like other aspects of inquiry usage, inquiry reports are thought about tactically by Cabinet, especially in terms of how they can be used to neutralize political criticism and avoid blame post crisis.

It is worth noting that, in the above example of Cabinet suggesting that the Piper Alpha Inquiry's report could be used to, 'oppose an increased role for the trade unions in safety matters' did not accurately capture the conclusions of the Inquiry, even in a selective way<sup>109</sup>. Indeed, in their analysis of the Piper Alpha Inquiry, Woolfson et al. note that, in the main, the report 'had little to say about offshore industrial relations or

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<sup>104</sup> This Inquiry took place in 1987 in response to a fire at King's Cross tube station. It examined how the fire started and spread and made recommendations regarding London Underground's safety procedures.

<sup>105</sup> TNA CAB 128/91, CC (88) 34th Conclusions, 10 November, p.2.

<sup>106</sup> TNA CAB 128/91, CC (88) 34th Conclusions, 10 November, p.2.

<sup>107</sup> See TNA CAB 128/90, CC (88) 25th Conclusions, 14 July, p.3; HC Deb 12 November 1990 cc332–3.

<sup>108</sup> TNA CAB 128/97, CC (90) 35th Conclusions, 8 November, p.2.

<sup>109</sup> TNA CAB 128/97, CC (90) 35th Conclusions, 8 November, p.2.

the merits of union recognition’, but that ‘in the context of safety ... Lord Cullen opened up the possibility of formal trade union participation’ (2018, pp.45–6). In the report itself, Cullen noted that his ‘remit does not extend to matters of industrial relations’ but did concede that ‘the appointment of offshore safety representatives by trade unions could be of some benefit ... mainly through the credibility and resistance to pressures which trade union backing would provide’ (1990, pp.376–7). As well as this, within Parliament, the Energy Secretary portrayed Cullen’s Report as attributing culpability to Occidental, the operator of the Piper Alpha platform, summarizing the report’s findings as stating that ‘the primary responsibility for safety has always been, and will always remain, with the operator’<sup>110</sup>. The Energy Secretary largely ignored criticisms levelled at the Department for Energy within the report and instead used the report’s findings to praise the Department, noting that they ‘had regularly inspected Piper Alpha, and those inspections had shown up a number of deficiencies, including deficiencies for which Occidental had been successfully prosecuted’<sup>111</sup>. Again, this distorted the substantive content of the report, which levelled ‘criticisms [at the] the regulatory regime administered by the Department of Energy’ (Woolfson et al., 2018, p.19) and submitted the Department to ‘close and critical scrutiny’ (Miller, 1991, p.182). It is thus difficult to see the interpretation of Cullen’s report within Cabinet as anything other than a distortion of the Inquiry’s findings.

In most cases however, this utilization of inquiry reports to avoid blame involves a selective reading of reports and cherry picking of specific passages, rather than total misrepresentation. In responding to the Crichel Down Inquiry report in the Commons for example, the Minister for Agriculture and Fisheries began his statement with a quote from the conclusions of the Inquiry that ‘there was no trace in this case of anything in the nature of bribery, corruption, or personal dishonesty’<sup>112</sup>. This is true, but the report also contained many criticisms, which the Minister for Agriculture acknowledged privately, noting in a memorandum to Cabinet that ‘the criticisms of the

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<sup>110</sup> HC Deb 12 November 1990 c329.

<sup>111</sup> HC Deb 12 November 1990 c329.

<sup>112</sup> TNA CAB 129/68, C (54) 183, Crichel Down, Sir Andrew Clark’s Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June, p.2.



Agricultural Land Commission are particularly severe', however these criticisms were not specifically dealt with in the Minister's Commons speech, and only Conclusion 25 of the report, noted above, was quoted directly<sup>113</sup>. Thus, the Minister's recounting of the report, whilst not inaccurate in a sense, was selective in the way it de-emphasized the critical parts of the report and presented the report as first and foremost absolving the government. Indeed, in a later appearance in the Commons, the Minister had to defend himself from accusations that he had misrepresented the report's findings in his earlier statement, noting that 'I have been much criticized for seeming, in that [earlier] statement, to attach too much importance to the dismissal of any suggestion of corruption, and too little to the other faults which have been brought to light'<sup>114</sup>.

### **Reflecting on Existing Literature**

The three functions identified above are not wholly novel. As is noted in Chapter One, existing literature makes many claims regarding inquiry functionality, some of which touch on the themes identified above.

In terms of the finding that inquiry initiation is tactical rather than public minded, this idea is well established. However, archival material also indicated that state managers perceive inquiries as having risks as well as benefits. For example, in the case of the John Waters Inquiry, Cabinet initially worried that an inquiry would 'risk that calling an inquiry ... might substantiate the allegation of assault', which would call prior government decisions to not investigate further into question<sup>115</sup>. As such, although Cabinet were hopeful that calling an inquiry would deal with the 'growing pressure' experienced by government in relation to the case, they were aware that the inquiry also carried risks<sup>116</sup>. This lends credence to the few works that avoid existing literature's 'idealized extremes' regarding inquiry functionality (Elliott and McGuinness, 2002, p.14). Resodihardjo (2006), for example, argues that inquiries represent a 'double-edged sword' in that, whilst state managers call inquiries for their own benefit,

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<sup>113</sup> TNA CAB 129/68, C (54) 183, Crichel Down, Sir Andrew Clark's Report: Memorandum by the Minister of Agriculture and Fisheries, 1 June, p.2.

<sup>114</sup> HC Deb 20 July 1954 c1186.

<sup>115</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12th February 1959, p.5.

<sup>116</sup> TNA CAB 128/33, CC (59) Ninth Conclusions, 13th February 1959, p.6.

inquiries always have the potential to produce problems for government (2006). Likewise, Sulitzeanu-Kenan notes that inquiries can ‘pose a serious threat to incumbent politicians’, whilst arguing that inquiries are called for state managers’ own benefit (2010, p.614). Thus inquiries ‘can escape their origins and have profoundly “destabilizing” effects on governments’ (Brown, 2004, p.27)<sup>117</sup>.

The notion that inquiries work to relieve pressure is also present within existing literature. Eastwood, for example, remarks that ‘public inquiries only occur where there is sufficient public pressure’ (2009, p.139). Other works develop this further. Renå and Christensen, for example, suggest inquiries have a ‘symbolic’ function, in that they demonstrate in the wake of crises that state managers are, at least at face value, ‘tak[ing] the event seriously and are committed to presenting similar events’ (2020, p.43). Inquiries thus respond to the pressure to ‘reassure the population’ and restore confidence by demonstrating that something is being done in response to matters of public concern (Renå and Christensen, 2020, p.43).

The notion that inquiries benefit state managers by allowing them to retain discretion over post-crisis response, or by only necessitating symbolic or piecemeal changes, is something existing literature also acknowledges to some degree. Elliott and McGuinness gesture towards this aspect of inquiry functionality because they argue that inquiries can be considered a ‘placebo’, ‘creating the impression that remedies are being evaluated until the incident under investigation slips from the public consciousness’ (2002, p.14). Stark, likewise, explores the notion that inquiries kick thorny issues into the long grass, such that impetus for reform that emerges in the wake of crises stalls (Stark, 2020).

The notion that inquiry usage is linked to blame avoidance is also established within existing literature. Indeed, whilst inquiries are presented as purely inquisitorial bodies (Eastwood, 2009, p.139), most literature notes that inquiries almost always get

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<sup>117</sup> To be clear, here I am referring to Brown, D. (2004) *Royal Commissions and Criminal Justice: Behind the Ideal*, in Gilligan, G., Pratt, J. (eds.) *Crime, Truth and Justice: Official Inquiry, Discourse, Knowledge*. (Cullompton: Willan), pp.26–45. If not specifically stated, in other instances, Brown (2004) refers to Brown, A.D. (2004) *Authoritative Sensemaking in a Public Inquiry Report*, *Organization Studies*, 25(1), pp.95–112.

tangled up in questions of blame (e.g., Howe, 1999, pp.295–96). Beyond this general awareness of the centrality of blame to inquiry process, several scholars have speculated that inquiries allow governments ‘to distract the critics or deflect criticism’ (Blom-Cooper, 1993, p.204). In particular, blame avoidance is seen as central to inquiry functionality within sensemaking literature on inquiries, wherein inquiries are seen to produce ‘acceptable interpretations of events’, which ‘re-establish the legitimacy’ of the state (Gephart et al., 1990, p.29). Thus, to an extent a significant proportion of existing research is corroborated by archival data, which empirically demonstrated the centrality of blame avoidance to inquiry functionality.

It is also worth noting what did not emerge from the data. In Chapter One, it was noted that one popular lens through which inquiries are examined is policy learning, and several authors assume policy learning is key to inquiry functionality (Stark, 2019; 2020; Renå and Christensen, 2020). However, this theme of learning was largely conspicuously absent from Cabinet discussions of inquiries. This does not mean that inquiries do not lead to policy learning (as is discussed in Chapter Six, it is certainly the case that at least some inquiry recommendations get implemented and fine tune existing processes), nor does it mean that no personnel within government treat inquiries as learning exercises. What is demonstrated here is rather that, for the Court, inquiries into crises are largely viewed through a narrower strategic lens. It is assumed within Bulpitt’s work that the Court has interests distinct from other political actors, such as lower-level departmental civil servants. Thus it is possible that at the departmental level, and by lower-level officials, inquiries are viewed more through the lens of learning. It is also true that many civil society groups who engage with inquiries, and key individual stakeholders who have participated in inquiries, care deeply about the extent to which inquiries provide opportunities to learn lessons. However, from the data analysed here, this was not key to the Court’s calculations regarding inquiry usage. As such, while it is perfectly possible that learning is a key aspect of inquiry usage for some actors, given this thesis’s focus on the Court, this theme of lesson-learning does not feature prominently in the rest of the empirical chapters, which instead focusses on the narrower strategic functions inquiries are viewed as performing by the Court.

Thus, the conception of inquiry functionality produced here is not fully novel. Rather the chapter has corroborated and synthesized some of the claims made within existing literature. However, the conception produced here does represent two significant steps forward compared to existing research which are worth noting. First, in engaging extensively with archival material, the conception of inquiry functionality produced here is empirically grounded. By contrast, many of the claims made regarding inquiry functionality within existing literature are ‘insinuated, rather than properly evidenced’ because existing literature has ‘eschew[ed] primary data ... in favour of “light” case studies’ (Stark, 2019, p.399). Thus, in engaging with primary data related to inquiry usage, this chapter has been able to adjudicate and verify between the competing insinuations within existing works, and the conception of inquiry functionality can be advanced with a degree of confidence compared to existing work. Furthermore, the type of data utilized here means that the conception of inquiry functionality produced reflects the actual, private motivations and intentions of state managers (rather than the public-stated motivations), because archival documents are primary sources in that they constitute material meant for ‘internal or limited circulation only’ (Burnham et al., 2008, p.187). This further undergirds the strength of the conception of inquiry functionality produced here compared to those within existing literature (which has not engaged with archival material related to inquiries).

Second, in adopting a multi-faceted conception of inquiry functionality, this thesis departs from the notion that inquiry functionality is unidimensional, which is present within existing literature on inquiries, especially within those works which see inquiries as a means of blame avoidance within crisis management strategies pursued by state managers (see Chapter One). Instead, archival data demonstrated inquiries are Swiss Army knife-like in that their functionality is multifaceted.

In emphasizing the Swiss Army Knife-like nature of inquiry functionality, a single function alone can explain inquiry usage. Indeed, just as a Swiss Army Knife is useful if one only uses it for one thing, when an inquiry delivers one of its three functions, it still has utility. This Swiss Army knife conception of inquiry functionality therefore represents an improvement not just on unidimensional understandings of inquiry functionality, but also on other recent attempts to offer multidimensional explanations of inquiry functionality that explain inquiry usage as a coalescence of a series of

factors. Most notably, in Thomas and Cooper's analysis, three 'causal mechanisms' are identified that explain inquiry usage (2020, p.457). First, an event must have victims that are 'widely relatable', 'considered blameless' and able to '[garner] public empathy', on the basis that 'their experiences could have been felt by a significant proportion of the public' (Thomas and Cooper, 2020, p.463). Second, the event must be seen to 'expose systemic failings' and be perceived as 'a symptom of a much wider policy failure', rather than a 'stand-alone' event (Thomas and Cooper, 2020, p.463). Third, the event must involve 'a culture of blameworthy behaviour (intentional, reckless or negligent) that is irreducible to lone actors', and not simply the existence of a few 'bad apples' (Thomas and Cooper, 2020, pp.463–4).

Thomas and Cooper's argument that their mechanisms must 'coalesce' for an inquiry to occur implies that inquiries only happen when a perfect storm of different factors manifest themselves (2020, p.457). However, most of the cases analysed here do not involve the coalescence of factors Thomas and Cooper anticipate. In the case of the Alleged Budget Leak, for example the only victims were government themselves, thus there was no 'widely relatable' victim (Thomas and Cooper, 2020, p.463). In the case of the sinking of HMS *Thetis*, whilst there were victims, they were not identifiable and relatable because a submarine sinking during routine manoeuvres is not an experience that 'could have been felt by a significant proportion of the public' (Thomas and Cooper, 2020, p.463). There was no sense in which the sinking was indicative of some systemic issue, indeed the event was exactly the kind of 'stand-alone' disaster Thomas and Cooper discount (2020, p.463). Instead, the sinking was seen a 'perverse mishap' resulting from a technical fault with the submarine itself (The Times, 1940, p.5).

In contrast, in emphasizing the Swiss Army Knife-like nature of inquiry functionality, there is no need, and indeed no expectation, that identified functions inquiries play will all coalesce in every case. Again, here a single function alone can explain inquiry usage. In other words, the multifaceted nature of expected inquiry functionality means that inquiries can be called for different reasons at different times (see Appendix IV). For example, in the case of the Inquiry into the Assault on John Waters, government came under considerable pressure within Parliament, the case became a national media story, and Cabinet papers reveal that it was primarily the

need to relieve this pressure that forced inquiry usage<sup>118</sup>. In the case of Piper Alpha, meanwhile, inquiry usage is motivated on the one hand by the need to maintain government discretion over offshore industrial and safety policy, which had been undermined by the disaster<sup>119</sup>, and on the other to defuse potential lines of attack from opposition and the trade unions by placing blame on Occidental<sup>120</sup>. As such, by examining the issue of what motivates inquiry usage in light of functionality, one neither ends up with explanations of inquiry usage that rely on single factors which cannot explain a diversity of cases (because there are multiple functions), nor does one end up with a list of factors that must coalesce, which are not all present in every case (because an inquiry can be worth calling for state managers, and therefore explainable, even when the inquiry is only needed for one of its expected functions).

### **Expected Public Inquiry Functionality and Beyond**

Why state managers call inquiries and what benefits they expect inquiries to confer, which I have termed expected inquiry functionality, is a key question without definite answer within existing research on inquiries. This is because existing research is largely reluctant to develop primary data which could be used to develop a convincing answer to these questions (Stark, 2019, p.399). In this chapter, I have analysed what is the most 'important single source of information' pertaining to the motivations and calculations of state managers in order to explore expected inquiry functionality in an empirically-grounded way (Burnham et al., 2008, p.200). Archival data regarding state managers' discussions of inquiry usage has not been analysed in existing research, thus it was thought that there would be insights to be gained therein that would be novel and valuable in their own right. This proved to be true, and as was discussed in the first section of the chapter, archival data revealed four key things about expected inquiry functionality. First, in general, state managers considerations regarding inquiry usage are tactical, not public minded. Second, inquiries are often called to relieve pressure. Third, inquiries help governments maintain discretion over post-crisis

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<sup>118</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.5.

<sup>119</sup> TNA CAB 128/90, CC (88) 25th Conclusion, 14 July, p.3.

<sup>120</sup> TNA CAB 128/97, CC (90) 35th Conclusions, 8 November, p.2.

response. Fourth, that inquiries are used by governments to engage in blame avoidance.

The fact that existing literature has not developed definite answers regarding the question of expected inquiry functionality, however, should not be taken to imply there is silence on the issue. On the contrary, scholars have made an array of claims regarding inquiry functionality. However, because these are ‘insinuated, not properly evidenced’ (Stark, 2019, p.399), it is hard to evaluate which claims are accurate and which ones are not. Analysing archival data provided an evidential basis on which such judgements could be made, and this formed the second part of the chapter.

Archival data has thus significantly enhanced existing understandings of inquiry functionality and represents the first empirically grounded account on the topic and has exposed substantial limitations within existing research by bringing primary data to bear on the insinuations therein. At the same time, the exclusive focus on archival data has its own limitations, and even within this chapter, I moved beyond this at points to gain a fuller picture of the dynamics at place when inquiries are used. The point regarding inquiries not simply reproducing the state’s narratives of crises, for instances, suggests that how inquiry findings are articulated within Parliament is of key importance. This in turn is indicative of the more general issue that, while archives can reveal much about the motivations of state managers, it cannot always reveal how these goals are pursued in practice and how these initiatives play out. As such, the next chapters of the thesis focus on each aspect of inquiry functionality identified here, going beyond archival analysis to explore how inquiries attempt, or rather how state managers use inquiries to attempt, to achieve their expected functions.

## Chapter Five: Public Inquiries and the Relief of Pressure

### Inquiries and Pressure Relief: The Need for Reassessment

Following on directly from the previous chapter, in which I identified three key objectives state managers call inquiries to fulfil, this is the first of three chapters which explore in detail how inquiries are utilized in pursuit of these goals by state managers. In this chapter, I focus specifically on the first function inquiries are called to fulfil: the need to relieve the various forms of political pressure that are placed on state managers in the aftermath of serious crises.

The question of how inquiries play this pressure relief function, and how they fulfil their functions generally is in need of reassessment. Existing literature's answer to these questions is that inquiries either reflexively perform said functions or are controlled or dominated by the state (e.g. Brown, 2000, p.48). Often, no explanation is offered regarding how this internal governmental control is achieved (e.g. Gephart et al., 1990; Brown 2004). Such claims tend not to be substantiated in empirical depth (Stark, 2019, p.399). Furthermore, such claims are out of step with theoretical developments in state theory. Especially those which stress the move towards governance and indirect, arms-length state influence within networks of somewhat independent policy actors<sup>121</sup>. As such, this chapter adopts a novel conception of inquiry functionality. Here, it is assumed that, rather than controlling what inquiries do or report from within, state managers utilize inquiries and their reports strategically and rhetorically *from without* to fulfil their goals. Thus, the inquiry is still seen as a tool of the state, but in a way that avoids unevidenced claims that inquiries are under direct state control.

Empirically, the chapter relies on parliamentary debates related to inquiries as a key data source. This is because much of government's strategic and rhetorical utilization of inquiries occurs within Parliament: inquiries are initiated within Parliament, their reports are discussed within Parliament. Thus, given the conception of inquiries

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<sup>121</sup> Such developments are often seen to be relatively recent (Rhodes, 1994; 1997; Foster et al., 2014). But others have noted that their emergence and existence were key to governance throughout the twentieth century (Buller and Flinders, 2005; Burnham, 2001; Bulpitt, 1986).



adopted above, an empirical approach rooted in parliamentary activity makes sense. This chapter focusses primarily on pre-inquiry debates and debates held as inquiries run (post-inquiry debates are focus in the following two chapters). Pre-inquiry debates, and the initial framing of inquiries (which is a key focus here), are noted to be a key part of the 'performative', political part of inquiry usage (Murphy, 2019, p.30). Despite this, within literature focussed on inquiry discourse, the strategic, discursive framing of inquiries is under-researched, in favour of a focus on inquiry reports (see Brown, 2004; Boudes and Laroche, 2009)<sup>122</sup>.

In terms of scope, parliamentary debates revealed the ways governments use inquiries rhetorically to fulfil their aims, but also how Opposition and backbench parliamentarians responded to these strategies. The chapter therefore provides insights about how effective inquiries are at performing their functions, and, as such, what strengths and limitations they have. This allows the chapter to present a more dynamic analysis of inquiry functionality wherein attempts to relieve pressure through inquiry usage are ongoing processes which face a degree of resistance and have limitations and contradictions, which moves beyond the idea that inquiries simply deliver their functions reflexively or automatically. Throughout the chapter, the analysis of how inquiries function as a means of relieving political pressure draws extensively on literature on the 'politicisation/depolicitisation dynamic' (Burnham, 2014, p.193).

The first section of the chapter identifies two ways inquiries are utilized from without by state managers to attempt to relieve pressure. On the one hand it is shown that state managers attempt to placate pressure for something to be done by rhetorically framing inquiries in a highly politicized way. In doing so, they assert that inquiries constitute legitimate crisis responses, which in turn allows government to appear proactive and in control. On the other hand, it is shown that governments utilize inquiry initiation strategically as a depoliticizing delaying tactic in order to avoid having to substantively address questions of causation and blame. Thus, inquiries are used

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<sup>122</sup> This is a result of the broader "sensemaking" approach these studies tend to apply, which tends not to capture the full temporality of inquiry dynamics (Dwyer et al., 2021, p.638), because of their focus on the process of 'narrativization' (Brown et al., 2008, p.1039). Thus, sensemaking tends to ignore the broader political and discursive dynamics that inquiries as sensemaking organizations are utilized within/emerge from.

both to attempt to project a sense of government agency and control, whilst attempting to avoid demands for immediate action and answers to difficult questions.

The second section of the chapter then examines how backbench and Opposition parliamentarians respond to these strategies. Here I draw on Standing's assertion that rhetorical appeals to 'the language of depoliticization ... achieve resonance' to the extent that they are 'bolstered by ... [complimentary] institutional measures' (Standing, 2018, pp.154, 160). It is concluded that inquiries are often accepted as legitimate crisis responses by backbenchers and Oppositions groups. Rhetorical appeals to immediacy, it is argued, are rendered credible and resonant because the arrangements governing inquiries are such that inquiries are amenable to being initiated immediately, and then set up properly later. However, it is also shown that inquiry initiation is discretionary and thus can be subject to strategic miscalculation. Here, the chapter explores cases, such as the John Waters and Crown Agents Inquiries, where governments utilized inquiries in ways that compromised their ability to be successfully constructed as legitimate responses to demands for action, again underscoring that achieving pressure relief through inquiry usage is a process with limitations and the potential to be undermined or improperly executed.

Following this, the chapter evaluates inquiries' ability to act as delaying tactics. Again, here inquiries can be said to be at least somewhat successful: backbench and Opposition MPs do accept the need to defer questions of causation and blame because inquiries are ongoing. Again, the credibility of rhetorical insistences that questions of causation and blame ought to be deferred is enhanced by the prevalence of the formal rule of *sub judice* within Parliament<sup>123</sup>, which is often enforced by the Speaker without government intervention. However, it is also shown that state manager's ability to utilize inquiries to defer questions of causation and blame regarding wider, more indirect causes is often more limited, again demonstrating that

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<sup>123</sup> The use of *sub judice* by state managers in this political/strategic way in relation to inquiries, and indeed wider appeals to the idea that inquiries must be allowed to conclude their investigations before issues of causation and blame can be discussed, have been commented on in passing by several scholars (e.g. Flinders, 2001, p.164; Elliott and McGuinness, pp.20–1), but wider literature on inquiries as delaying tactics tends to miss this specific mechanism's role, and the relationship between inquiries and *sub judice* has not been systematically empirically studied until now.

attempts to use inquiries to relieve pressure have limitations and are subject to push back.

### **Demands for Something to be Done: Immediacy and Independence**

Crises provoke public demands for ‘something [to] be done’ (Burgess, 2011, p.3), creating a need to ‘still [this] noise’ (Sedley, 1989, p.470). Archival evidence suggests that state managers view inquiries as a means of heading off this pressure (see Chapter Four). Existing scholarship also posits that inquiries ‘serv[e] a wider political agenda for government [by] demonstrating that “something is being done” in the aftermath of a crisis (Howe cited in Public Administration Select Committee, 2005, pp.9–10; see also Howe, 1999; Resodihardjo, 2006, p.199). As Parker and Dekker put it, inquiries have a ‘symbolic’ role insofar as ‘the very act of establishing a commission [of inquiry] and the public spectacle of an investigative commission carrying out its work are potent symbols of a functioning government’ (2008, p.272). By examining parliamentary debates, the ways inquiries are used by government to give a sense that ‘something is being done’ in the aftermath of crises can be identified. Of course, to placate demands for something to be done, government cannot just do anything. Rather, the response proposed by government must be deemed ‘credible’ and legitimate by those making the demands for action (Sulitzeanu-Kenan, 2010, p.613). Here, it is shown that governments frame inquiries as a legitimate form of crisis response by rhetorically framing inquiries as immediate and independent.

In the first instance, governments frame inquiries in a highly politicized way, arguing that they represent decisive, proactive and immediate action on their part. The notion that inquiries are immediate is built into the mechanism by which governments call inquiries. To initiate an inquiry, government must quote the Inquiries Act, within which inquiries are framed as responses to matters of ‘*urgent public importance*’ (*Tribunals of Inquiry (Evidence) Act 1921*, Section 1, paragraph 1, emphasis added)<sup>124</sup>. Government framings of inquiries as immediate go beyond this, however. Indeed, excluding specific references to the Act from consideration, ten of the 14

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<sup>124</sup> See HC Deb 23 May 1928 c1921; HC Deb 5 May 1936 c1551, for examples of this phrasing.

inquiries under examination were rhetorically framed as immediate, speedy, proactive crisis responses by government representatives<sup>125</sup>.

The prominence that a sense of immediacy plays in the rhetorical framings of inquiries is identifiable in several parliamentary debates related to inquiries. In some instances, government frame inquiry initiations as demonstrating their own proactiveness. When announcing the Hyde Park Inquiry, for example, Home Secretary William Joynson-Hicks argued that, upon hearing of the event in question, they ‘immediately ... sent for the Director of Public Prosecutions’ to receive advice and now ‘desire that the inquiry should be made as quickly ... as possible’<sup>126</sup>. Likewise, in officially initiating the Aberfan Inquiry, Prime Minister Harold Wilson argued that ‘government were right within a few hours of the tragedy to announce the Inquiry’ in a debate on the previous day, as this represented government doing ‘all that [they] can do’ in terms of crisis response<sup>127</sup>. In initiating the Clapham Junction Inquiry, meanwhile, government framed the Inquiry as part of a wider official proactive set of responses, including ‘British Rail [starting] its investigations into the accident’, and ‘the Minister of State ... visit[ing] the site [of the disaster the] morning [following the disaster], accompanied by the deputy chief inspecting officer of railways’<sup>128</sup>.

In other instances, government emphasize inquiry immediacy and proactiveness retrospectively, framing inquiries that have recently concluded as speedy responses in order to defend and legitimate their approach to crisis response now that it has played out. In announcing the publication of the 1936 Alleged Budget Leak Inquiry’s report, for example, Prime Minister Stanley Baldwin framed the Inquiry as responding to ‘certain rumours [which] got afoot and spread rapidly ... a few short weeks ago’<sup>129</sup>. In calling an Inquiry, it is argued ‘government took immediate action and set up, with the unanimous support of the House, a Tribunal to investigate these

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<sup>125</sup> These are Aberfan, Alleged Budget Leak, Clapham Junction, Hillsborough, Hyde Park, Crown Agents, King’s Cross, Piper Alpha, Thetis, Widgery (Bloody Sunday).

<sup>126</sup> HC Deb 17 May 1928 cc1313–6.

<sup>127</sup> HC Deb 25 October 1966 c839.

<sup>128</sup> HC Deb 12 December 1988 c647.

<sup>129</sup> HC Deb 11 June 1936 c416.

matters'<sup>130</sup>. Similarly, following the 1988 Piper Alpha Inquiry's conclusion, Energy Under-Secretary Colin Moynihan argued that in responding to the crisis with an inquiry 'the [Thatcher] government ... acted promptly'<sup>131</sup>.

Finally, inquiries themselves are framed as speedy and efficient in themselves by government representatives. In announcing the Inquiry into the Hillsborough disaster, for example, Home Secretary Douglas Hurd framed the Inquiry as 'speedy and thorough' and noted that Taylor may even 'submit an interim report' in order to meet the 'particular urgency' of the case<sup>132</sup>. Similarly, in announcing the Widgery Inquiry into the events of Bloody Sunday on behalf of the Heath government in 1972, Defence Secretary Lord Carrington argued that the Inquiry would 'establish as impartially and as speedily as possible the facts of the situation'<sup>133</sup>. Likewise, in announcing the finding of the Budget Leak Inquiry, Prime Minister Stanley Baldwin, noted that 'after a period of almost only days, that Tribunal reported', emphasizing the speed with which the Inquiry operated<sup>134</sup>. In all of these instances, the notion of immediacy is central to the rhetorical utilization of inquiries by government, both when announcing inquiries and when justifying them post hoc. In arguing that inquiries represent immediate crisis responses on their behalf, government project an aura of proactivity and demonstrate that they are 'in control' because they are taking measures to resolve crises rather than leaving them unaddressed (Resodihardjo, 2006, p.199). It is in constructing inquiries as proactive and decisive governmental responses to crises and collapsing any distance between the inquiry and government, that this framing is politicized. This is done because 'politicizing discourses ... draw credit for government actions [by] ... fram[ing] these as ... exercise[s] of agency, as proactive and discretionary choices that ministers had made' (Kettell and Kerr, 2022, p.15).

As well as this politicized approach however, state managers also deploy depoliticizing rhetoric in response to demands for something to be done that centre on

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<sup>130</sup> HC Deb 11 June 1936 c416.

<sup>131</sup> HC Deb 19 December 1990 c393.

<sup>132</sup> HC Deb 17 April 1989 c25.

<sup>133</sup> HC Deb 1 February 1972 c270.

<sup>134</sup> HC Deb 11 June 1936 c416.

the independence of inquiries and construe this as a key reason that inquiries should placate such demands. Indeed, in parliamentary debates government representatives often refer to inquiries as ‘independent inquiries’ rather than public inquiries, suggesting that the supposed independence of inquiries is perhaps even more central to their legitimacy than their public nature<sup>135</sup>. Of the fourteen inquiries examined here, ten were rhetorically framed as independent by government in various ways<sup>136</sup>.

In several instances, government point to inquiry independence without explicitly referencing it, often in response to questions regarding inquiry conduct. In response to questions regarding what the King’s Cross Fire Inquiry will cover, for example, Transport Secretary Paul Channon MP noted that ‘it is for the inquiry to decide how to conduct itself’<sup>137</sup>. Likewise, in response to similar questions regarding the 1939 Thetis Inquiry, which concerned the sinking of a British Navy submarine during trials (see Bucknill, 1940, p.2, para 2), Prime Minister Neville Chamberlain responded that ‘it will be for the Inquiry itself to decide what evidence it should call and what should be relevant to the Inquiry’<sup>138</sup>. These remarks frame inquiries as having operational autonomy, thus placing the responsibility for crisis investigation ‘at one remove’ from government (Burnham, 2001, p.128). In doing this, the remarks both work as a rhetorical means of deferring questions regarding inquiry scope, but also legitimate inquiries as means of crisis response.

In most instances though, government refer directly to inquiry independence, and argue this is a key reason parliamentarians should consider inquiries as legitimate. In relation to the Hillsborough Disaster, for example, the Thatcher government were pressured for ‘an assurance ... that ... no stone will be left unturned when this incident is investigated’<sup>139</sup>. Home Secretary Douglas Hurd responded that ‘it is precisely because of the incredible nature of the tragedy that we have moved quickly to set up what even the hon. Gentleman would agree is a fully independent

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<sup>135</sup> See, for example, HC Deb 25 October 1966 c839; HC Deb 12 December 1988 c647.

<sup>136</sup> See the code ‘Independence as source of legitimacy’ in Appendix III.

<sup>137</sup> HC Deb 19 November 1987 c1203.

<sup>138</sup> HC Deb 12 June 1939 c938–9.

<sup>139</sup> HC Deb 17 April 1989 c33.

inquiry<sup>140</sup>. Likewise, in response to statements regarding the Bogside Massacre (Bloody Sunday), it is noted that, because the ‘widespread distress, anxiety and emotion’ expressed inside and outside of Parliament demanded a response, ‘the Prime Minister [Edward Heath] announced today the government's decision to set up a highly authoritative independent inquiry into the circumstances of the march and the casualties which resulted’<sup>141</sup>. One can see that in both examples inquiries are framed as unimpeachably independent, and that this is key to their authority and legitimacy as a means of placating demands for action such as those noted above.

As has been noted within existing research (Murphy, 2019, pp.19–33), governments often build this rhetorical image of independence by emphasizing the apolitical nature of inquiry chairs. Indeed, the code Inquiry chair as source of legitimacy was coded nineteen times across ten cases during data analysis (see Appendix III). In relation to the Budget Leak Inquiry, for example, Prime Minister Baldwin noted that ‘the impartiality of the Tribunal's members is beyond challenge’<sup>142</sup>. Likewise, in the case of the Widgery Tribunal into Bloody Sunday, in response to speculation within Parliament that no form of inquiry would be accepted in Northern Ireland<sup>143</sup>, the Lord Chancellor argued that no one ‘could actually suggest that anyone in the world will say that the Lord Chief Justice of England’, who chaired the Inquiry, ‘is not an impartial person’<sup>144</sup>. Thus, ‘independence is claimed by the state by appointing a judge to chair the inquiry’ which ‘provides the guarantee of impartiality’ (Rolston and Scraton, 2005, p.559), because judges are seen to be ‘by office, and should be by nature, impartial and detached’ (Scarman, 1986, xiii). Acknowledging the emphasis placed on supposed inquiry independence within the discursive framings of inquiries by state managers makes clear how, as well as effectively ‘hiving off of functions away from elected politicians’ (Wood and Flinders, 2014, p.155), depoliticization also constitutes a ‘potent ... ideological mobilization’ and has a legitimizing effect (Burnham, 2001, p.129). That is, implicit in the emphasis on independence and efficiency is the idea

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<sup>140</sup> HC Deb 17 April 1989 c34.

<sup>141</sup> HC Deb 1 February 1972 c270.

<sup>142</sup> HC Deb 11 June 1936 c417.

<sup>143</sup> HC Deb 1 February 1972 cc240–9.

<sup>144</sup> HL Deb 1 February 1972 c775.

that ‘politicians [are] ... a large part of the problem’ (Fawcett and Marsh, 2014, p.176), that they are motivated only by ‘partisan or short-term electoral’ concerns (Fawcett and Marsh, 2014, p.172). There is therefore seen to be a need to take the politics out of certain issues. Such sentiments are likely to be amplified in moments of crisis where governmental wrongdoing is suspected, and in light of them, depoliticized forms of governance are framed as more effective, transparent and credible approaches to the management of difficult issues (Burnham, 2001, pp.141–2). These ideas are not entirely novel, several authors have regarded both the immediacy (Burgess, 2011, p.3; Resodihardjo, 2006, p.199), and the independence (Gilligan, 2004), of inquiries as key to their legitimacy as crisis responses. However, here, these ideas have been evidenced empirically, and have been shown to appear frequently across multiple cases examined. In doing so, this chapter has fleshed out how these appeals are made rhetorically by government.

### **Questions Regarding the Crisis: Public Inquiries as Delaying Tactics**

As well as pressure for something to be done, governments also experience pressure to address questions regarding causation and blame. These questions can regard factors which may have directly caused crises<sup>145</sup>, or wider factors which may have exacerbated crises<sup>146</sup>. Pressure can also come in the form of questions or speculation regarding actor blameworthiness, directed either at non-governmental actors<sup>147</sup>, or at government themselves<sup>148</sup>. When it is argued that an inquiry responds to ‘a “nation-wide crisis of confidence”’, it is this form of pressure that is being referred to (Burgess, 2011, p.7): questions or doubts regarding what institutions can be relied upon (Beer, 2011, p.3), whether governments are providing sufficient oversight over industrial or societal risks (Burgess, 2011), or whether events are symptomatic of underlying issues which may cause further crises in the future (Boudes and Laroche, 2009, pp.389–93).

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<sup>145</sup> See, for example, HL Deb 17 April 1989 c561; see also HC Deb 17 April 1989 c38.

<sup>146</sup> See, for example, HC Deb 10 December 1987 c646.

<sup>147</sup> HC Deb 11 April 1989 c827.

<sup>148</sup> HC Deb 20 April 1989 c462.



Parliamentary debates demonstrate that governments use inquiries as a 'protective shield', which strategically delays difficult questions (Elliott and McGuinness, 2002, p.20). This is because 'from the moment an inquiry is instigated ... politicians may decline to comment or answer legitimate questions' (Elliott and McGuinness, 2002, p.20). In the coding undertaken here, a specific code was generated for 'Use of inquiry as a delaying tactic', and this saw frequent usage, with 73 instances being identified across debates related to ten of the fourteen inquiries included in the data pool (see Appendix III). In such instances, government argue that, even to pose questions of causation or blame is inappropriate, because such issues are 'matters that are more appropriate for the public inquiry'<sup>149</sup>. In debates regarding the collision of two trains at Clapham Junction in 1988, for example, there was speculation within Parliament as to whether the busyness of the Junction and the 'complex control systems' this necessitates had caused the disaster<sup>150</sup>. Transport Secretary Paul Channon dismissed these questions on the basis that parliamentarians had raised 'matters that must be investigated' and signalled that these are matters likely to fall within the Inquiry's remit<sup>151</sup>. Similarly, in response to questions concerning how and where the 1987 King's Cross fire started, Channon responded that 'it would be most unwise of me or the House to speculate on the cause of the accident at this stage in advance of an inquiry'<sup>152</sup>. This was reiterated in further debates, in which the Transport Secretary noted that 'it is not the purpose of this debate to speculate on the cause of the fire, nor would it be right for us to attempt to do so' because 'that is a matter for the [inquiry]'<sup>153</sup>.

Similar rhetoric was also used in response to speculation regarding blame. In responding to speculation regarding the role of the police in the Hillsborough disaster, for example, the Leader of the House, responding on behalf of the Prime Minister, declined to comment on the issue on the basis that 'why people died is a matter for

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<sup>149</sup> HC Deb 14 June 1939 c1289.

<sup>150</sup> HC Deb 12 December 1988 c649.

<sup>151</sup> I.e. Terms of reference broad enough to include such questions within the Inquiry's remit (HC Deb 12 December 1988 c649).

<sup>152</sup> HC Deb 19 November 1987 c1202.

<sup>153</sup> HC Deb 25 January 1988 c121.

the judicial inquiry to determine'<sup>154</sup>. Likewise, in response to allegations that the emergency search and rescue operation conducted following the Piper Alpha oil rig explosion had been flawed and that those in charge of the operation bore some responsibility for the scale of the disaster, the Leader of the House noted that 'it would be inappropriate for the conduct of the search and rescue operations to be debated or discussed in advance of the judicial inquiry into the disaster', again using the Inquiry to defer the whole issue of blameworthiness<sup>155</sup>.

Governments attempt this closing down of pressure regarding issues of causation and blame by making strategic recourse to the (quasi)-legal nature of inquiries. In the case of the Aberfan Inquiry, for example, the Attorney-General noted that it would be 'undesirable' for individuals to speculate on matters the Inquiry ought to be allowed to investigate, and that 'such comments may have legal consequences', in that 'just as comments on the subject matter of a pending trial may constitute contempt of court, so, also, [could comments constitute] contempt of the [Inquiry]'<sup>156</sup>. This was reinforced by the Prime Minister in a later statement that 'the House itself has from the earliest days of these Tribunals, ruled ... that, having established a court with full judicial powers, this House itself could not discuss any matter within the competence of the Tribunal'<sup>157</sup>. Likewise, in the case of the Crichel Down Inquiry, the Lord Chancellor shut down attempts to speculate about the 'facts of the Crichel Down case' by noting that 'the Crichel Down case ... is at the moment, in a real sense, *sub judice*'<sup>158</sup>. Specific references to the principle of *sub judice* can also be seen in debates regarding the Crown Agents affair, in which the Minister for Overseas Development responded to speculation regarding the blameworthiness and potential illegality of the actions of Crown Agents employees by noting that the initiation of an inquiry made the

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<sup>154</sup> HC Deb 18 April 1989 c184.

<sup>155</sup> HC Deb 21 July 1988 c1298.

<sup>156</sup> HC Deb 27 October 1966 c1316.

<sup>157</sup> HC Deb 1 November 1966 c257.

<sup>158</sup> HL Deb 17 February 1954 c969. *Sub judice* refers to the principle that public discussion of issues currently under some form of judicial review (for example, an issue subject to an ongoing or upcoming court case) is prohibited because such discussion may influence the outcome of the review. Parliament abides by this principle (Kelly, 2007).

question of ‘further [legal] proceedings [against Crown Agents] ... *sub judice*<sup>159</sup>. In these examples, the principle of *sub judice* is utilized as a form of ‘rules-based depoliticization’, functioning as an opportune external constraint acting on both government and opposition and, from government’s perspective, conveniently tying their hands (see Flinders and Buller, 2006, pp.303–4).

Such rules are useful in that, by having this restricting effect, they ‘allow for the “euthanasia of politics”’ (Copley, 2017, p.696). In this case, the invocation of the *sub judice* rule shuts down emergent political debate regarding the causes of crises, which may be difficult for government to respond to, by rendering any attempt to ask or answer questions related to this illegitimate or even unlawful<sup>160</sup>. The use of a rules-based form of depoliticization in this way, in combination with the inquiry itself, which I have argued operates as a classic institutional form of depoliticization represents an example of different forms of depoliticization working in tandem, mutually reinforcing and complementing one another to achieve an ‘institutional double-glazing’ that makes repoliticization of an issue all the more difficult to achieve (Wood, 2015).

Overall then, inquiries are used by government to attempt to do two somewhat contradictory things in terms of pressure relief. On the one hand, government frame inquiries as legitimate crisis responses in different ways in order to attempt to project an image of proactiveness and control, which would respond to demands for something to be done. On the other, governments attempt to use inquiry initiation strategically, as a means of deferring questions of causation and blame which may be difficult to answer or necessitate action on government’s part. These two uses of inquiries are not separate and are subject to interplay. For example, attempts to use inquiries to defer questions of causation and blame make recourse to the same aspects of inquiries (their independence, judicial nature etc.), as are drawn on when governments attempt to frame inquiries as legitimate crisis responses.

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<sup>159</sup> HC Deb 1 December 1977 c743.

<sup>160</sup> It has been noted that ‘intuitively, there could be no better means of achieving a depoliticized outcome than turning to the Rule of Law [because] legal principles ... provide the ‘rules of the game’ to which citizens conform’ (Warner, 2020, p.375). The assumed legitimacy and neutrality of the law, and the necessity of law following, are almost beyond reproach, forming the ‘foundation of the political state’ within liberal democracies (Warner, 2020, p.375, emphasis removed).

## Evaluating Appeals to Immediacy and Independence

As was noted at the beginning of the chapter, strategic uses of inquiries to relieve political pressure are ongoing processes occurring largely within Parliament. By examining parliamentary debates, how those applying pressure respond to these strategies and their strengths and limitations can be identified. As was noted earlier, pressure is not only applied within Parliament. Archival data demonstrated that state managers often see inquiries as means of responding to broader public disquiet, however, parliamentary pressure is considered a key expression of public disquiet by state managers. Thus, whilst parliamentary debates and the actions and reactions of Opposition and backbench MPs do not represent the full picture vis-à-vis political pressure, it is a key part of that picture, and thus is an appropriate place to begin to assess inquiry efficacy.

Parliamentary debates make clear that the framing of inquiries as independent is largely accepted and internalized by political opponents. In assessing the Aberfan Inquiry's report for example, backbench MP Arthur Pearson concluded that the report was 'a first-class piece of probing' that was 'fair and detailed, with no attempt to cover up or whitewash'<sup>161</sup>. Likewise, in relation to the Budget Leak Inquiry, the Leader of the Liberal Party noted the Budget Leak Inquiry 'most amply met' 'every one of those requirements' by which crisis investigations are judged, and that 'the impartiality of the inquiry [will] have profoundly impressed public opinion'<sup>162</sup>. Similarly, in a debate regarding the Crown Agents Inquiry, backbench MP Dennis Skinner explicitly contrasted the benefits of a public inquiry compared to a Select Committee investigation, noting that Select Committees are 'cosy little set up[s]' in which 'very little emerges'<sup>163</sup>. Skinner concluded that this lack of independence was 'why so many of us voted for this type of [public] inquiry', implying that a public inquiry has a greater propensity for independence and impartiality<sup>164</sup>. Thus, the notion of independence and

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<sup>161</sup> HC Deb 26 August 1967 c1950.

<sup>162</sup> HC Deb 11 June 1936 c425.

<sup>163</sup> HC Deb 28 February 1978 cc259–63.

<sup>164</sup> HC Deb 28 February 1978 c263.

impartiality are key to convincing political opponents that inquiries are a legitimate form of crisis response.

As with government representatives, Opposition and backbench parliamentarians couch their acceptance of inquiries as independent, and therefore legitimate, crisis responses in terms of the apolitical, impartial nature of inquiry chairs. In relation to the Taylor Inquiry, for example, backbencher Menzies Campbell called the Inquiry ‘an impartial review’ undertaken by someone who could bring ‘the necessary intellectual objectivity to what happened at Hillsborough’<sup>165</sup>. Likewise, in relation to the proposed Inquiry into Bloody Sunday, Jeremy Thorpe MP argued that, in terms of getting to the truth ‘there is no person in whom I have greater confidence than the Lord Chief Justice of England’<sup>166</sup>. These examples are indicative of wider trends, with Confidence in inquiry chair code producing 26 references covering half of the inquiries in the sample when coding Opposition and backbench statements within the data set (see Appendix III).

The notion that inquiries represent immediate, proactive crisis responses is also internalised and accepted by backbenchers. Lord Maelor, a backbench Labour peer, for example remarked that he was ‘grateful ... to the Secretary of State for Wales for declaring *immediately* that an Inquiry is to be held [in response to the Aberfan disaster] *forthwith*’<sup>167</sup>. Opposition backbenchers exhibited similar acceptance. Lord Tordoff, a Liberal Democrat peer, for example, asserted that ‘government are to be congratulated on the speed with which they called [the King’s Cross fire] inquiry into being’<sup>168</sup>. Similarly, regarding Piper Alpha, Liberal Democrat Spokesperson Lord Ezra noted that ‘we [the Liberal Democrats] too welcome the fact that the government are very quickly to set up a full-ranging inquiry’<sup>169</sup>. Labour backbencher Frank Doran MP also responded positively to the immediacy of the Piper Alpha Inquiry, commending ‘the

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<sup>165</sup> HC Deb 27 June 1989 c874.

<sup>166</sup> HC 1 February 1972 c280.

<sup>167</sup> HL Deb 25 October 1966 c210, emphasis added.

<sup>168</sup> HL Deb 19 November 1987 c313.

<sup>169</sup> HL Deb 7 July 1988 c400.

Secretary of State ... on the speed with which the [Conservative] government reacted to the disaster'<sup>170</sup>.

Even representatives of the Opposition frontbench appear to respect and accept the public inquiry as a speedy and proactive form of crisis response. Leader of the Opposition, Harold Wilson, for example, stated in relation to the initiation of the Inquiry into the Bloody Sunday, that 'we [the Labour Party] are glad that he [the Prime Minister] has moved *with speed* to bring this Motion [to call an Inquiry] before the House'<sup>171</sup>. Other statements by Opposition frontbenchers were more qualified. Roy Hattersley (at the time Deputy Leader of the Labour Party), for example, only expressed 'hope', rather than complete confidence that the Taylor Inquiry represented 'immediate and decisive action', however, there is little evidence of outright scepticism that inquiries represent appropriate and immediate action on the part of the Opposition or backbenchers<sup>172</sup>. Indeed, within the analysis conducted here, where Opposition representatives and backbenchers had criticisms of inquiry initiation, these related to the finer points of the proposed inquiry: the 'terms of reference'<sup>173</sup> or 'scope' of inquiries<sup>174</sup>, the precise 'form'<sup>175</sup> or 'nature' of inquiries<sup>176</sup>, the staffing of inquiry panels<sup>177</sup>, or the extent to which inquiries would be public<sup>178</sup>. In such instances, even if inquiries are criticized, their initiation is still accepted as a legitimate crisis response, and the supposed speed and immediacy of inquiries is stressed as a key factor in Opposition and backbench parliamentarian's assertions that inquiries are adequate responses to demands for action<sup>179</sup>.

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<sup>170</sup> HC Deb 30 November 1988 c740.

<sup>171</sup> HC Deb 1 February 1972 c241, emphasis added.

<sup>172</sup> HC Deb 17 April 1989 c20.

<sup>173</sup> HC Deb 12 December 1988 c648.

<sup>174</sup> HC Deb 12 December 1988 c650; HC Deb 19 December 1988 c129.

<sup>175</sup> HC Deb 1 December 1977 c737; HC Deb 28 February 1978 cc257–8.

<sup>176</sup> HL Deb 5 May 1936 c787.

<sup>177</sup> i.e., the number of accessors/chairs, see HC Deb 1 February 1972 c282; HC Deb 1 February 1972 c241.

<sup>178</sup> HC Deb 1 December 1977 c742.

<sup>179</sup> See, for example, HL Deb 5 May 1936 cc787–8.

### ***The Possibility of Tactical Miscalculation***

A few occasions were revealed within the data set where government experienced scepticism or resistance towards framings of inquiries as immediate or independent and these revealed that a major limitation of inquiries' ability to be accepted as legitimate crisis responses is government's discretion over inquiry initiation. This discretion opens up the possibility of tactical miscalculation regarding inquiry initiation. This is unsurprising when reflecting on the wider depoliticization literature drawn on throughout the chapter which highlights that any discretionary activity on the part of state managers potentially undermines depoliticized forms of governance. The problem here is twofold. First, any 'residual responsibility [left with] ministers' or other political actors 'can lead to informal and formal intervention' by these political actors which undermines the perception that an issue is depoliticized (i.e. beyond discretionary political intervention) (Flinders, 2008, p.254). Second, given that depoliticized forms of governance are often used because 'some problems [are] controversial or intractable (or both)', any discretionary, politicized decision-making in relation to such difficult to navigate issues always 'runs the risk of making matters worse rather than better' (Flinders and Buller, 2006, pp.296–7).

In the case of inquiries, governmental discretion regarding inquiry initiation makes possible the adoption of a conservative approach towards inquiry usage. Indeed, whilst inquiries were called in the immediate aftermath of events, others saw more delayed usage (see Appendix V). This is because governments were sometimes reluctant to initiate inquiries, and pressure had to build considerably before government acquiesced to demands for one<sup>180</sup>. This hesitance can limit inquiry efficacy because it undermines the credibility of government's framings of inquiries as immediate or proactive. There is no mention of immediacy or speed in the statement made regarding the Inquiry into the Assault on John Waters' initiation, for example<sup>181</sup>, and whilst government did not come under heavy criticism for this delay in the case of

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<sup>180</sup> The Inquiry into the Assault on John Waters is an example of this (see TNA CAB 129/96, C (59) 24, John Waters: Memorandum by the Secretary of State for Scotland, 12 February 1959, p.2, paragraph 7).

<sup>181</sup> HC Deb 16 February 1959 cc31–2.

John Waters<sup>182</sup>, some criticized the Inquiry itself on the grounds that ‘it was set up only because of political pressure’<sup>183</sup>. This presents a potential limitation on an inquiry’s ability to relieve pressure because, as has been demonstrated above, inquiries’ abilities to hide their pressure relief function is dependent on how and when state managers decide to initiate said inquiry.

The Inquiry into the Improper Conduct of Crown Agents is also indicative of the possibility of strategic miscalculation of inquiry usage. In response to this Inquiry’s initiation, parliamentarians suggested that government ‘ought to get these guilty people into court instead of setting up another [inquiry]’<sup>184</sup>. and that ‘surely the next step must be a series of criminal prosecutions’<sup>185</sup>. This negative reaction is attributable to the fact that, rather than the Inquiry being called in the immediate aftermath of the financial crisis which enveloped the Crown Agents, it was called later and had been preceded by another Inquiry which had already examined the crisis (Fay, 1977). Thus, the circumstances around the Inquiry’s initiation meant it could never relieve political pressure for immediate action.

These circumstances are somewhat atypical and, as has been noted, in general inquiries are accepted as legitimate crisis responses by backbenchers and the Opposition within Parliament. However, it is important to acknowledge that government discretion regarding when inquiries should be called means that governments sometimes miscalculate when it is strategically apt to call inquiries, and this can undermine the inquiry’s ability to be seen as an immediate, legitimate form of crisis response and, as such, its ability to relieve political pressure.

### ***Public Inquiries’ Ability to Appear Immediate***

The notion that inquiries can credibly be framed as immediate is an interesting, as it is sometimes suggested in academic work (see Stark, 2020; Sulitzeanu-Kenan, 2007), and public discourse (MacAskill and Norton-Taylor, 2015; Swanson, 2020), that

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<sup>182</sup> The MP lobbying for an inquiry most forcefully, Sir David Robertson, asked ‘the Prime Minister to accept my grateful thanks and those of my constituents’ (HC Deb 16 February 1959 c32).

<sup>183</sup> HC Deb 17 February 1959 c219.

<sup>184</sup> HC Deb 1 December 1977 c736.

<sup>185</sup> HL Deb 8 December 1977 c1753.



inquiries are decidedly slow-moving bodies. I argue that key to understanding how inquiries can be credibly framed as immediate is the fact that discussions of inquiries' slowness typically refer to inquiry *process*: the time elapsed between inquiries beginning and producing their reports. However, when thinking about immediate crisis response, parliamentarians are referring to inquiry *initiation*: the calling of an inquiry, which can be said to be immediate or speedy. Indeed, in many cases, inquiries were initiated by government in the week immediately following the event in question (see Appendix V)<sup>186</sup>. This meant that government's rhetorical framing of inquiries as legitimate in terms of their immediacy and proactivity could be lent a sense of credibility. The swift initiation of inquiries is made possible because inquiry initiation is something which requires little preparatory work, only a government statement in Parliament announcing the inquiry is necessary.

To hold an inquiry, of course, a chair and staff must be recruited, terms of reference must be drawn, and, if government wish for the inquiry to have statutory powers, a motion must be passed in Parliament under the relevant Act (see Beer, 2011). However, governments can initiate an inquiry first, giving the appearance of immediate response, and then arrange these practicalities afterwards. This aspect of the public inquiry is what makes rhetorical appeals to the inquiry's immediacy credible, and thus makes inquiries effective at relieving pressure in the form of demands for immediate crisis response. Many of the initiations of the inquiries examined here evidence this point. In several instances, inquiries are announced without terms of reference<sup>187</sup>, or it is explicitly admitted that they have yet to devise them<sup>188</sup>. In terms of personnel, it is generally accepted that inquiries will be chaired by individuals with a judicial background, however inquiries are often announced before specific

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<sup>186</sup> Of the fourteen inquiries listed, ten had identifiable dates of occurrence—and thus identifiable dates from which pressure to do something begins to be exerted onto government, in seven of those ten cases, government were able to announce an inquiry within a week of the date of the event.

<sup>187</sup> HC Deb 23 March 1933 c497.

<sup>188</sup> The Minister remarks when announcing the Inquiry that 'I shall hope to arrive at terms of reference that will be acceptable to all sides of the House' (HC Deb 12 December 1988 c648).

candidates are in place, although these are often selected relatively quickly<sup>189</sup>. This is also true of inquiry staffing more generally<sup>190</sup>. Instituting the inquiry statutorily is also often done after inquiries are announced (see, for example, *The Times*, 1928a, p.14). Thus, just as with the depoliticizing rhetoric regarding inquiry independence, what renders the politicizing rhetoric regarding inquiries as representing decisive, immediate, proactive action on the part of government credible is the actual institutional arrangements pertaining to inquiries: that they can be called first, set up later.

This ability to call inquiries immediately not only lends strength to rhetorical appeals made by government that centre on inquiry immediacy, but also means inquiries can be deployed to ‘still’ demands for something to be done before the ‘noise’ of such demands reaches fever pitch (Sedley, 1989, p.470). Indeed, in seven of the fourteen cases under examination, the first debates held regarding the crisis in question were inquiry announcement debates<sup>191</sup>. In these cases, government have effectively initiated a crisis response before parliamentarians have had an opportunity to call for them to do so. This further underscores how inquiries’ amenability to being initiated quickly is a key strength in terms of inquiries’ ability to relieve pressure.

### **Evaluating the Use of Public Inquiries as Delaying Tactics**

In terms of whether inquiries are successful in delaying questions of causation and blame, a key issue is the strength of the *sub judice* rule and the extent to which it is accepted by Opposition and backbenchers. Overall, *sub judice* appeared to be largely

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<sup>189</sup> The Chancellor of the Exchequer only asserted that the Inquiry will be ‘presided over by a High Court judge with two other persons, who will be eminent members of the Bar’ (HC Deb 4 May 1936 c1346). See also HC Deb 6 May 1936 c1707.

<sup>190</sup> HC Deb 5 June 1939 c51.

<sup>191</sup> These are: the Aberfan disaster, the Clapham Junction crash, Bloody Sunday, the King’s Cross Fire, the Piper Alpha oil rig explosion, the sinking of HMS *Thetis*, and the Hillsborough disaster. In the case of Bloody Sunday, the inquiry was announced in the second debate on the issue, but the first debate was simply one regarding a Point of Order to organise the substantive debate on the following day, it is not actually a debate about the issue of Bloody Sunday (HC Deb 31 January 1972 vol 830 cc55–7). Thus, I include this case in the list also.

accepted by parliamentarians who accepted the need to defer questions or speculation regarding causation and blame until after inquiries had reported. Indeed, within the coding of backbench and Opposition parliamentarian's discourses, the code 'Acceptance of delay' saw usage across 35 different debates, covering ten of the fourteen cases examined here (see Appendix III). This both reflects the extent to which questions of causation and blame become a focal point of debate post crisis, but also demonstrates the widespread acceptance of the need to defer such questions in the face of inquiries.

Within parliamentary debates, when reminded of the notion of *sub judice*, parliamentarians often accept the need to defer questions of causation and blame. In response to the Attorney-General's statement on the Aberfan disaster noted above, for example, Liberal Democrat MP Emlyn Hooson concurred that 'it is very necessary with a[n] [inquiry] of this kind to have a limitation of public discussion while the [Inquiry] is considering' the disaster<sup>192</sup>, and whilst others within the debate were more critical of the Attorney-General's position, their criticisms were restricted to the issue of whether it was appropriate to attempt to 'stifle all comment of every sort by press and public on this matter', not on whether *sub judice* ought to apply in Parliament<sup>193</sup>. In other instances, *sub judice* is not explicitly referred to, however there is the more general acceptance amongst Opposition MPs that the 'purpose of having [an inquiry] ... is to find the facts' and that they 'should wait for those facts before making a judgment'<sup>194</sup>, or that in the wake of crises, it is better to 'avoid snap judgements' and 'not jump to conclusions ... but wait for the public inquiry' to report<sup>195</sup>.

Parliamentary debates did reveal some limited resistance to the application of *sub judice* to inquiries on the part of Opposition and backbench MPs. In relation to the Piper Alpha Inquiry for example, Frank Doran MP argued that '[the government] are hiding behind Lord Cullen', noting 'that everything is frozen until he has reported', and that, despite this, 'we need, as emphatically as possible, to make the point that the

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<sup>192</sup> HC Deb 27 October 1966 c1317.

<sup>193</sup> HC Deb 27 October 1966 c1316.

<sup>194</sup> HC Deb 12 December 1988 c650.

<sup>195</sup> HC Deb 19 December 1988 c112.

biggest single contribution to safety in the North Sea would be the establishment of a single, independent agency responsible for all safety matters<sup>196</sup>. Thus, Doran did not feel that it was legitimate to delay questions of causation and blame until the Inquiry has reported. Likewise, in response to the Thetis Inquiry, Major Neven-Spence MP noted that the disaster clearly demonstrated that ‘there was lack of proper organization for carrying out the salvage’ of the submarine, yet the ability of Parliament to acknowledge the significance of this issue is being delayed unnecessarily because ‘a veil has been drawn over that event’ with the initiation of the Inquiry<sup>197</sup>. Both statements represent a resistance to the application of *sub judice* in relation to inquiries and both represent speculation regarding issues of causation and blame. It is worth qualifying, however, that the code Resistance to delay was only used five times when coding Opposition and backbench statements (see Appendix III). Thus these examples of scepticism of the use of *sub judice* are rare and the need to defer questions of causation and blame is largely accepted by parliamentarians.

Indeed, parliamentarians often specifically structure post crisis remarks with reference to *sub judice*, further demonstrating the strength of the norm. In a debate on Public Accounts, for example, MP Michael English makes reference in his speech to the Crown Agents scandal, at the time under review by an inquiry, acknowledging that ‘because of the *sub judice* rule you would rule me out of order, Mr. Deputy Speaker, if I referred to the aspects of the Crown Agents case, which are currently under investigation by a[n] [inquiry]’, and thus refers only to issues tangentially related to the Crown Agents, rather than those under investigation<sup>198</sup>.

### ***The Strength of Sub Judice***

Importantly, as is noted by Prime Minister Edward Heath in a debate regarding the initiation of the Widgery Tribunal, ‘the law of contempt applies to tribunals of inquiry *from the date when a tribunal is appointed*<sup>199</sup>. As such, if governments announce

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<sup>196</sup> HC Deb 30 November 1988 c740.

<sup>197</sup> HC Deb 27 February 1940 c1954

<sup>198</sup> HC Deb 1 May 1980 c1691.

<sup>199</sup> HC Deb 1 February 1972 c244, emphasis added.

inquiries immediately following a crisis, they close any opportunity for parliamentarians to be able to direct questions of causation and blame towards them without the protection of *sub judice*. The Aberfan Inquiry, discussed earlier, is a good example of this. Government were able to make a statement foreclosing any scope for posing questions of causation and blame only six days after the disaster itself because the inquiry was initiated swiftly in the aftermath of the disaster<sup>200</sup>. Likewise, in response to the announcement of the Inquiry into the King's Cross fire, Robert Hughes MP, responding 'on behalf of the Opposition', noted that 'it is quite clear that a lot of questions will have to be answered', but that, 'it may not be appropriate to put them now' in light of the Inquiry being initiated<sup>201</sup>. This is only one day after the disaster itself. As such, there is an interplay between the immediate, proactive initiation of inquiries and their use as delaying tactics, with the former enhancing the efficacy of inquiries' ability to do the latter.

Furthermore, as is noted above, *sub judice* is often evoked as a form of rules-based depoliticization. In other words, *sub judice* is not presented only as an informal norm governing public debate and debate within Parliament in particular. This is significant because where norms are only subject to self-monitoring and informal social monitoring, rules are subject to formal monitoring by actors empowered to apply punishments to those infringing rules (Schlüter and Theesfeld, 2010, p.459). Thus, where questions around causation and blame are not successfully pre-emptively closed off in the manner noted above, government can sometimes rely on an external monitor, often the Speaker, to intervene to enforce this rule and close down questions of causation and blame on their behalf (Kelly, 2007). For example, in response to speculation regarding whether individuals within the Crown Agents had engaged in 'asset stripping', the Deputy Speaker intervened, noting that parliamentarians were 'now discussing the matter for which the [Inquiry] may be set up' and argued that, as such, 'it is not in order for [them] to go into these aspects which such a[n] [inquiry] will

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<sup>200</sup> This is the debate discussed above where the Attorney-General makes a statement that, now the inquiry has been initiated, 'it is highly undesirable that any comments should be ... which it will be the express function of the Tribunal to investigate' (HC Deb 27 October 1966 c1316); the actual inquiry was initiated on 25 October (HC Deb 25 October 1966 cc839–41).

<sup>201</sup> HC Deb 19 November 1987 c1202.

investigate<sup>202</sup>. The House of Commons Procedure Committee also reinforce the expectation that in relation to inquiries, ‘remarks made in Parliament could prejudice cases before tribunals [so] ... Members [should] take care to avoid doing so’ (Procedure Committee, 2005, p.14). Thus, abidance to *sub judice* is not purely voluntaristic, it is institutionally enforced both by the Speaker and within parliamentary procedure. Again, it is this institutional arrangement that renders government’s depoliticizing rhetoric regarding their hands being tied on questions of causation and blame credible. Furthermore, this institutional enforcement means that the *sub judice* rule has a degree of automaticity to it, as stronger forms of rules-based depoliticization often do. That is, discussion of questions of blame or causation in Parliament is ruled out of order because of the existence of an inquiry *without the government having to actually act at all*, further insulating government by placing the policing of debate regarding causation of blame ‘at one remove’ (Burnham, 2001, p.128).

It is worth noting that the extent to which rules around *sub judice* formally cover inquiries is not watertight (see Flinders, 2001, p.165). Within Erskine May, it is noted that ‘[*sub judice*] does not apply to ad hoc inquiries established by Ministers’ (2019, Part 3, Chapter 21, Para. 21.19).<sup>203</sup> It is possible, however, that ad hoc inquiries refers to non-statutory inquiries, rather than those called having more of a definitive legal basis having been called under the Inquiries Act. This is plausible because the example cited within Erskine May to justify this position, the Scott Inquiry, was a non-statutory inquiry and because it is noted within the same passage that ‘specific matters which the House has expressly referred to any *judicial* body for decision and report’ are subject to the *sub judice* rule (2019, Part 3, Chapter 21, Para. 21.19, emphasis added). Thus, the extent to which *sub judice* covers inquiries cannot be said to be

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<sup>202</sup> HC Deb 28 February 1978 c265.

<sup>203</sup> Erskine May cites a judgement made by the Speaker in response to a point of order regarding the Scott Inquiry, which investigated whether British companies had ignored restrictions and sold arms to Iraq in the 1980’s (see Brown and Jones, 2000; Bartlett, 2000). The point of order concerned whether it was ‘the case that no further questions can be put or answered ... on the grounds that it is *sub judice*?’, to which the Speaker responded that ‘[it was their understanding that] the *sub judice* rule does not apply to inquiries’ (HC Deb 10 November 1992 c755).

absolute, and there are examples of *sub judice* not being applied (by the Speaker) to matters subject to inquiry (see Flinders, 2001, p.165).

However, despite this ambiguity, as has been demonstrated, government attempt to generate the perception that discussion of matters under inquiry does constitute a breach of *sub judice*, and that such transgressions will therefore be harshly policed. This logic underpins the more general insurances made by state managers that 'inquiries need to be able to do their job unhindered' (Resodihardjo, 2020, p.22). As was shown in the above exploration of opposition responses to *sub judice* this appears to have been largely, if not entirely internalized by other parliamentarians. In other words, even if *sub judice* is not a rule in relation to inquiries, government argue that it is and opposition and backbench parliamentarians largely accept this, which discourages them from infringing on *sub judice* to a far greater extent than if *sub judice* was perceived merely as an informal norm. As such, the fact that governments can draw on *sub judice* in relation to inquiries is a strength in terms of inquiries' ability to relieve pressure.

### **Sub Judice Applicability**

At the same time, *sub judice* outlaws discussion on matters under review by judicial bodies. Thus in relation to inquiries, *sub judice* can only be used to delay questions that fall within inquiries' remit, which are set by their terms of reference. Empirical examinations of individual inquiries suggest state managers prefer narrow inquiry terms of reference to '[exclude] broader issues' from an inquiry's purview (Rolston and Scraton, 2005, pp.557–8, see also Hutter, 1992, p.188)<sup>204</sup>. Archival data collected as part of this thesis also revealed this preference in a number of cases, with Cabinet discussions of several inquiries including assertions that 'terms of reference would ... have to be carefully drafted in order to avoid the inquiry ranging too widely'<sup>205</sup>, or acknowledgements that terms of reference 'widely drawn' constituted a risk<sup>206</sup>.

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<sup>204</sup> Although this is not true in all cases (see Morgan, 1991, p.716).

<sup>205</sup> TNA CAB 128/62, CM (77) 39th Conclusions, 8 December, p.1.

<sup>206</sup> TNA CAB 129/64, C (53) 361, Crichton Inquiry, Crown Privilege: Memorandum by the Attorney-General, 29 December, p.1, para 3. See also TNA CAB 128/26, CC (53) 81st Conclusions, 29 December, p.189; TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.5.

Whilst a narrower set of terms of reference may carry certain advantages, they weaken the ability of inquiries to delay questions of causation and blame. This is because, as was noted earlier, questions of causation and blame concern not just factors directly at play in a given disaster, but also wider, structural issues such as, for example, the role of underfunding of public services in the King's Cross Underground fire<sup>207</sup>. In having narrow terms of reference, such wider issues are excluded from the purview of inquiries, but in not being within the inquiry's purview, this also means such issues are not *sub judice* and therefore can be discussed in Parliament. For instance, in a debate related to the Crichel Down Inquiry, a parliamentarian asked a question regarding government disposal of compulsorily acquired land, but noted that they feel 'at complete liberty to cite this [issue] because, although an inquiry is to be held [into Crichel Down], and ... the matter is *sub judice*, the terms of reference of that inquiry specifically exclude all questions of government policy', thus the policy of land disposal 'is an issue ... specifically excluded from the Inquiry' and therefore it was considered legitimate to 'bring [this issue] to the attention of your Lordships this afternoon'<sup>208</sup>. In this instance, because the Crichel Down Inquiry's terms of reference are narrow and exclude the wider issue of government's general policy regarding the sale of compulsorily purchased land, this issue is not *sub judice* and questions pertaining to it can be asked.

A wider analysis of parliamentary debates showed that this example was indicative of wider trends. Indeed, whilst it was rare for debates directly on the subject of a given crisis to be held during periods in which inquiries were running, debates related to broader issues continued to be held. For instance, debates specifically regarding the Piper Alpha disaster only occurred before and during the period in which the Inquiry was being initiated<sup>209</sup>, and in the post-Inquiry period<sup>210</sup>. During the period the Inquiry was running, no debates on Piper Alpha took place. However, debates around wider issues, such as 'offshore installations' generally, did<sup>211</sup>.

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<sup>207</sup> HC Deb 10 December 1987 c646.

<sup>208</sup> HL Deb 17 February 1954 c969.

<sup>209</sup> HC Deb 7 July 1988 cc1193–200; HL Deb 7 July 1988 cc398–402; HL Deb 25 July 1988 cc1–2.

<sup>210</sup> HC Deb 7 March 1991 cc473–556.

<sup>211</sup> HC Deb 15 May 1989 cc10–1.



As has been shown, inquiries are most effective as a delaying tactic when governments are able to draw on judicial norms (*sub judice*) to achieve this delay, but in drawing terms of reference narrowly, governments also narrow the applicability of those norms. Thus, whilst *sub judice* is an effective rule which governments draw on to utilize inquiries as delaying tactics, it is only useful in delaying questions of direct causation and blame, questions regarding wider issues continue to get asked as they are typically not within inquiries' remit, and thus are not *sub judice*. This both highlights the limits of *sub judice*, and how different aspects of state manager's tactical behaviour towards inquiries (the drawing of terms of reference and the use of inquiries as delaying tactics) are interrelated but also, to a certain extent, are in tension.

### **Public Inquiries within Attempts to Relieve Political Pressure**

To summarize, this chapter has examined in detail the pressure relief aspect of inquiry functionality, primarily through the lens of the depoliticization/politicization dynamic. The first part of the chapter examined how governments utilize inquiries in attempts to relieve pressure. Here it was argued that government attempt to placate demands for something to be done by portraying inquiries as politicized responses to crises in order to create a sense that they are taking action and in control, while also stressing the depoliticized nature of inquiries, particularly their independence, to create a sense of legitimacy. At the same time, inquiry initiation is also used as a delaying tactic by government, to depoliticize questions of causation and blame. This is done through an appeal to the judicial nature of inquiries and the related notion of *sub judice*, which acts as a form of rules-based depoliticization.

Following this, how opposition and backbench parliamentarian's reactions to these strategies were assessed, and the strengths and limitations of inquiries in regard to this function were explored. Here, it was found that, when one examines the reactions of Opposition and backbench parliamentarians to the strategies described above, they largely internalize and accept both that inquiries are a legitimate, adequate response to calls for post-crisis action, that they are immediate and independent, and that inquiries necessitate the deferral of questions of causation and blame. This led to a discussion of the strengths of the inquiry and identification of what aspects of the public inquiry's make up made it conducive to being utilized in these ways. In

particular, the fact that inquiry initiation can credibly be said to be immediate because of inquiries' institutional make up is crucial, as is the strength and enforcement of the *sub judice* rule within Parliament.

Parliamentary debates, however, did reveal that, although inquiries are largely successfully utilized by government to relieve pressure, they do have limitations. Two were identifiable within the data set analysed here. First, inquiries are called at government's discretion, and this opens up the possibility that inquiry initiation can be undermined by tactical miscalculation regarding when or whether to call an inquiry. Second, *sub judice* is always limited by the scope of inquiry terms of reference, and these are often relatively narrow. This means inquiries are often poor at deferring questions regarding wider factors thought to be at play in disaster events.

In doing all this, this chapter has explored an aspect of inquiry functionality (the relief of pressure) that, whilst acknowledged within existing literature (see Burgess, 2011, p.3), has been neglected and underexplored in comparison to blame avoidance. The explanation provided here of how state managers utilise inquiries to relieve pressure is thus novel. In particular, the notion that inquiries are rhetorically framed in terms of their immediacy and independence, and this is key to pressure relief is a novel argument. Existing research has acknowledged that these characteristics are important to inquiry functionality but have not acknowledged that they are actively used to frame inquiry initiation by state managers and have not connected this to pressure relief. Likewise, in noting the importance of *sub judice*, the chapter has also broken new empirical ground because, whilst existing works have noted the quasi-judicial nature of inquiries, this is normally seen as source of inquiry independence. In identifying the key role of *sub judice* in terms of inquiry functionality and pressure relief, this chapter has fleshed out the significance of the inquiry's quasi-judicial status in far greater detail.

It is also worth noting that, more broadly, this chapter has developed more clearly the novel position the thesis adopts in relation to the public inquiry. That is, that inquiries are used to fulfil functions on behalf of the state, but this is attempted through *a utilization of inquiries from without* by state managers, rather than control from within. The use of depoliticization as a conceptual framework is indicative of this, as depoliticized forms of governance often delegate tasks to bodies over which

governments have at best, only limited ‘arm’s-length control’ (Wood and Flinders, 2014, p.155). This conception has been developed in an empirically-grounded way and allows one to maintain that inquiries are utilized strategically by the state without falling into an unconvincing idea of internal state control.

The notion of utilization from without also implies a lesser degree of state control of what inquiries do or say compared to the idea of internal control. This is important because it has allowed this chapter to present a more dynamic, nuanced picture of how inquiries relieve pressure wherein attempts to utilize inquiries to do this are ongoing processes with limitations and contradictions, rather than something that is simply imposed through the overwhelming power of the state. Analyses based on the idea of internal state capture emphasize that inquiries are so caught within the ‘hegemonic reach of the state’ that either little possibility is left open for inquiries to fall short of fulfilling their expected functions or, when it is acknowledged that it is possible for inquiries to have ‘destabilizing effects’, it is difficult to see how these effects might manifest themselves (Brown, 2000, p.27)<sup>212</sup>. In this chapter, inquiries are utilized and to an extent controlled by the state but since this is from without, there is no suggestion that the day-to-day activities and decisions of inquiries are subject to control, thus allowing for an exploration in this chapter and the following chapters of inquiry limitations and inquiries having destabilizing effects that is not possible within existing literature.

Overall, this chapter has fulfilled one of the major empirical tasks of this thesis and has answered key questions about one aspect of inquiry functionality: how inquiries (are used to) achieve the relief of pressure. In the following two chapters, I adopt the same approach to address the same questions in relation to the other two aspects of inquiry functionality: the maintenance of autonomy, and blame avoidance.

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<sup>212</sup> Here I am referring to Brown, D. (2004) *Royal Commissions and Criminal Justice: Behind the Ideal*, in Gilligan, G., Pratt, J. (eds.) *Crime, Truth and Justice: Official Inquiry, Discourse, Knowledge*. (Cullompton: Willan), pp.26–45, not Brown, A.D. (2004) *Authoritative Sensemaking in a Public Inquiry Report*, *Organization Studies*, 25(1), pp.95–112.

## **Chapter Six: Public Inquiries and Governmental Autonomy**

### **Governing: The Perennial Search for Relative Autonomy**

Crises often undermine public faith in existing political structures, provoking calls for reform. This represents a serious problem for British state managers, who focus on the pursuit of ‘crude, subsistence-level’ objectives (winning elections, achieving a veneer of competence), and attempt to ‘depoliticize’ or ‘anaesthetize’ discontent regarding how Britain is governed (Bulpitt, 1996, p.227). As such, the preservation of governmental autonomy and the resistance of demands for change from below is typically key priorities for state managers (see Miliband, 1984, pp.94–100). This logic underpins British policy-making, which is marked by a ‘government knows best’ attitude (Vines, 2015, p.370), whereby popular participation in policy-making is resisted (Miliband, 1984). British governments instead seek to achieve consensus around their policy preferences, rather than being responsive to demands or ideas for change that do not emanate within government (Jordan and Richardson, 2013). Since consensus is difficult to achieve, this style often leads to political inertia and performative ‘problem management’ (engagement, consultation), over ‘problem solving’ (substantive action) (Bulpitt, 1996, p.255; 1989, p.57). This policy style is also underpinned by a preference for incremental change, rather than the wholesale, even radical reforms that are often called for in the wake of crises.

A common criticism of the statecraft approach is that it discounts the key role of ideology within governing (see, for example, Griffiths, 2016). Bulpitt’s own work, for instance, downplays the extent to which Thatcherism should be seen as a primarily ideological project. However, Bulpitt acknowledges that the Thatcher government successfully played on popular discontent around trade union militancy and the unravelling of the post-war economic model (Hay, 1996), as well as on fears of ‘folk devils’ (Hall et al., 2013), in order to achieve ‘political argument hegemony’ (Bulpitt, 1986, p.21). This demonstrates an awareness that Thatcherism had something of an ideological thrust, but one pursued in a strategic way to ultimately enhance the Thatcher government’s popular appeal (1986, pp.33–4; see also Hall, 1979). Likewise, neo-statecraft theorist Richard Hayton (see also Buller, 1999), who focusses on David Cameron’s leadership of the Conservative Party, demonstrates Cameron’s focus on

'modernization' was both a pragmatic move designed to 'detoxify the Conservative brand' and make the Party appear 'more in touch with contemporary society' (2014, p.9), whilst also being 'ideologically influenced' (i.e. underpinned by a specific view of how society and the economy ought to be organized<sup>213</sup>) (2016, p.731; see also 2012). As such, within statecraft, ideology does have an important if secondary role. Governments prefer to 'achieve relative autonomy' from popular sentiment in policy-making (Bulpitt, 1986, p.27), but may seek to play on discontent in pursuit of particular policy preferences adopted for strategic reasons.

Existing literature suggests that inquiries bolster governmental autonomy against the threat demands for change pose to the general British policy-making style (Stark, 2020, p.610; Resodihardjo, 2006, p.200; Bovens et al., 1999, p.128). Inquiries are thought to 'shelve' difficult issues (see Stark, 2020, pp.609–11). By being slow-moving, inquiries act as a 'cooling off' period (Jessop, 2014, p.215), allowing pressure for change to wane and public attention to move elsewhere, such that inquiry findings can be left unaddressed when they arrive (Stark, 2020). However, that inquiries kick issues into the long grass in this way is unevidenced (Stark, 2020, p.611), and has been contested (Sulitzeanu-Kenan, 2007; Resodihardjo, 2020, p.36). Furthermore, as far as such claims have been tested empirically, research has focussed on the effect of inquiries on media salience, not necessarily on public or parliamentary discussions of reform, and has adopted a relatively short time horizon, leaving aside the longer term, post-inquiry effects that inquiries have on governmental autonomy (Sulitzeanu-Kenan, 2007). As such, how inquiries maintain governmental autonomy needs further examination, and this is the purpose of this chapter.

Within the 'shelving' view, political pressure (specifically, its dispersion) is key to the maintenance of governmental autonomy. Whether government experience political pressure to implement inquiry recommendations post-inquiry is thus an obvious analytical starting point for this chapter. Debate regarding inquiry reports and their findings largely occurs within Parliament (PASC, 2005, pp.60–1). Thus, where previous studies have examined the broader media salience of events subject to

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<sup>213</sup> See Da Costa Vieira and Foster (2022), for a recent discussion of the ideological underpinnings of the 'Big Society' (esp. pp.298–302).

inquiry (Sulitzeanu-Kenan, 2007), to examine whether inquiry findings are subject to pressure, and how government respond to this, I use an analysis of parliamentary debates pertaining to the 14 inquiries under examination in this thesis as my primary source of data.

In the first section of the chapter, I show that pressure *is* applied to government to implement inquiry recommendations in the post-inquiry period, undermining the shelving argument. Having determined that the shelving argument is flawed, the chapter then examines how governments respond to inquiry recommendations in practice. I find that governments often accept inquiry recommendations and that inquiry recommendations are used rhetorically to justify government's own policy initiatives. These findings are interesting because, whilst the latter is straightforwardly consistent with governmental autonomy being maintained, the idea that governments accept inquiry findings is *prima facie* in tension with this.

In light of this unexpected finding, I develop an original explanation of how inquiries are utilized by government to maintain autonomy and depoliticize demands from change from below, which squares the pursuit of this objective with the finding that governments tend to accept inquiry recommendations. I demonstrate that inquiries assist in the maintenance of autonomy by offering significant advantages in the period between the rhetorical acceptance of inquiry recommendations and their implementation, providing government with the opportunity to pay 'lip service ... to inquiry recommendations', without this necessitating that 'once officially accepted, recommendations are actually implemented' (Francis in PASC, 2004c, Ev 16). Four advantages are identified and explored: (1) discussions of inquiry findings tend to play second fiddle to arguments regarding blame, which allows government to placate political opposition with vague statements of acceptance; (2) there is a lack of transparency and formal accountability mechanisms around inquiry recommendations, which makes it possible for governments to claim they have implemented recommendations when it is not clear that they have; (3) pressure to accept inquiry recommendations does not last long enough to ensure that inquiry recommendations are implemented; (4) even when implemented, inquiry recommendations often enhance or work within the status-quo, rather than presenting a substantive challenge to it. Such an explanation compliments some claims made

within existing literature regarding the depoliticizing role inquiries can play (e.g. Brown, 2004; Gephart, 1992, p.117, Bovens et al., 1999, p.128), but where existing literature has been speculative, or made this claim in passing, this chapter shows this depoliticizing role empirically.

In doing this, the chapter demonstrates how rather than being an act, depoliticization is a complex, multi-layered process playing out over a period of time involving a number of different mechanisms, and which utilizes politicization tactics, even as it has an overall depoliticizing effect. This presents a more dynamic view of inquiry functionality, highlighting its position within the wider political manoeuvrings and blame games that are acknowledged to follow crises (see Boin et al., 2017). Overall, I find that, whilst inquiries are largely successful in playing this depoliticizing role, aspects of inquiry process do leave politicizing ‘remainders’, that is, aspects of this depoliticizing process that could paradoxically have something of a politicizing effect (see Bates et al., 2014; Hay, 2014, pp.308–9). This avoids the functionalist, ‘idealized’ extremes of existing understandings of inquiry ‘efficacy’ (Elliott and McGuinness, 2002, p.14), because it acknowledges that maintaining governmental autonomy in the face of demands for change from below is an ongoing process. Thus, whilst inquiries successfully structure the terrain of this process in ways that make depoliticization likely, autonomy is neither reflexively achieved (i.e. the issue is not simply politicized one moment and then depoliticized the next), nor fully secured (i.e. politicizing remainders persist).

### **Public Inquiry Recommendations and Political Pressure**

Existing literature assumes that inquiries quash political pressure for change by the time they report, but this is not empirically evidenced (Stark, 2020, p.611). Assessing the truth of this claim is thus an obvious analytical starting point, because if political pressure *is* placed on governments to implement inquiry recommendations, then existing understandings of how inquiries work to maintain autonomy are incomplete. Parliamentary debates show that inquiry recommendations *are subject to political pressure*. Within the analysis of opposition and backbench statements undertaken here, the code ‘Post inquiry scrutiny of whether recommendations have been accepted

and/or implemented' was among the most frequently used codes (used 91 times across nine of the cases examined here, see Appendix III).

At times, this pressure was general, pertaining to the inquiry's findings as a whole. In debates on the Taylor Inquiry into the Hillsborough disaster, for example, the Thatcher government faced questions regarding 'how they intend[ed] to promote implementation of the Taylor Report'<sup>214</sup>, and later faced criticism for not implementing 'the whole system of [improvements]' more quickly<sup>215</sup>. Opposition and backbench parliamentarians also often applied pressure regarding specific recommendations. Following the 1966 Inquiry into the Aberfan disaster, for example, the Wilson government faced questions regarding whether their proposed Mines and Quarries Bill brought the Inquiry's recommendation that 'a National Tip Safety Committee' be established into effect, and whether 'Recommendation XIV', related to local authorities' ability to manage mines, was included in the Bill<sup>216</sup>. Similarly, in the aftermath of the Inquiry into the 1987 King's Cross Underground fire, government faced questions about whether London Regional Transport and London Underground were adequately recording their progress in implementing recommendations<sup>217</sup>, and whether practice fire drills had been regularized<sup>218</sup>, both of which were Inquiry recommendations. Given the above then, the claim that by the time inquiries report, pressure to accept their findings and recommendations has subsided is inaccurate.

Temporally, whilst much of this pressure occurs in debates called when inquiry reports were published, pressure typically continued to be applied for 12 to 18 months following these initial debates (see Figure III), often in response to legislation judged to be in some way related to matters subject to inquiry<sup>219</sup>. For example, in 1991 the Offshore Safety Bill revived debate around the Piper Alpha Inquiry (which had

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<sup>214</sup> HL Deb 19 February 1990 c6.

<sup>215</sup> HC Deb 27 June 1990 c229.

<sup>216</sup> HC Deb 7 November 1968 cc1171–2.

<sup>217</sup> HL Deb 12 December 1988 c779. That they should report their progress was itself a recommendation within the report (see Fennell, 1988, p.177, Recommendations 156 and 157).

<sup>218</sup> HC Deb 12 April 1989 c931.

<sup>219</sup> I.e. Legislation either brought forth in ostensibly in response to inquiry findings, or legislation related to policy areas inquiries also touched on.



concluded the previous year), specifically regarding whether ‘aspects of Lord Cullen's report ... are not addressed’<sup>220</sup>, or were ‘missing from the Bill’<sup>221</sup>. Periodically held policy-specific debates within Parliament also revived debate around issues which had been subject to inquiry. For example, in the early 1990s, transport debates provided an opportunity Shadow Transport Secretary John Prescott to accuse government of having ‘not listened’ ‘to points about safety’ because they had not yet delivered on their promise ‘that safety ... deficiencies identified by [the Clapham Junction Inquiry] will be paid for’<sup>222</sup>. Thus, pressure to accept inquiry recommendations were not just flashes in the pan but sustained themselves over time in response to the political activity and debate inquiry reports stimulate.

The above reveals the political incentive that drives parliamentary opposition to maintain pressure on government regarding inquiry recommendations. Namely, doing so provides an opportunity to attack government as dishonest and indolent (because they have committed to implementing recommendations but have not done so). The latter accusation becomes more powerful the longer opposition parliamentarians maintain their attacks, and indeed, several specifically contained a temporal element. For instance, in a 1990 debate on football, one opposition backbencher attacked the government’s slow response to the Hillsborough Inquiry’s recommendation that football stadiums should be all-seated, asking: ‘is not it *15 months* since 95 people were killed at Hillsborough, *one year* since the legislation went through the House and *three months* since cash was promised in the Budget? Yet the whole system of improving grounds has been held up by ... the Home Office’<sup>223</sup>. This also elucidates how inquiries can have what Wolf and Van Dooren usefully term a ‘boomerang effect’ (2018), which is one of the politicizing ‘remainders’ signposted at the outset of the chapter (see Bates et al., 2014). That is, while inquiries may depoliticize short-term pressure by hiving off demands for something to be done in the wake of crises to a

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<sup>220</sup> HL Deb 14 November 1991 c667.

<sup>221</sup> HC Deb 10 February 1992 c681.

<sup>222</sup> HC Deb 19 December 1989 c217. The late 1980s were marked by several high-profile accidents, several of which were subject to inquiry (e.g. the King’s Cross fire, the Piper Alpha explosion), which what Prescott is referring to here.

<sup>223</sup> HC Deb 27 June 1990 c299, emphasis added.

body 'at one remove' from government (Burnham, 2001, p.128), these bodies (inquiries) can be 'interpolated into the scandal machine' in the medium/long term in a way that ratchets up pressure on government in the post-inquiry period, and provides opportunities for opposition to politicize issues by pulling them back into public discourse when they had previously been hived off (Greer and McLaughlin, 2017, p.129). In the earlier example pertaining to the Clapham Junction Inquiry for instance, the government's supposed lacklustre response to the disaster became a means through which the notion that a wider health and safety and public investment crisis gripping Britain could be articulated and politicized.

### **Government Responses to Public Inquiry Recommendations**

Thus, governments come under pressure to accept and implement inquiry recommendations, indicating that existing literature's explanations of how inquiries maintain governmental autonomy, which assume inquiries diffuse such pressure by the time they report, are flawed and that a new explanation is needed. As a starting point, I examine how government respond to inquiry recommendations in practice. By analysing this, the practical strategies governments deploy in relation to inquiries when attempting to maintain autonomy start to become visible. Below I show that government responses to inquiry recommendations are marked by two things. First, governments tend to accept inquiry recommendations. Second, governments use inquiry findings to legitimate their own political preferences.

### ***Acceptance of Public Inquiry Findings***

Of the fourteen inquiries under examination here, government responded to the findings of eleven in Parliament (see Appendix VI) and accepted the findings of nine. The Crown Agents Inquiry was met with equivocation<sup>224</sup>. However, the Crown Agents affair occurred several years before the Inquiry and had already been subject to an

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<sup>224</sup> HL Deb 26 May 1982 c1251W.

investigation (the Fay Report)<sup>225</sup>. Thus government suggested that the implementation of the Fay Report had addressed many of the issues found by the Inquiry<sup>226</sup>. The other inquiry not clearly met with acceptance was the Hyde Park Inquiry. This is also an outlier because, while the report was debated in the Commons (The Times, 1928b, p.12), the debate is not available from Hansard online, thus it was impossible to assess government's response to the Inquiry. In sum, apart from in specific circumstances, and from what can be discerned from available data, governments accept inquiry recommendations. Indeed, within the coding of government statements done here, the code 'Rejection or equivocation regarding recommendations' was only used four times, making it one of the least frequently used codes (see Appendix III).

At times, this acceptance was vague or general. In response to the Crichel Down Inquiry, for example, Agriculture and Fisheries Minister Sir Thomas Dugdale noted that he 'has been able to get well under way the action necessary following' the Inquiry and accepts the Inquiry's narration of events<sup>227</sup>. Likewise, in response to the Aberfan Inquiry's report, Welsh Secretary Cledwyn Hughes noted that the Inquiry's 'findings and recommendations ... have commanded general acceptance by ... government'<sup>228</sup>. Other examples were still vague, but more emphatic. In response to the Budget Leak Inquiry, for example, Prime Minister Stanley Baldwin noted that in light of the unchallengeable 'impartiality of the Tribunal's members' and the 'sense of duty ... competence and thoroughness' with which the Inquiry proceeded, government had 'no other course but to accept [the Inquiry's] findings'<sup>229</sup>. Similarly, in the response

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<sup>225</sup> Crown Agents was a statutory corporation serving 'the colonies as a commercial and financial agent' (Sunderland, 2013, p.1). Gradually, they began 'to make money for themselves', but became insolvent, forcing government to bail them out (Hood, 1978, pp.298–9).

<sup>226</sup> HL Deb 26 May 1982 c1251W.

<sup>227</sup> HC Deb 20 July 1954 c1194. Dugdale announced his resignation later in the debate 'in view of the criticisms which have been levelled at the handling of the Crichel Down case' (Dugdale cited in The Times, 1954, p.6). The Inquiry levelled criticism primarily at civil servants within the Department of Agriculture rather than the Minister himself (see Clarke, 1954, Part 2, para 24, p.31), but given the doctrine of ministerial responsibility (Delafons, 1987, p.340), Dugdale's resignation can be taken as indicative of governmental acceptance of the Inquiry's findings.

<sup>228</sup> HC Deb 26 October 1967 c1911. This was the Wilson government.

<sup>229</sup> HC Deb 11 June 1936 c418.

to the Widgery Tribunal's report on Bloody Sunday, Prime Minister Edward Heath concluded that 'government accept Lord Widgery's findings' because the analysis was 'objective and painstaking'<sup>230</sup>. Thus, governments appear unable to publicly reject inquiry findings. This is even the case in such instances, such as the Taylor Inquiry into the Hillsborough disaster, where inquiry findings contradict or undermine existing government policy<sup>231</sup>. This is important because governments apparent need to accept inquiry recommendations contradicts the shelving argument that, by the time inquiries report, the issues they examine will have slipped off the agenda to such an extent that inquiry recommendations are not addressed at all.

This need of government to be seen to accept inquiry findings is explained by the findings of the previous chapter on pressure relief. Therein, it was found that governments frame their responses to calls for something to be done on the legitimacy of inquiries. To then reject inquiry findings would imply that they were/are not legitimate, which in turn risks undermining the legitimacy of the public inquiry as a form of crisis response in general. Interestingly, however, it is this need to accept inquiry findings that gives opposition parliamentarians the opportunity to level accusations of dishonesty and indolence at government. For example, in response to the Inquiry into the 1988 Clapham Rail disaster, Transport Secretary Cecil Parkinson committed to implementing all recommendations<sup>232</sup>, and to providing whatever additional funding implementation necessitated<sup>233</sup>. Yet, as was described earlier, government were later accused by Shadow Transport Secretary John Prescott of 'continu[ing] the disastrous penny-pinching approach that [they] have adopted towards British Rail', because they failed to provide the funds promised in their transport budget announcement<sup>234</sup>. In light of this failure Prescott asks: 'what does that [commitment to provide any funds

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<sup>230</sup> HC Deb 19 April 1972 c519.

<sup>231</sup> The Thatcher government accepted Lord Taylor's recommendation that their proposed membership scheme was without merit and did not implement it, even though they were in a position to implement it because it was on the statute book (it was passed as part of the Football Spectator's Act).

<sup>232</sup> HC Deb 7 November 1989 c835.

<sup>233</sup> HC Deb 7 November 1989 c835.

<sup>234</sup> HC Deb 19 December 1989 c215.

required] mean in practice?’<sup>235</sup>. In other words, the government’s approach to BR is not only criticized on its own terms (i.e. as ‘penny-pinching’<sup>236</sup>) but is also framed as dishonest given government’s previous commitments to provide funding. Thus, in order to maintain the legitimacy of inquiries—which is key to their ability to placate pressure for something to be done—governments must be seen to accept inquiry findings, but again, this can serve as a politicizing remainder. That is, this acceptance can sometimes be utilized to ratchet up pressure and scrutiny on government, politicizing the issue of inquiry findings in the post-inquiry period.

The above debate on the Clapham Junction disaster also indicates that some government responses to inquiries are more detailed and specific, involving, for example, the commitment of specific financial resources. The King’s Cross Underground Fire Inquiry report was also met with similar specificity, with government committing to ‘invest ... £266m ... for the implementation of the report’s recommendations’<sup>237</sup>. Furthermore, while government argued that ‘the majority of [the King’s Cross Inquiry’s recommendations] were directed to LRT [London Regional Transport] or LUL [London Underground Ltd.]’, they note that they have ‘accepted the resignations of [LRT and LUL] senior management and directed the two bodies to institute prompt action’<sup>238</sup>. Likewise, the report of the Detention Barracks Inquiry, which examined accusations that military prisoners were being mistreated, sparked substantive action by government, with them detailing specific actions taken in response to the Inquiry’s (twelve) recommendations<sup>239</sup>. Thus, whilst at one level in this instance government attempts a ‘hiving off’ of responsibility for implementing inquiry recommendations to intermediary bodies (LRT and LUL) (Wood and Flinders, 2014, p.155).

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<sup>235</sup> HC Deb 19 December 1989 c217.

<sup>236</sup> HC Deb 19 December 1989 c215.

<sup>237</sup> HC Deb 12 April 1989 cc915–6; see also HC Deb 10 November 1988 c498, where Channon initially accepts the report and proposes the additional funding in the immediate aftermath of the report’s publication.

<sup>238</sup> HC Deb 12 April 1989 c916.

<sup>239</sup> HC Deb 14 December 1943 cc1388–89.

The example of King's Cross also demonstrates another way governments demonstrate more specific acceptance of inquiry recommendations. In summarizing the Thatcher government's response to the report, Transport Secretary Paul Channon detailed six specific actions that are in motion in response to the Inquiry's findings<sup>240</sup>. Similarly, in response to the Piper Alpha Inquiry's call for 'a fundamental change in the system for regulation of offshore safety',<sup>241</sup> Energy Secretary John Wakeham noted that government would create a 'new system', 'based on requirements for operators of offshore installations to carry out formal and comprehensive safety assessments of their installations', that this 'should be presented to the regulatory body as a safety case', and that this assessment would cover a number of specific criteria<sup>242</sup>. Overall, then, government responses to inquiries often go far beyond only vague acceptance, citing specific recommendations they intend to implement and setting out both how these will be funded and how (legislatively) these will be implemented.

### ***The Legitimation of Existing Preferences***

As well as acceptance, governments also sometimes use inquiry findings to legitimate their own policy initiatives. The debate around the Hillsborough Inquiry provides an illustrative example of this. The Hillsborough disaster posed a major problem for the Thatcher government because it hobbled support for their Football Spectators Bill,<sup>243</sup> prompting calls to 'drop ... or postpone'<sup>244</sup> it until 'the findings of the ... inquiry into the Hillsborough tragedy ... [we]re available'<sup>245</sup>. Despite this, government attempted to legitimate the Bill by rhetorically invoking the Taylor Inquiry and its findings. During the

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<sup>240</sup> The 'elimination of wood panelling from escalators'; 'introduction of heat detectors and sprinklers beneath escalators'; 'better below ground radio communication systems available to the emergency services'; 'enhanced emergency training for station staff'; 'liaison with the fire brigade, including joint exercises'; 'closer monitoring of statistics and formal reporting up of incident investigations' (HC Deb 12 April 1989 c916).

<sup>241</sup> HC Deb 12 November 1990 cc329–30.

<sup>242</sup> HC Deb 12 November 1990 c330.

<sup>243</sup> TNA CAB 128/93, CC (89) 14th Conclusions, 20 April, p.2.

<sup>244</sup> TNA CAB 128/93, CC (89) 14th Conclusions, 20 April, p.1.

<sup>245</sup> HC Deb 18 April 1989 c199. See also HC Deb 17 April 1989 c21; HC Deb 20 April 1989 cc455–6.

Bill's passage, government (through Environment Under-Secretary, Lord Hesketh) tabled 'an enabling amendment' to the Bill, 'oblig[ing] the FMA [Football Membership Authority] to include ... any relevant proposals from Lord Justice Taylor' in their work<sup>246</sup>. In tabling this amendment, government framed the Bill as a means to 'increase [Parliament's] ability to take account of [the Inquiry's] recommendations'<sup>247</sup>. Similarly, in debates following the publication of Taylor's report, Home Secretary David Waddington noted that Lord Taylor 'agrees ... that there must be a move towards all-seater stadia', which 'Section 11 of the Football Spectators Act specifically provides the machinery for'<sup>248</sup>, and that 'Lord Justice Taylor welcomes the establishment of the Football Licensing Authority' which 'section 13 of the Football Spectators Act provides for'<sup>249</sup>. Thus, although Taylor disagreed with the football membership scheme (see Taylor, 1990, p.75, para 424), government still attempted to use the Inquiry's findings to legitimize the Bill. Furthermore, whilst the shelving of the membership scheme caused Thatcher significant embarrassment (see Nettleton, 1990)<sup>250</sup>, wholesale criticism of the Football Spectators Act did decrease over time. Thus, on occasions where government do have clear ideological/political preferences vis-à-vis a given issue or policy area, inquiries can be used by opposition to critique or undermine this, but can also be used by government to further legitimate their preferences by rhetorically constructing these preferences as responses to inquiry findings.

Government also attempts to legitimate their policy preferences by rhetorically constructing them as outside the purview of inquiries. Here, it is important to recall that issues under inquiry are rendered *sub judice*. In Chapter Five, it was noted that governments use this to close down discussion around issues subject to inquiry, but the same logic is also seen to preclude legislative change on issues subject to inquiry as well. This argument is implicit within debates concerning the British Railways (London) Bill, the passing of which coincided with the King's Cross fire. Opposition

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<sup>246</sup> HL Deb 2 November 1989 c395.

<sup>247</sup> HL Deb 2 November 1989 c395.

<sup>248</sup> HC Deb 29 January 1990 c20.

<sup>249</sup> HC Deb 29 January 1990 c20.

<sup>250</sup> The football membership scheme was described by Opposition Leader Neil Kinnock as one of the 'Prime Minister's personal obsessions' (HC Deb 25 January 1990 c1045).

parliamentarians questioned whether, since the King's Cross Inquiry may have 'far-reaching consequences in terms of the design of ... safety requirements ... on the major works described in the Bill', it may be 'good counsel to hasten slowly' (i.e. delay) the Bill until after the Inquiry has reported<sup>251</sup>. In response, Sydney Chapman MP, introducing the Bill on government's behalf, argued that 'only Works No. 4 in the Bill, the escalator connection at King's Cross, has any relevance to the Inquiry'<sup>252</sup>. The majority of the Bill was thus constructed as a distinct, wider programme of renovation of London's railways, 'the substantial and major work [being] no. 1, the Holborn viaduct section', rather than King's Cross<sup>253</sup>. Hence government sought to maintain autonomy by rhetorically constructing their legislative moves as distinct and outside of matters considered by inquiries in order to avoid suggestions that they are pre-empting or undermining the authority of said inquiries.

This is important in itself in terms of how governments interact with inquiries to maintain autonomy, however it also sheds light on a way in which inquiry functionality can be a double-edged sword (Resodihardjo, 2006). Specifically, in Chapter Five it was noted that narrow inquiry terms of reference impinge on an inquiry's utility as a means of shutting down questions about events subject to inquiry through appeals to the norm that subjects under judicial review should not be subject to public discussion (*sub judice*). This is because only what is covered in inquiry terms of reference is rendered *sub judice*. Thus, if terms of reference are narrow, there is scope for discussion of wider issues related to the event under inquiry. However, narrow terms of reference may be beneficial in terms of maintenance of autonomy, because if terms of reference are narrow, it is harder for political opposition groups to shut down government policy initiatives on the basis that they pre-empt inquiry findings or infringe upon the purview of inquiries. This demonstrates the complex, contradictory nature of inquiry functionality and government attempts to use inquiries to secure different objectives. It also demonstrates that inquiries have a Swiss Army knife-like versatility in terms of how policies are legitimized: governments can legitimate policy initiatives

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<sup>251</sup> HC Deb 20 January 1988 c1032. See also HC Deb 15 March 1988 c1050.

<sup>252</sup> HC Deb 15 March 1988 c1051.

<sup>253</sup> HC Deb 20 January 1988 c1031.



on the basis that they reflect inquiry findings, *and* they can legitimate policy by rhetorically emphasizing the separation between the scope of inquiries and their own initiatives.

### **Squaring Recommendation Acceptance with the Maintenance of Autonomy**

The finding that inquiries are sometimes used by government to legitimate their own initiatives is congruent with the idea that inquiries assist in the maintenance of autonomy. The finding that governments typically accept inquiries and their findings, however, *prima facie* contradicts this idea. How then, can the perspective adopted within this thesis, that inquiry independence should be taken seriously, be squared both with the above finding that governments often accept inquiry recommendations, and the claim that inquiries are used by government to maintain autonomy over policy-making? I highlight three factors that help square this circle: firstly, pressure to implement inquiry findings plays second fiddle to other considerations; second, features of inquiry usage that make it easier for government to avoid implementing recommendations they have accepted; and thirdly, inquiry recommendations tend to work within the status-quo. I deal with each in turn.

#### ***The Secondary Importance of Pressure***

First, whilst pressure to accept and implement inquiry recommendations is present within debates in the post-inquiry period, this plays second fiddle to discussions of blame. This is because, although there is a political rationale for opposition parliamentarians to query whether inquiry findings have been accepted and implemented (i.e. it provides an opportunity to criticize government as dishonest or indolent), inquiries are ultimately moves in ‘a high-stake game of political survival’ concerning ‘blame’, which represents the most ‘serious threat to incumbent politicians’ (Sulitzeanu-Kenan, 2010, p.614). Political elites acknowledge this themselves. In response to select committee questions about ‘what makes a successful inquiry’, Michael Heseltine suggested that ‘allegations ... made about [government] ministers ... is where you [as a member of the government] start’ when assessing inquiry findings, implying the question of blame is the primary political concern (Heseltine in PASC, 2004c, Ev 155, Q619). Thus, in the post-inquiry period both government and

opposition groups focus above all on communicating the right ‘messages and moves in the ensuing blame game’ (Sulitzeanu-Kenan, 2010, p.614).

This is perhaps why governments are often able to placate opposition groups with relatively vague acceptance of inquiry findings: because ultimately the political will is not there (on the part of political opposition) to press further than this at the expense of discussions of blame. In response to government’s vague acceptance of the Aberfan Inquiry’s findings<sup>254</sup>, for instance, David Gibson-Watt MP, responding on behalf of the Opposition, asserts that he is placated by this vague acceptance, dedicating most of his statement to whether ‘blame for the disaster rests upon the National Coal Board’<sup>255</sup>. Likewise, the Clapham Junction Inquiry also generated relatively vague acceptance from government, and the Shadow Transport Secretary John Prescott’s response to this focussed on the Inquiry’s report showing ‘that safety has suffered at the expense of financial and commercial considerations ... [making it] a powerful indictment of both inadequate management and the government’s policy’<sup>256</sup>. In making this point, Prescott did press on specific Inquiry findings<sup>257</sup>, but even these were posed with blame in mind. For example, Prescott asked: ‘is it not clear from the report’s recommendations’ that ‘a business-led approach to management was in danger of eroding safety standards in British Rail?’<sup>258</sup>. Thus, findings are discussed in so far as they can be used to further allege government blameworthiness, the government’s vague acceptance of them is not picked up on. This is significant because, while vague, general statements of acceptance are not meaningless<sup>259</sup>, they leave government significant wiggle room in terms of tangible commitments they can later be held to, and the easy placation and quick switching to

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<sup>254</sup> Welsh Secretary for the Wilson government, Cledwyn Hughes notes that the Inquiry’s ‘findings and recommendations ... have commanded *general acceptance* by ... government’ (HC Deb 26 October 1967 c1911, emphasis added).

<sup>255</sup> HC Deb 26 October 1967 c1919. This is also what much of the debate in general focusses on.

<sup>256</sup> HC Deb 7 November 1989 c837.

<sup>257</sup> See HC Deb 7 November 1989 c837.

<sup>258</sup> HC Deb 7 November 1989 c837.

<sup>259</sup> In that they demonstrate claims that inquiry findings are shelved (i.e. not commented on at all) are an oversimplification.

focussing on blame that political opposition engage in in these instances suggest government will not be held to account for these commitments in the medium/long term in any case.

### ***A Lack of Transparency and Accountability Mechanisms***

Thus, often, governments only have to provide vague statements of acceptance vis-à-vis inquiry findings in order to placate pressure. Yet, as was demonstrated earlier, government also sometimes feel it necessary to offer more specific statements of acceptance in response to pressure. Can such instances also be seen as moments where government are able to successfully retain autonomy? Below I show that they can, because, even when making specific commitments such as these, governments can often renege on fulfilling them.

Key to this is the fact that only ‘some [inquiry recommendations] require legislation’ to implement<sup>260</sup>, many are more informal and relate to day-to-day practices within subsidiary bodies doing the ‘rowing’ of governance<sup>261</sup>. This creates a lack of transparency regarding whether accepted recommendations have been implemented, which government play on. Debates regarding the Inquiry into the King’s Cross fire are a good example of this. Many of the 157 recommendations made by this Inquiry ‘were directed to LRT or LUL’ and their working practices<sup>262</sup>, rather than to government. This made it possible for Transport Secretary Paul Channon to claim that ‘LRT and LUL have accepted the vast majority of the recommendations ... and *many have already been implemented*’<sup>263</sup>. However, Channon only signposted one specific change made by LRT and LUL: ‘the establishment of the new safety audit committee’<sup>264</sup>. Apart from this, Channon made vague assertions to ‘the climate [of LRT and LUL having] changed

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<sup>260</sup> HC Deb 26 October 1967 c1913.

<sup>261</sup> I refer here to the distinction between ‘policy decisions (steering) and service delivery (rowing)’, which is well known in literature on governance (Osborne and Gaebler cited in Rhodes, 1996, p.655).

<sup>262</sup> HC Deb 12 April 1989 c916. Acronyms used refer to London Regional Transport and London Underground Ltd.

<sup>263</sup> HC Deb 12 April 1989 c916, emphasis added.

<sup>264</sup> HC Deb 12 April 1989 c918.

completely' and 'weakness [identified by the Inquiry] being attacked'<sup>265</sup>. Thus even though Channon is relatively specific in his acceptance of the Inquiry's recommendations<sup>266</sup>, because the recommendations were primarily directed towards the practices of subsidiary institutions, government were able to elide responsibility for implementation and play on the lack of transparency created regarding whether the recommended changes had 'been implemented', as Channon claims, or not<sup>267</sup>. Ultimately, this is another aspect of inquiry process that works to depoliticize inquiry findings and demands for change. This is because, as was noted earlier, this placing political responsibility at 'one remove' (Burnham, 2001, p.128), in the hands of subsidiary bodies, represents a 'hiving off' of responsibility (Wood and Flinders, 2014, p.155), which ultimately depoliticizes their implementation by propagating 'a displaced and submerged politics ... occurring ... beyond sites and arenas in which it is visible to non-participants and hence amenable to public – perhaps even democratic – scrutiny' (Hay, 2014, p.302).

Coupled with this is the lack of 'formal accountability mechanisms' to monitor inquiry recommendation implementation (Norris and Shephard, 2017, p.30). Simply put, there is no 'constitutional device' that scrutinizes 'whether anything is being done about' inquiry recommendations that were accepted (Kennedy in House of Lords Select Committee on Inquiries Act 2005, 2014b, Q225, p.88)<sup>268</sup>. Former Inquiry chair Robert Francis has argued that this means that there is no 'means by which it is clear ... which [inquiry] recommendations [have] been accepted, by whom, and what progress is being made with implementation' (Francis, 2013, p.18, para 41). As Francis notes, this bolsters governmental ability to make vague assertions that inquiry recommendations have been implemented as above, because the lack of formal/constitutional mechanisms to check the veracity of such statements makes it

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<sup>265</sup> HC Deb 12 April 1989 c921.

<sup>266</sup> HC Deb 12 April 1989 c915–7.

<sup>267</sup> HC Deb 12 April 1989 c916.

<sup>268</sup> In recent years, there have been limited attempts to plug this gap through select committee scrutiny (see, for example, Health Committee, 2013), or through the initiative of inquiry chairs themselves (Bichard, 2005), but post-inquiry scrutiny is still in general very limited (Norris and Shephard, 2017, pp.25–6).

easy for ‘lip service [to be] paid to inquiry recommendations’ by government, without this necessarily meaning that ‘once officially accepted, recommendations are actually implemented’ (Francis in PASC, 2004c, Ev 16).

### ***The Waning of Pressure***

It is also true that the political pressure placed on government to implement inquiry findings has a temporal half-life, which also compromises government accountability vis-à-vis recommendation implementation. To demonstrate this, I examined the temporal distribution of backbench or opposition statements coded as ‘Post inquiry scrutiny of whether recommendations have been accepted and/or implemented’ (see Figure III).

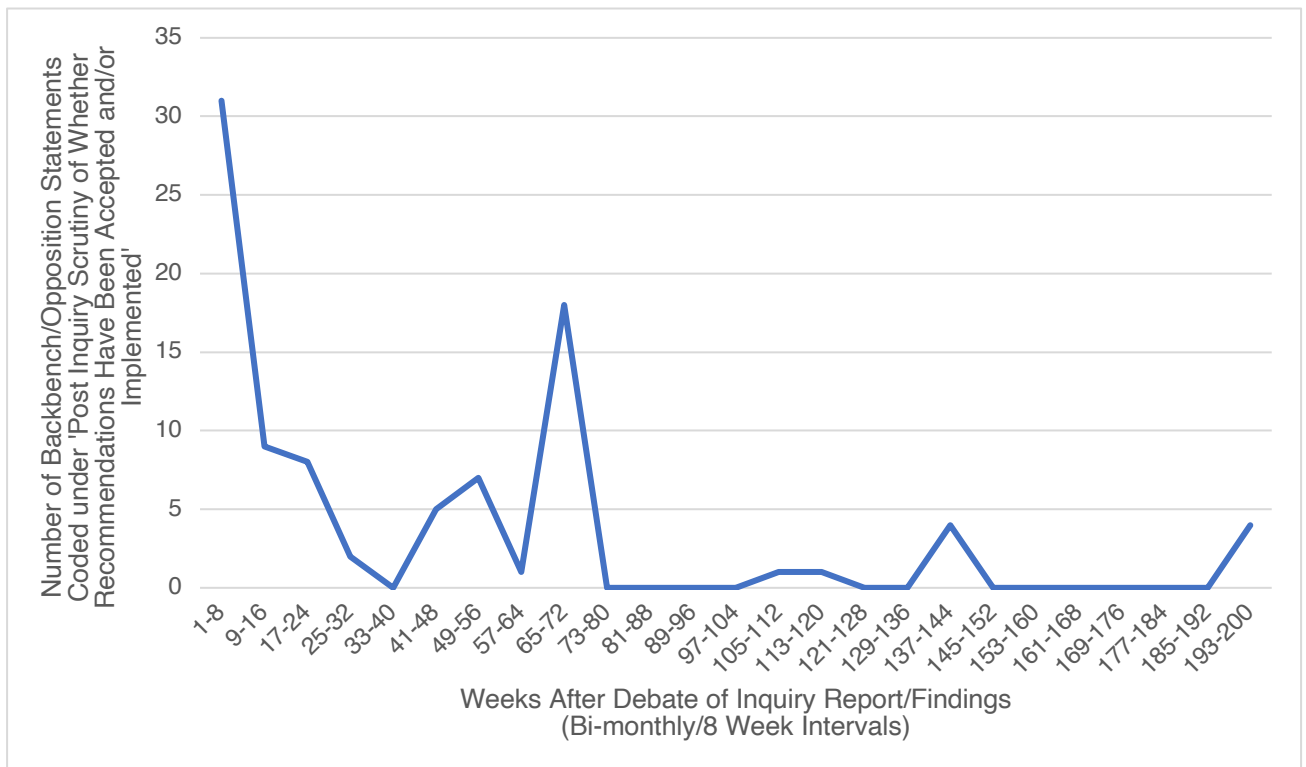


Figure III: Pressure to Implement Inquiry Findings Over Time

This temporal distribution enhances government’s autonomy because pressure does not sustain itself long enough to hold government’s feet to the fire regarding implementation. The initial flurry of pressure threatening governmental autonomy occurs in debates when inquiry reports are published and as was explored earlier, is

largely comprised of statements putting pressure on government to *accept* inquiry recommendations, rather than relating to implementation.

The second peak of pressure occurs within debates related to legislation brought forward by governments which relate to issues subject to inquiry<sup>269</sup>, and is made up of statements that pressure government to ensure that inquiry recommendations are responded to within the clauses of relevant Bills. As research on governance has made clear, however, the passage of legislation only represents a form of steering: ‘policy decisions’ being made, which is distinct from the ‘rowing’ of ‘service delivery’, where implementation takes place (Osborne and Gaebler cited in Rhodes, 1996, p.655).

Thus, the passage of specific legislation is only ever a step towards implementation of inquiry recommendations because the provisions of Bills represent decisions that have to be carried through by those at the coal face of service delivery. Yet this first step is where political pressure to ensure implementation almost entirely fades. Thus, if one accepts that political pressure is the primary structural constraint which may force governments to implement inquiry recommendations, then the fact that this pressure fades at precisely the point where implementation will either take place or become ‘slow or non-existent’ casts doubt on the extent to which governmental autonomy is truly threatened in the wake of inquiries (Francis, 2013, p.18, para 41). Thus, while inquiries have politicizing tendencies when their reports are released in the immediate post-inquiry period, these are only the remainders of a move that primarily works to depoliticize and diffuse pressure for change in the medium/long term.

### **Recommendations and the Status Quo**

Finally, whilst the above demonstrates that inquiries afford governments several ways of avoiding or otherwise circumventing pressure to implement inquiry

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<sup>269</sup> Indeed, of the 31 instances of ‘Post Inquiry Scrutiny of Whether Recommendations Have Been Accepted and/or Implemented’ that occurred between Weeks 40 and 72, 25 of them (80.65%) occurred within debates regarding (and therefore in response to) proposed government legislation related to events subject to inquiry.

recommendations, it would be inaccurate to suggest that no inquiry recommendations get implemented. This stimulates the question: to what extent has governmental autonomy been compromised if inquiry recommendations get implemented? To explore this, I analysed inquiry recommendations themselves, coding them in terms of the extent to which they challenged or worked within the status-quo, drawing on Bachrach and Baratz's distinction between issues of 'key importance' and those that are more 'routine' (1962, p.948). Key issues threaten the 'dominant values and political myths', or 'institutional practices' (1970, p.11).<sup>270</sup> Inquiry recommendations were thus coded either as challenging dominant values/norms, challenging existing institutions/practices, or working within existing norms/values/institutions/practices. If a recommendation falls into the final category, it can be classified as routine and therefore as challenging governmental autonomy to only a limited degree *even if implemented*, because the recommendation does not recommend fundamental change, and is consistent with the incremental, managerial approach to change that characterizes the British policy style (Jordan and Richardson, 2013).

Four sets of inquiry recommendations were selected for coding. This is because only some inquiries provided adequate contextual detail to identify what existing norms and institutional practices were in relation to a given recommendation, which is a necessity when assessing the extent that recommendation challenged or worked within these. The inquiries that included (and signposted) adequate contextual detail related to their recommendations were: the Aberfan Inquiry, the Clapham Junction Inquiry, the Piper Alpha Inquiry, and the Hillsborough Inquiry.

The vast majority of recommendations made by the inquiries examined worked within existing norms, values, institutions, and practices (NVIPs) (72%; see Figure IV). Some of these recommendations endorsed existing NVIPs. For example, the Clapham Junction Inquiry's recommendation that 'the [Inquiry] endorses the use of outside consultants to review safety management issues within BR' (Hidden, 1989, p.170)<sup>271</sup>.

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<sup>270</sup> Here, I cite a later version of Bachrach and Baratz's 'Two Faces of Power'. I find this version preferable here because of the use of the term 'institutional practices' (instead of 'institutions' in the original) (1970, p.11), on the basis that it clarifies that both threats to institutions *and* the practices therein may be considered of key importance, rather than only institutions themselves.

<sup>271</sup> This is an endorsement of an existing practice (Hidden, 1989, p.125 para 13.52).

Others sought to clarify or codify existing NVIPs. The Piper Alpha Inquiry's recommendation that 'the regulatory body should be required ... to review the operator's audit' (Cullen, 1990, p.390), for example, codifies a practice which the Department for Energy already engaged in through its Petroleum Engineering Division (Cullen, 1990, p.259 para 16.16).

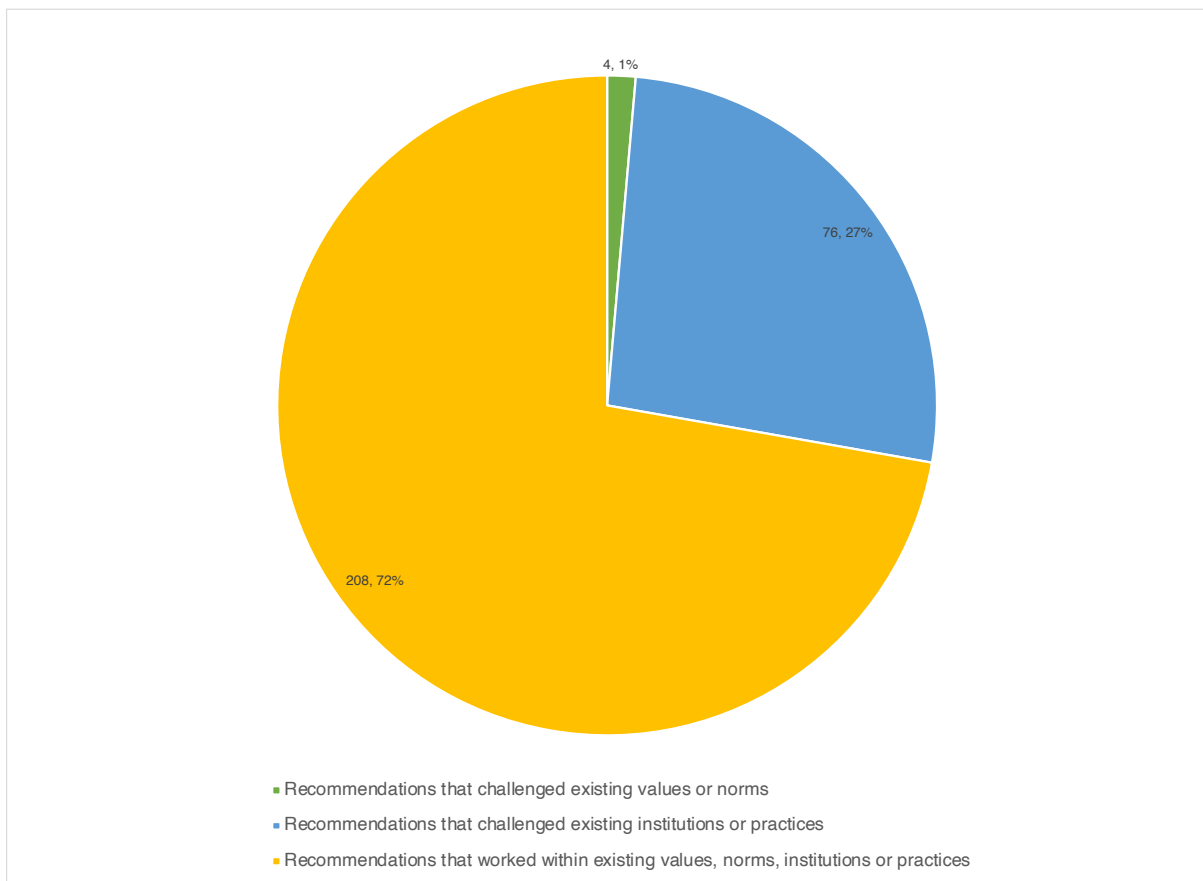


Figure IV: Inquiry Recommendations and the Status Quo

Finally, some recommendations introduced new institutions or practices, but only to enhance or complement existing NVIPs. For instance, the Aberfan Inquiry recommended that 'a National Tip Safety Committee should be appointed' (1967, p.131), however the NTSC's role was defined as to 'advise [the appropriate minister] in the exercise of [their] responsibility for the safety and inspection of all tips' and 'coordinate research' activities (1967, p.126 para 289; p.131). The Inquiry 'strongly favour[ed] that the National Coal Board should continue to have prime responsibility in respect of all tips' (1967, p.126 para 290). Thus, the recommendation works within existing norms of authority over the tip regulation and sought to enhance 'day-to-day



management' by providing advice and research (1967, p.126 para 290). Indeed, the report concludes that to challenge existing NVIPs is 'undesirable and even charged with dangerous possibilities' (1967 p.126 para 290).

This is not to say these recommendations do not compromise governmental autonomy at all. Even recommendations that work within the status quo require some action on the part of government (e.g. extra funding, making demands on those engaged in service delivery), which state managers may prefer to avoid. Rather, the point is that inquiry recommendations typically do not present a *significant* challenge to the status quo, that is, the recommendations are predominantly aimed at what Boin et al. call 'fine tuning': 'the instrumental and incremental adaptation of policies and practices without any challenge to core political values' (2008, p.16). In other words, inquiry recommendations typically do not suggest that government should pursue radical reforms that would compromise both the general tendency towards problem management, and the incrementalism that characterizes British government's typical policy style. In turn, inquiry recommendations are largely consistent with the general approach to governance and policy-making that British governments tend to adopt. Governmental autonomy is therefore threatened only to a limited extent when they get implemented. In a sense then, despite the initially politicized debate around them, inquiry recommendations themselves are depoliticized/depoliticizing in that, in tending to work within the status-quo in order to improve it, the demands for reform to which inquiries respond have been translated into proposals altogether more modest, finite, and limited. Thus, if politics and politicization in essence 'relies on the capacity for things to be different' (Hay, 2007, p.65), the inquiry recommendations depoliticize by suggesting that things can only be different to quite a limited degree, only within set parameters (existing NVIPs), and things can only become different gradually. Thus, recommendations are depoliticizing in that they play the role of 'closure' and 'removing contingency' when compared to initial demands for reform in the wake of crises (Jenkins, 2011, p.160).

In contrast, only 28% of inquiry recommendations challenged existing NVIPs. Of this 28%, the vast majority challenged the status quo at the level of institutions and practices (27%), rather than values and norms (1%) (see Figure IV). This for the first time empirically evidences the idea that inquiries have something of an 'investigative

bias', specifically in terms of the overlap between dominant norms and values, and those taken by inquiries to be legitimate (Elliott and McGuinness, 2002, p.17; Rolston and Scraton, 2005, pp.551–2; Scraton, 2004a, pp.48–9)<sup>272</sup>. Furthermore, whereas existing institutions and practices are explicitly affirmed (as was demonstrated above), existing values and norms are rarely mentioned within inquiry recommendations (i.e. they are neither challenged nor explicitly affirmed for the most part). Instead, dominant values and norms form the unstated underpinnings of the inquiry report and findings and are depoliticized therein. That is, by casting dominant values and norms as a 'common-sense' (Gamble, 2000, p.12), which is 'predetermined, necessary or taken for granted', such values and norms become naturalized, their 'inherent contingency' is concealed, and the possibility of their political contestation is not acknowledged (Jenkins, 2011, p.159).

The impact of this is complicated in terms of autonomy. In general, if governments exhibit the typical tendency of incremental change and the pursuit of statecraft over ideology, then this effect enhances their autonomy, because it actively enhances the status quo by depoliticizing the whole question of (changes to) dominant values. A more ideological government, however, may be invested in attacking dominant values and norms, in which case their further naturalization compromises their autonomy by straightjacketing government, forcing them to work within existing ideological parameters.

This can be illustrated with reference to three examples, all of which involved the Thatcher government. In the case of the King's Cross Underground fire, the Thatcher government adopted the typical tendency of British governments in that they did not display any desire to fundamentally alter the dominant norm of primarily depoliticized management of London's Underground<sup>273</sup>, whereby day-to-day management of the Underground was largely hived off to LRT and LUL, and

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<sup>272</sup> Scraton, in particular sums up this view well, arguing that despite their independence typically being seen as 'beyond reproach', those who staff and run inquiries are 'plumbed into the ideological "ways of seeing" and political "ways of doing"' that underpin governmental practice (2004a, pp.48–9).

<sup>273</sup> Initially Cabinet discussion of the disaster is solely defensive and focussed on political communications. Particularly on drafting a 'form of words' government MPs could use in response to questions related to blame (see TNA CAB 128/87, CC (87) 33rd Conclusions, 19 November, p.2).

government exercised arms-length control through funding decisions, target setting and broad steering. The fact that the report took the norms around the governance of the Underground largely as given therefore did not present a challenge to their autonomy<sup>274</sup>. In the case of the Piper Alpha oil rig explosion, the Thatcher government were ideologically invested in the status quo, because North Sea safety regimes conformed to the deregulatory and anti-union values key to Thatcherite ideology (see Gamble, 1994, p.5)<sup>275</sup>. That Inquiry into the disaster largely left the norm of union involvement unexamined (Woolfson et al., 2018, pp.45–6), and took the norm of industry self-regulation as its own starting point<sup>276</sup>, therefore not only maintained governmental autonomy but extended it, actively legitimating governments own ideological commitments. Finally, in the case of the Hillsborough Inquiry, the law and order, strong state aspects of Thatcherite ideology led the Thatcher government to attempt to shift norms regarding the policing of football spectators. That the Inquiry into the Hillsborough Disaster largely reaffirmed existing norms regarding the policing of spectators thus compromised governmental autonomy and<sup>277</sup>, as has been discussed elsewhere, forced Thatcher to abandon plans to move to an ID card system for football spectators (Taylor, 1990, p.75, para 424). Given what has been identified as the general tendency, it is likely that most governments experience the depoliticization of dominant norms and values within inquiry reports as preserving their autonomy. However, the other examples serve to highlight the varied impact this aspect of inquiry process may have depending on the specific predispositions a more ideologically motivated government has. This again serves to highlight why, as I have

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<sup>274</sup> The Report explicitly notes LRT and LUL as the key relevant actors and each chapter of the report investigates a specific part of each body's operating practice (e.g. their training, systems of communication etc.), it does not ever fundamentally question these bodies and treats their predominance as natural (Fennell, 1988, pp.17–9). Indeed, the Inquiry explicitly hived off wider political questions such as how LRT is funded as beyond the scope of the report (Fennell, 1988, p.149).

<sup>275</sup> The Cabinet explicitly note the need to 'firmly oppose' increased union participation and moves away from the status quo which would threaten 'production' (TNA CAB 128/90, CC (88) 25th Conclusions, 14 July, p.3).

<sup>276</sup> HC Deb 12 November 1990 c329.

<sup>277</sup> Only 2 of the Inquiry's 76 recommendations challenged values and norms.

argued in Chapter One in particular, a more nuanced approach to inquiry functionality ought to be taken. One that acknowledges the strategic role inquiries can play for the state, but that also acknowledges the risks, pitfalls, and deleterious effects of inquiry usage as well.

### **Public Inquiries and Maintaining Governmental Autonomy**

In sum, this chapter has examined how inquiries are utilized to assist the maintenance of governmental autonomy. Maintaining autonomy through the depoliticization of demands for change that are either radical or come from below has been a governing strategy adopted by many British governments. Crises threaten this fundamental objective because they generate exactly these kinds of demands and pressure to change existing political structures. Contrary to the assumptions of existing literature, this pressure was shown to endure into the post-inquiry period and focussed on inquiry recommendations themselves. This chapter demonstrated that governments tended to respond to this by accepting inquiry findings. This finding was unexpected and led to the development of a novel understanding of how inquiries are utilized to maintain autonomy. Within this, it was shown that, while government are keen to be *perceived* to accept inquiry recommendations, several features of inquiry process make it possible for government to depoliticize the issue of inquiry recommendations and avoid accountability such that it is not clear that implementation actually occurs. These include the fact that inquiries stimulate discussions within which policy plays second fiddle to blame, the lack of transparency and formal accountability mechanisms related to inquiry findings, and that political pressure pertaining to inquiry recommendations tends to wane after governments have performatively demonstrated acceptance. The existence of these benefits does not mean that no inquiry recommendations reach the point of implementation. However, close scrutiny of recommendations themselves demonstrates that inquiries and their recommendations largely work within the status quo, to enhance or reaffirm it, thus they only challenge governmental autonomy to a limited degree.

In doing all this, this chapter has both critiqued and clarified the idea that inquiries play a 'shelving' function (see Stark, 2020): that issues subject to inquiry are kicked into the long grass such that, by the time inquiries report, pressure for their

recommendations to be implemented and for change to occur has subsided. Through empirical examination, it was shown that inquiry reports tend to get ‘interpolated into the scandal machine’ (Greer and McLaughlin, 2017, p.129), such that they have politicizing ‘remainders’ despite their primarily depoliticizing role (Bates et al., 2014). This is because inquiry recommendations are subject to debate and legislative activity which stimulate political debate and demands from political opposition to accept and implement inquiry recommendations. Thus, the ‘shelving’ argument that pressure will recede as the inquiry proceeds and be non-existent by the time it reports (see, for example, Gosnell, 1934, p.110) fails to consider these politicizing remainders and assumes inquiries can reflexively, almost instantaneously, have a depoliticizing effect. Instead, here I have demonstrated that pressure and attention on inquiries does wane, but this occurs as an ongoing process in the 12 to 18 months following inquiry report’s being debated and government acceptance of inquiry recommendations. Thus, it is not that inquiry reports or findings are not subject to public attention or political pressure, rather, the *implementation* of these reports is often not suitably scrutinized or given sufficient consideration. This fundamentally clarifies how inquiries can depoliticize the issue of post-crisis response such that governments can avoid being placed under a structural constraint to implement inquiry recommendations they may otherwise prefer not to.

The results presented here also shed greater light on the notion of pressure relief discussed in the previous chapter and the tensions and contradictions that exist between the dual goals of maintaining autonomy in the medium/long term and depoliticizing demands for something to be done in the short term. Namely, although inquiries relieve immediate pressure by depoliticizing demands for something to be done, hiving off responsibility for crisis investigation, and deferring questions regarding the causes of crises, inquiries ultimately have politicizing remainders in this regard, which generate further attention and pressure in the longer term, because, as we have seen, their reports and findings become politicized, are subject to public debate and provoke further demands being placed on the government. Furthermore, for inquiries to be effective at pressure relief in the short term, they must be seen to be legitimate, but this makes it difficult for governments to reject inquiry findings outright (because to do so would call the inquiry’s legitimacy into question). Yet this need to be seen to

accept inquiry findings is then seized on by political opposition groups, who contrast government's supposed lacklustre responses to inquiries in practice with the rhetorical commitment to swift and decisive implementation of inquiry findings.

What all of this points to is that the use of public inquiries by government as a form of crisis management is not as simple as is often assumed. Reading existing literature, one gets a sense that, although inquiries respond to moments of crises, the extent to which these supposed crises ever pose real problems is limited. This is because much of existing literature is marked by a functionalism (see Chapter One). Inquiries are assumed to reflexively, automatically 'legitimize the actions and interests of dominant groups ... enable [them] to retain continued domination and control' (i.e. autonomy) (Kemp, 1985 cited in Gephart, 1992, p.117; see also Brown, 2000; 2004). Thus, supposed crises are seen to be resolved in one fell swoop, with the inquiry acting as a *deus ex machina*. This corresponds to some of the most problematic applications of the concept of depoliticization within existing scholarship, within which 'temporally, empirical work has short horizons' (Warner and Luke, 2023, p.366). Thus, depoliticization is implicitly framed as a moment or an act, not as an ongoing, dynamic process within which an issue's depoliticization or politicization can be traced over time (see Bates et al., 2014; Hay, 2014, pp.308–9). In engaging here in a more 'processual' approach to depoliticization (Bates et al., 2014, p.255), it has been demonstrated that while inquiries present state managers with a number of advantages in the battle to retain autonomy, these advantages are used in an ad hoc way by state managers. Furthermore, this chapter has also shown parts of the process through which inquiries depoliticize demands for change contain politicizing remainders and that political opposition use inquiries for politicizing purposes. It was demonstrated that, for example, government's need to be seen to accept inquiries is seized on as a means through which government responses to crises can be politicized and attacked as indolent or duplicitous. Thus, crisis management is above all an ad hoc process, not something that is immediately achieved, and not something that government ever fully resolves. Rather than a *deus ex machina*, then, in relation to the maintenance of governmental autonomy through depoliticization, inquiries are a device to tilt the odds in state manager's favour by ceding advantages to government in the ongoing battle

for autonomy, they cannot not guarantee total autonomy on their own, nor are they able to avoid the production of politicizing remainders.

## Chapter Seven: Public Inquiries within Blame Avoidance Strategies

### Crises, Public Inquiries and Blame Games

This chapter explores how inquiries are utilized in pursuit of the third aspect of inquiry functionality identified in Chapter Four: blame avoidance. As well as being central to state manager's discussions related to inquiries, how blame for major crises is assigned represents a 'serious threat to incumbent politicians' (Sulitzeanu-Kenan, 2010, p.614). From the statecraft perspective adopted in this thesis, carrying the can for major failures damages politician's ability 'to develop a perception of governing competence' in the minds of citizens, which is considered a key political objective (James, 2016, p.98)<sup>278</sup>. Given inquiries often respond to such crises, they therefore exist in the 'shadow of blame' and blame avoidance plays 'a central role' in state manager's calculations regarding inquiry usage (Sulitzeanu-Kenan, 2010, p.614; Blom-Cooper, 1993, p.204). Indeed, politicians have themselves acknowledged they evaluate inquiries on whether '[they] got off all right' (see Heseltine cited in PASC, 2004c, Ev 155).

Within existing literature, scholars argue that the state has the capacity to 'extend [its] hegemonic reach' over inquiries, 'suppressing or overwhelming competing accounts such that [its] own interpretation dominates' within inquiry reports (Brown, 2000, p.48). Inquiries therefore 'ignore ... the social, political, and cultural contexts in which disasters occur' (Elliott and McGuinness, 2002, p.20) and 'represent failure[s] as temporary, or [as] no failure[s] at all' (Burton and Carlen, 1979, p.48). In sum, inquiries are seen to whitewash crises and present the state's view that suggestions of state culpability or failure are much ado about nothing as objective truth.

This whitewashing view correctly identifies the centrality of blame avoidance to inquiry functionality. However, it lacks a degree of nuance. That inquiries typically make recommendations is indicative of this (Blom-Cooper, 1993, p.206), because it is

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<sup>278</sup> Here, I prefer James' reformulation to Bulpitt's discussion of 'governing competence' within the "statecraft" view because of their insertion of the word 'perception', which succinctly indicates the performative aspects of competence. That is, what matters is not just being competent but crafting an 'image' or 'reputation' for this in the public consciousness (Buller and James, 2012, p.539).



only possible to make recommendations if failures are identified within inquiry reports. Furthermore, making recommendations implies that, far from 'temporary' (Burton and Carlen, 1979, p.48), failures are likely to persist unless action is taken. Indeed, ostensibly, 'for government the primary purpose of an inquiry is to prevent reoccurrence' (PASC, 2005, p.8). Thus, government's own framing of inquiry functionality implies that inquiries respond to failures that are potentially persistent. Furthermore, as has been explored elsewhere (see Chapter One), existing inquiries scholarship tends not to acknowledge theoretical advancements regarding the role of the state including the shift towards meta-governance (Dommett and Flinders, 2015; Sørensen et al., 2011), or the favouring of depoliticized governing strategies (Burnham, 2001; Fawcett et al., 2017). In the face of these developments, the view that inquiries whitewash crises because they are directly, overwhelmingly captured by state power again lacks a degree of nuance.

These issues suggest a new approach to conceptualizing blame avoidance as an aspect of inquiry functionality is required. One which builds on the useful insights of existing literature regarding the centrality of blame avoidance to inquiry functionality but does so with greater sophistication and empirical grounding. To do this, the chapter begins by submitting existing scholarship's assumptions regarding how inquiry reports construct blame to critical scrutiny, analysing the reports of 14 inquiries in terms of their structure and complexity, and submitting key sections pertaining to blame to a content analysis. I demonstrate that how inquiry reports understand blame has changed over time. Historically, inquiries have conformed to the assumptions of existing literature, adopting monological, chronological structures, producing clear individualized explanations of culpability. These reports tend to frame the events they examine as 'matters internal to the state': political scandals caused by individual wrongdoing (Burgess, 2011, p.4; see also Praino and Stockemer, 2022, p.471<sup>279</sup>). However, throughout the twentieth century, how inquiries deal with blame has shifted in line with 'public concerns' related to 'social risk' (Burgess, 2011, p.4). These inquiry

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<sup>279</sup> Praino and Stockemer offer some definitional clarity regarding scandals, noting that 'scandal and corruption are not the same thing', as 'scandals are ... specific instances of wrongdoing, while corruption often refers more to general trends' (2022, p.471).

reports eschew the production of clear, monological narratives in favour of broader thematic and networked analysis of crises. By networked analysis, I mean that culpability is framed as being diffused throughout a complex network of different actors, making it more difficult to assign blame or identify clear lines of responsibility. Thus, existing literature accurately describes how *some* inquiries deal with blame, but these claims do not hold true across *all* inquiries, and do not reflect how inquiries typically function in more recent times. Importantly, neither type of report consistently whitewashes crises. This means that inquiries do not deliver blame avoidance on their own, again suggesting the need to rethink how inquiries function as a means of blame avoidance. The rest of the chapter develops this through an analysis of inquiry reports and parliamentary debates pertaining to the 14 inquiries under examination within this thesis.

In regard to inquiry reports focussed on matters 'internal to the state' (Burgess, 2011, p.4), it is found that government representatives attempt to avoid blame through scapegoating. Governments draw on the individualized narratives of blame within these reports to displace blame and argue that wrongdoing occurred only at lower, administrative levels or because of personal individual faults. The reports of inquiries into 'social risk' meanwhile, are drawn on for their complex networked analysis. This is utilized by state managers to appeal to the logic of institutional depoliticization in order to argue that blame lies with subsidiary bodies charged with service delivery, not with government. Both of these strategies represent attempts to depoliticize crises: 'hiving off' blame (Wood and Flinders, 2014, p.155), or placing it 'at one remove' (Burnham, 2001, p.128), 'to insulate politicians in office from the adverse consequences of policy failure' (Flinders and Buller, 2006, p.296).

The chapter also explores the efficacy of these strategies. Developing Standring's insights on depoliticization (2018), I argue that what gives the rhetorical blame avoidance strategies government deploy vis-à-vis inquiries 'resonance' is that they appeal to and as such are 'bolstered by ... [actually existing] institutional measures' (2018, p.160). As such, while scapegoating blame avoidance strategies and strategies that appeal to the logic of institutional depoliticization generate a degree of resistance within Parliament, attempts to assign government with a degree of responsibility tend to accept the depoliticized framings of crises that government

present. This suggests two things. First, that these depoliticization tactics can be considered largely successful. Second, rather than thinking of inquiries as fully ‘repair[ing] the legitimacy of the state apparatus’ (Brown, 2004, p.96), it is more accurate to say inquiries are successful in helping government achieve more modest blame *limitation* or displacement, rather than delivering wholesale blame avoidance.

In doing this, the chapter critically engages with existing scholarship, especially the whitewashing view, in order to advance a novel conception of inquiry reports as key within blame limitation strategies. The chapter develops this view in a methodologically innovative way, engaging both with a close analysis of inquiry reports and an analysis of how inquiry findings are articulated by government within Parliament, bringing these together to achieve a fuller analysis of official discourse. The chapter also provides insights into how inquiries can be fruitfully understood within the depoliticization framework, moving beyond assumptions that inquiries are captured by the state, and developing on the work of Standing (2018) to analyse the conditions within which discursive depoliticization strategies are rendered credible and resonant.

### **The Construction of Blame within Public Inquiry Reports**

Within existing literature, scholars argue that inquiries reduce complex events to ‘a univocal and coherent’ narrative (Brown, 2004, p.95–6), which ‘ignore ... the social, political and cultural contexts in which disasters occur’ (Elliott and McGuinness, 2002, p.20), ‘represent failure[s] as temporary, or no failure[s] at all’ (Burton and Carlen, 1979, p.48), and ‘elaborat[e] fantasies of [state] omnipotence and control’ (Brown, 2000, p.45). However, as I note above, these claims are not fully convincing. Thus, re-examining how inquiries actually make sense of crises is a logical starting point for this chapter. To do this, I analysed the reports of all 14 inquiries under examination in this thesis, focussed both on the form of inquiry reports (how they are structured and their complexity) and on the content dealing with blame or responsibility. To do this, I first focussed on the structure of the reports, which I categorized as either being thematic or chronological. Following this, I submitted the reports to content analysis in which I identified key sections of inquiry reports related to blame and culpability and analysed how these sections constructed blame with my theoretical approach (statecraft with a

focus on the politics of depoliticization), as well as ideas from wider literature on blame, in mind. This allowed me to categorize inquiry reports as being either individualistic or networked in focus, and as framing the events they examine either as scandals or as an expression of broader social risk (see Figure V).

	<b>Structure/Style of Report</b>	<b>Framing of Negative Event</b>
<b>Hyde Park</b>	Chronology/Individualized	Scandal
<b>Glasgow Corp</b>	Thematic/Individualized	Scandal
<b>Alleged Budget Leak</b>	Chronology/Individualized	Scandal
<b>Thetis</b>	Thematic/Individualized	Scandal
<b>Detention Barracks</b>	Thematic	Scandal
<b>Crichel Down</b>	Chronology/Individualized	Scandal
<b>Assault on John Waters</b>	Chronology/Individualized	Scandal
<b>Aberfan</b>	Thematic/Networked	Risk
<b>Widgery</b>	Chronology/Individualized	Scandal
<b>Crown Agents</b>	Thematic/Networked	Risk
<b>Kings Cross Fire</b>	Thematic/Factor-focussed/Networked	Risk
<b>Piper Alpha</b>	Thematic/Factor-focussed	Risk
<b>Clapham Junction</b>	Thematic/Factor-focussed/Networked	Risk
<b>Hillsborough</b>	Thematic/Factor-focussed	Risk

Figure V: How Inquiry Reports Construct Blame

Whereas much existing scholarship implies that all inquiry reports exhibit the same characteristics regarding the construction of blame (see for example, Brown, 2004, pp.95–6), this analysis found that how inquiries construct blame has shifted over time. This distinction is acknowledged by Burgess who notes that ‘the subject and focus of inquiries have tended to shift from matters internal to the state to more public concerns’ related to ‘social risk ... often focused around rare but high-profile incidents’ (2011, p.4). However, whether a given event is considered a scandal, and how this scandal is understood, is a political and interpretative process, not something inscribed in the event itself (Johnson, 2017).

Building on this, I examine how inquiry reports understand and construct the negative events they examine, rather than taking as given the idea that events are either inherently internal to the state or concerning social risk. In doing this, I found that Burgess is right to note a temporal shift vis-à-vis inquiry reports. Initially, a first group of inquiries did respond to negative events that in broader political debate were understood as scandals typically concerning ‘matters internal to the state’ and the conduct of individual state actors, and whose reports themselves frame their topic in this way. More recent inquiries, however, concern crises that are treated both within the reports themselves and within wider debate as concerning broader ‘social risk’ (Burgess, 2011, p.4). For brevity, throughout the chapter, I refer to the first type of report as ‘scandal reports’ and the second as ‘risk reports’.

### ***Blame within Scandal Inquiry Reports***

The reports of scandal inquiries construct the negative events they examine as scandals: that is, as ‘specific instances of wrongdoing’, not ‘general trends [of wrongdoing]’ (Praino and Stockemer, 2022, p.471). As such, they conform to many of the claims made about inquiry reports within existing literature. Five of the seven reports analysed adopt a monological storytelling approach with a chronological structure (see Figure V). The report of the Hyde Park Inquiry, for example, concerning alleged police harassment during a 1928 investigation of politician Leo Money and Irene Savidge<sup>280</sup> (see Caslin and Laite, 2020), is structured as a recounting of the ‘material facts’ of the case, beginning with ‘the evening of 23 April 1928 [when] Sir Leo Money and Miss Irene Savidge were arrested’ (Banks and Withers, 1928, p.3), through internal discussions between the Director of Public Prosecutions and the Commissioner of Police on 11 May (1928, p.4), then into a detailed hour-by-hour exploration of Savidge’s interactions with police between 14 and 17 May (1928, pp.7–13). Likewise, the 1936 Inquiry into allegations that a member of the Cabinet had leaked aspects of an upcoming government budget adopts the same chronological style, examining the actions of the accused (J.H Thomas) between the meeting wherein the Chancellor ‘informed the members of the Cabinet [of the] proposed ...

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<sup>280</sup> The two were accused of ‘offending the public decency’ in Hyde Park (Clayton, 2010, no pagination).

increase[d] ... rate of income tax ... and ... increase[d] ... tea duty' (Porter et al., 1936, p.5), through the Easter holidays during which Thomas met with business associates, and the subsequent actions of these associates (1936, p.2; pp.6–4). The Widgery Tribunal is a more well-known example of this style of inquiry report. Again, the report adopts a chronological narrative style<sup>281</sup>, providing an overview of events leading up to the 30 January march (Widgery, 1972, pp.4–6), the actions of the army in the immediate period before the march (1972, pp.8), before exploring 'the march as it happened' (1972, pp.8–24).

As well as adopting a chronological narrative style, these reports are characterized by a relatively narrow and shallow scope. Scandal inquiry reports called 75 witnesses to give evidence on average<sup>282</sup>, below the all-inquiry average of 111 (see Figure VI). Likewise, the number of actors designated as interested parties in scandal inquiries is below the average (nine), with those that data is available for<sup>283</sup> designating only three, three, and six agents as parties<sup>284</sup>. Finally, scandal inquiries are on average 28 pages long, below the all-inquiry average of 149 pages (see Figure VI). Thus, as well as tending to conform to assumptions of monological storytelling, these inquiries also conform to arguments that inquiry reports tend to simplify, narrow, and 'elicit verisimilitude' (Brown, 2004, pp.95–6), in that they tend to include only a narrow range of perspectives and evidence in their analysis of the crises they investigate.

As a result of this monological style and narrow focus, scandal reports typically offer clear conclusions regarding blame. Several scandal reports have specific sections discussing blame and responsibility following their narrative accounts (see, for example, Widgery, 1972, pp.25–37; Clark, 1954, pp.27–32), and even in reports

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<sup>281</sup> The main body of the report is actually entitled: 'Narrative' (see Widgery, 1972, p.4).

<sup>282</sup> This number is perhaps even an overestimation, as one of the scandal inquiries (the Detention Barracks Inquiry) included in the sample was something of an outlier, calling over 200 witnesses. This is because the Inquiry in question examine prison conditions, and thus dealt with a large population of inmates. Excluding this Inquiry, the average drops to only 47.

<sup>283</sup> Three of the six scandal inquiries did not indicate how many agents were designated parties (it is possible that this is because none were designated).

<sup>284</sup> These were the Hyde Park Inquiry (Bankes and Withers, 1928, p.34), the Crichel Down Inquiry (Clark, 1954, pp.32–4), and the Widgery Tribunal (Widgery, 1972, p.2), respectively.

without these, the chronological narrative style is itself conducive to directly addressing individual guilt. For instance, the report of the Inquiry into the Assault of John Waters adopts a chronological style, and whilst it does not have a dedicated section on blame, the chronology is specifically focussed on the actions of the police officers alleged to have assaulted Waters and the later police response to these allegations. Thus, the whole narrative directly explores whether the police had followed the ‘correct procedure’ in relations to Waters at all times or not (McIntyre et al., 1959, p.13).

	Type of Report	Number of Witnesses Called	of Number of Parties	Evidence (in Report)	(in Report Length (pp.))
<b>Hyde Park</b>	Scandal	16	3	(p.34)	36
<b>Glasgow Corp</b>	Scandal	41	N/A	(p.3)	15
<b>Alleged Budget Leak</b>	Scandal	N/A	N/A	N/A	24
<b>Thetis</b>	Scandal	49	10	(pp.61–2)	62
<b>Detention Barracks</b>	Scandal	211	N/A	(p.6)	30
<b>Crichel Down</b>	Scandal	28	3	(pp.32–4)	34
<b>Assault on John Waters</b>	Scandal	38	N/A	(p.3)	15
<b>Aberfan</b>	Risk	136	9	(pp.133–5)	151
<b>Widgery</b>	Scandal	114	6	(p.2; pp.41–45)	45
<b>Crown Agents</b>	Risk	98	7	(pp.533–4)	604
<b>Kings Cross Fire</b>	Risk	150	15	(pp.190–8)	248
<b>Piper Alpha</b>	Risk	260	11	(pp.407–23)	488
<b>Clapham Junction</b>	Risk	122	18	(pp.179–83)	230
<b>Hillsborough</b>	Risk	174	N/A	(p.1)	109

Figure VI: The Scope of Inquiry Reports

Contrary to the whitewashing assumptions of existing literature, many scandal inquiries clearly identify wrongdoing and, significantly, wrongdoing is predominantly individualized. For instance, the Crichel Down Inquiry into allegations that the original owner of a compulsorily purchased estate had been treated unfairly, verified that there had been unfair treatment (see Clark, 1954, p.27), attributing this ‘to the incompetence and malice of... civil servants and the... local agent’ (Chapman, 1987, p.344; see also Griffith, 1955, p.569). ‘Mr. Brown’, the civil servant who assessed ‘the desirability of selling the Crichel area’ is argued to have been ‘too junior and inexperienced [for] such an important task’ (Clark, 1954, p.27), and it is suggested that an ‘attitude of hostility to [the original occupant of the land] was evinced by [several civil servants] and ... other junior officials’ (1954, p.31). Likewise, the Thetis Inquiry’s report, concerning a military submarine sinking during training, identifies ‘the blocking of ... No. 5 rear door’ as a major cause of the disaster, and judges this blockage to have occurred because an enameller’s error and the admiralty overseer and charge hand painter ‘failing ... to notice’ this when they examined the bitumastic work (Bucknill, 1940, p.44). Even the report of the Inquiry into conditions within military Detention Barracks, which was something of an outlier for scandal reports (adopting a thematic approach and slightly broader scope in terms of number of interviews conducted), dealt with wrongdoing and blame in an individualized way. In assessing treatment of prisoners at the barracks the Inquiry relied primarily on interviews with individual prisoners, thus while the Inquiry does make comment on broader conditions within the barracks, much of the report concerns itself with whether allegations of mistreatment made by individual prisoners and committed by individual barracks staff could be identified (Oliver et al., 1943)<sup>285</sup>. Thus, scandal reports offer narrow, individualized explorations of blame, and though these do engage in discussion of structural issues sporadically<sup>286</sup>, broader ‘social, political and cultural’ questions are secondary within these individualized narratives (Elliott and McGuinness, 2002, p.20). This is typical of responses to scandals more

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<sup>285</sup> The report is one of the few that in the end does not identify much wrongdoing or failings, noting that ‘the main matter of public concern, viz. calculated brutality to men in detention, does not in their opinion exist’ (1943, p.3).

<sup>286</sup> There is some discussion of what constitutes ‘usual practice’ within the Hyde Park Inquiry, for example (1928, p.16).



generally, which are typically framed as ‘discrete [forms of] harm’ committed by individual perpetrators, and therefore dealt with in ‘methodologically individualist terms’ (Johnson et al., 2022, p.619).

This individualization of blame reflects the often-individual nature of allegations made during scandals, which play a key role in the framing of these events as matters internal to the state (i.e. as events where individual state actors had engaged in wrongdoing of some kind). For instance, in the case of John Waters, allegations concerned the conduct of individual police officers, and this is reflected in the Inquiry’s terms of reference (see McIntyre et al., 1959, p.3). The same is true of the 1936 budget leak allegations (see *The Manchester Guardian*, 1936), again leading the Inquiry to interpret its remit as concerning the conduct of individuals (see Porter et al., 1936, Part I). Indeed, as is noted by Praino and Stockemer, the term scandal typically demarcates ‘specific instances of wrongdoing’, as opposed to ‘general trends [of wrongdoing]’ which are typically identified as corruption (2022, p.471). Thus, the individualization of blame is an understandable consequence of how scandals are framed in public discourse and how this seeps into inquiry terms of reference.

### ***Blame within Risk Inquiry Reports***

Thus, in relation to scandal inquiries, many of existing literature’s assumptions regarding blame attribution are valid. However, existing literature applies these to all inquiries. However, as Burgess emphasizes, over time, the focus of inquiries has ‘tended to shift’ away from matters internal to the state and towards social risk (Burgess, 2011, p.4). Again, I perceive this change as being one related to how events are understood and constructed, rather than necessarily reflecting the events themselves. The shift towards a greater awareness and focus on social risk is reflective of wider material shifts towards a more complex depoliticized approach to governance and the involvement of a wider array of actors in service delivery (see Dommert and Flinders, 2015, pp.2–4). Such shifts lead to a ‘social amplification’ (Pidgeon et al., 2003) and ‘heightened sense’ (Burgess, 2011, p.5) that ‘wider yet more uncertain threats ... confront us today’ (Burgess, 2010, p.62)<sup>287</sup>. These public fears in

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<sup>287</sup> Here, I am drawing on the notion that we now live in a ‘risk society’ (Beck, 1992).

turn encourage a 'hyper-regulatory state' involving a further proliferation of institutions and bodies to monitor and respond to supposed risks (Moran, 2007). In this context, a greater public emphasis is placed on social risks, and negative events are often understood primarily through this lens<sup>288</sup>. Indeed, of the 14 inquiries examined here, the first seven can be considered scandal inquiries based on how their subject matter was framed and how they understand it, but six of the most recent seven all adopt a broader, more risk-centric approach.

Given this, existing literature, whose insights regarding blame apply better to scandal inquiries, risk misrepresenting how inquiries typically function today. In contrast to scandal reports, risk inquiry reports do not offer parsimony or verisimilitude, exhibiting a significantly broader and deeper scope. In terms of witnesses, on average, risk inquiries called 141 witnesses to give evidence before them, significantly more than the average for scandal inquiries (75) (see Figure VI, above). Regarding parties, risk inquiries designated an average of 12 agents as parties in the course of their investigation, also significantly more than scandal inquiries designated (see Figure VI)<sup>289</sup>. Finally, in terms of report length, social risk inquiries are an average of 270 pages long, significantly more than the average for scandal reports (28 pages) (see Figure VI). Thus, risk inquiry reports adopt a deeper, wider approach to gathering evidence, and explore crises in significantly greater detail and complexity, and consider a wider range of perspectives in their reports.

Structurally, all seven risk inquiries adopt more complex structures, wherein chronologies are provided only as a starting point. Notably, though these chronologies are only part of risk reports, they tend to adopt a broader scope than scandal reports, going beyond events immediate to crises. For instance, the Aberfan Inquiry's report

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<sup>288</sup> This is not to say that events are not perceived as scandals within risk societies (indeed, see Johnson, 2017; Thomas, 2017). Indeed, the 'scandalization' of negative events and the tendency to treat negative events as reflective of social risks are not mutually exclusive (Brändström and Kuipers, 2003, p.304). Rather, what the historical development of inquiries suggests is that, within a risk society characterized by depoliticized, complex governance arrangements, the tendency to view negative events through the lens of risk has become more prominent than the logic of scandal.

<sup>289</sup> The three scandal inquiries that stated the number of parties called designated three (Bankes and Withers, 1928, p.34), three (Clark, 1954, pp.32–4), and six parties respectively (Widgery, 1972, p.2).

sets out a history of Welsh coal tips beginning in 1939 (the disaster itself did not take place until 1966) and, at 38 pages, is longer than the total average length of scandal inquiry reports (see Davies et al., 1967, pp.41–79). Likewise, although the ‘general history of events’ given is short in the Piper Alpha Inquiry’s report (see Cullen, 1990, p.43), it is preceded by a chapter detailing the whole historical development of the Piper Alpha oil rig beginning with the first involvement of Occidental (the operator of the Piper Alpha platform) in the North Sea in 1972 (see Cullen, 1990, pp.13–42).

Alongside chronology, risk inquiries pursue a networked analysis exploring the interplay of different agencies involved in crises, and/or an analysis focussed on issues or factors that contributed to crises. The Crown Agents Inquiry report, for example, examines a wide array of agencies involved in the Agents’ financial difficulties, including ‘the Crown Agents and their business associates’, ‘the Ministry of Overseas Development’, ‘the Exchequer and Audit Department’, and the Treasury and Bank of England (1982, pp.8–9). The Aberfan Inquiry’s report, likewise, covers the actions of ‘The National Coal Board’, ‘individual National Coal Board officials’, ‘Merthyr Tydfil County Borough Council’ and the ‘National Union of Mineworkers’ (Davies et al., 1967, pp.81–112). Within risk inquiry reports, individual agencies are often treated as networks in themselves, adding further complexity. For example, within the King’s Cross report, London Underground Limited (LUL) is described as a network with at least seven different divisions, each with many subdivisions (see Fennell, 1988, Figure 12). Similarly, the Crown Agents Inquiry provides detailed organizational charts of the Crown Agents, the Ministry for Overseas Development, the Treasury, the Bank of England and the Exchequer and Audit Department, again adding further complexity to the networked analysis undertaken (see 1982, pp.551–68). The same is also true of the Piper Alpha Inquiry’s exploration of the Department of Energy’s Health and Safety Executive, the then safety regulator of the offshore oil industry (see Cullen, 1990, p.265).

Risk reports also tend to offer thematic analyses of factors which played into crises, alongside or sometimes instead of this networked approach. The Clapham Junction Inquiry report, for example, has sections that explore the immediate and underlying causes of the disaster, identifying wiring errors, working practices within the Signal and Telecommunications (S&T) Department, testing of maintenance work,

S&T management failings, poor communications and training, and the management and funding of safety as key factors within the disaster (Hidden, 1989, pp.v–vi). The King's Cross Inquiry report adopts a hybrid approach, beginning with networked analysis indicated above (see Fennell, 1988, p.1), before also identifying key factors which contributed to the disaster, particularly the management and auditing of safety, station staffing, staff training, communication systems (within stations and to emergency services), and the current fire certification system (Fennell, 1988, p.1).

The more complex analysis risk reports offer means these reports tend not to offer clear accounts of blame. Indeed, in general, risk inquiry reports tend not to explicitly cover blame, focussing more on lesson learning, making recommendations, and ensuring 'a better future' (e.g. Taylor, 1990, p.12; see also Cullen, 1990, p.255). Only two risk inquiry reports (Aberfan and Clapham Junction) have sections specifically exploring whether 'anyone [should] be blamed' (Davies et al., 1967, p.39; Hidden, 1989, p.147), and even within these reports, this is not the sole focus, with both also including sections identifying 'lessons to be learnt' (Hidden, 1989, p.163; Davies et al., 1967, p.121).

Where wrongdoing is identified within risk reports, it is treated as indicative of the broader structural context. For instance, the Piper Alpha report highlights several individual safety errors made on the oil rig but does 'not consider [them] isolated mistake[s]' (Cullen, 1990, p.2). Indeed, the report notes that 'although ... potentially hazardous events had been envisaged Occidental [the operator of the rig] did not require them to be assessed systematically, nor did the offshore safety regime [set by the Department for Energy] require this' (1990, p.3). Thus, individual failings are explained as symptoms of a structural context wherein individual assessment of safety hazards was allowed to be lax. Likewise, while the Crown Agents Inquiry report identifies individual 'lapses from accepted standards', the report treats 'the causes of these shortcomings' as of primary importance, and these are identified as a lack of 'effective [internal] supervision' within Crown Agents, and '[external] accountability

[also being] uncertain'<sup>290</sup> (1982, pp.521–4). Within the Clapham Junction report, the 'direct cause of the Clapham Junction accident is identified as 'wiring errors ... made by [senior technician] Mr Hemingway' (Hidden, 1989, p.147). However, it is argued that many of the mistakes made were 'characteristic errors', or in other words, 'normal working practice' (Hidden, 1989, p.148). As such, the report argues that 'blame must clearly be... shared', given errors were symptoms of problematic standard practices, not Hemingway's failings alone (Hidden, 1989, p.148). Thus, risk inquiries present individual failings as symptomatic of a 'system collapse' (Boudes and Laroche, 2009, p.388), related either to the complexion of the governance network within which individual failures occurred, or as indicative of wider factors, rather than being treated as causes of disasters in themselves.

Again, the construction of blame in this way is explainable without recourse to overstatements regarding the state's influence over inquiries. Where scandal inquiries reflected the individualized nature of allegations, as is indicated above, the shift towards a focus on risk, and the more networked analysis of blame this produced reflects wider material shifts within British governance whereby depoliticization has become the dominant governing strategy (Burnham, 2001; Buller and Flinders, 2005). This depoliticization has involved 'the hiving off of functions away from elected politicians towards a complex range of extra-governmental organisations' (Wood and Flinders, 2014, p.155; Bevir and Rhodes, 2006, p.74), which 'obscure[s] ... who is accountable to whom and for what', 'blurr[ing] lines of accountability' and makes investigating crises a much more complex affair requiring a broader scope that accounts for a wider range of actors and factors at play (Greer and McLaughlin, 2017, p.126; see also Flinders, 2001).

In sum then, inquiry reports examining social risk defy assumptions regarding the construction of blame made within existing literature. Where scandal inquiry reports are monological and exhibit verisimilitude by adopting clear individualized narratives regarding blame and responsibility, risk inquiry reports are far less clear in

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<sup>290</sup> That is, it was unclear which external body within British financial governance network (e.g. the Bank of England, Treasury) should be overseeing the Crown Agents' activities and 'nobody took the lead' (1982, p.523).

their descriptions of blame. Instead, they adopt a broader more detailed thematic approach whereby disasters are explained as a complex interaction of an array of factors and agents. This analysis chimes with the work of Boudes and Laroche, who note that inquiries can construct blame and causation in different ways, with an emphasis either on individual actors (as in scandal reports) or on organizational and institutional failings (as in risk reports) (2009, p.388; see also Renå and Christensen, 2020, p.44). This is also reflective of broader literature on blame games and crisis management, particularly the work of Brändström and Kuipers, who explicitly note that ‘crisis can be represented [either] as a stand-alone, ad hoc disturbance in a system or policy’ (as a scandal) ‘or as an embedded incident, i.e., a symptom of a much larger systemic or policy failure’ (2003, p.295; see also Boin et al., 2017). However, Boudes and Laroche’s research focusses on how one negative event (the 2003 French heatwave) was made sense of over time, thus it does not have the scope to show, as I have here, how broader structural and cultural shifts have led to one way of constructing blame (organizational, structural, networked etc.) emerging and (to some extent) displacing the traditional individualized approach inquiries historically adopted.

In not recognizing the distinction, existing literature’s assumptions regarding blame attribution within inquiry reports are incomplete. They adequately conceptualize how inquiries have constructed blame in the past, but do not acknowledge how inquiry reports have changed in response to wider social and economic developments. In particular, the rise of a depoliticized governing strategy, the increased complexity this approach has implied, and the concomitant rise of a citizenry much more cognisant of a diffuse array of social risks. Indeed, of the 14 inquiries examined here, the first seven can be classified as scandal reports, but the six of the most recent seven adopt the broader, more complex risk inquiry approach. Given this, existing literature, whose insights regarding blame apply better to scandal inquiries, risk misrepresenting how inquiries typically function today.

### **Public Inquiry Reports within Blame Avoidance Strategies**

Crucially, whilst there were individual examples of reports that whitewash crises (e.g. the Widgery Tribunal), in general, neither scandal nor risk inquiries conform to the claims made within existing literature that inquiries present failures as ‘no failure[s] at

all' (Burton and Carlen, 1979, p.48). This is important because if inquiries do not recapitulate state narratives of crises and perform a whitewashing function, then inquiries do not deliver blame avoidance automatically or of their own accord. Instead, archival evidence suggests that state managers utilize inquiries from without, carefully planning the 'timing and method of [inquiry report] publication'<sup>291</sup>, and 'how ... [they] should handle discussion of ... report[s] in Parliament'<sup>292</sup>. Such discussions explore whether inquiry reports can be used to re-establish 'full confidence' in government<sup>293</sup>, or to 'mak[e] clear with whom responsibility ... lies'<sup>294</sup>. This perspective is congruent with wider literature on blame games in crisis situations, which has highlighted how politicians play an active role in framing how crises are understood and made sense of (Hansson, 2018). In the following section, I therefore analyse the ways that both types of inquiry report have been rhetorically drawn on by government in order to attempt blame avoidance within Parliament, highlighting that how scandal and risk reports construct blame makes them conducive to be utilized within these blame (avoidance) games.

### ***Scandal Reports: Depoliticization through Scapegoating***

When responding to scandal inquiries, government often make limited admissions of failings. In summarizing the Budget Leak Inquiry's findings, for example, Prime Minister Stanley Baldwin noted 'the finding' that an 'unauthorised disclosure ... was made of information relating to the Budget' by J.H. Thomas, and that use was 'made of [this information] for ... private gain'<sup>295</sup>. Baldwin also accepted that this 'conclusion ... necessarily inflicts a very heavy penalty': the 'end of [Thomas'] long career of ... public service'<sup>296</sup>. Likewise, announcing the Crichton Down Inquiry's report, Minister of

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<sup>291</sup> TNA CAB 128/48, CM (72) 20th Conclusions Minute 3 Confidential Annex, 13 April, p.2.

<sup>292</sup> TNA CAB 128/27, CC (54) 37th Conclusions, 2 June, p.6.

<sup>293</sup> TNA CAB 128/27, CC (54) 37th Conclusions, 2 June, p.6.

<sup>294</sup> TNA CAB 129/97, C (59) 66, John Waters: Memorandum by the Secretary of State for Scotland, 10 April, p.1.

<sup>295</sup> HC Deb 11 June 1936 cc417–8.

<sup>296</sup> HC Deb 11 June 1936 c418. Thomas was forced to resign. Although criminal charges are not pursued (see the Attorney-General's statement in HC Deb 10 June 1936 cc206–7).

Agriculture, Thomas Dugdale, admitted that within the Inquiry's report 'mistakes and grave errors of judgment' had 'been brought to light'<sup>297</sup>. Furthermore, Dugdale concluded that these errors warranted 'disciplinary action' and that those 'whose conduct was called in question in [the report] should be transferred ... to other posts'<sup>298</sup>. To reject inquiry findings regarding blame or wrongdoing altogether would risk undermining the legitimacy and authority of inquiries, damaging their ability to achieve other expected functions. It would also leave government open to accusations that they are whitewashing inquiry findings themselves. Furthermore, in performatively and rhetorically suggesting their own position is an expression of or consistent with inquiry findings, government can hope to accrue a degree of the 'aura of authority [inquiries have] in the public consciousness' (Gilligan, 2004, p.19). Thus, some acknowledgement of failings is unsurprising.

However, behind these limited admissions of wrongdoing, the above rearticulations of inquiry findings engage in scapegoating and the 'personalization' of blame (Drabeck and Quarantelli, 2008, p.146): a blame avoidance strategy that 'displaces' blame onto individual bad apples (see Hood, 2002, p.25). In the case of the Criche Down Inquiry, for example, Dugdale's discussion of wrongdoing initially focussed on 'the conduct of civil servants'<sup>299</sup> and 'the recommendation[s] that the officials [made]'<sup>300</sup>. Thus, Dugdale framed the scandal as caused by civil servant's failure to 'manage, on the Minister's behalf, [government owned] agricultural land'<sup>301</sup>. Government's framing of the Budget Leak Inquiry's findings also drew on the report's individualized narration of blame to engage in scapegoating. However, because the scapegoat is not a lower-level official but a member of the Cabinet (J.H. Thomas), state managers attempted blame displacement by enforcing a rhetorical distinction between government and Thomas. Mention of Thomas' Cabinet position was avoided

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<sup>297</sup> HC Deb 20 July 1954 cc1186–7.

<sup>298</sup> HC Deb 20 July 1954 c1187.

<sup>299</sup> HC Deb 20 July 1954 c1186.

<sup>300</sup> HC Deb 20 July 1954 c1183.

<sup>301</sup> HC Deb 20 July 1954 c1180



when summarizing the Inquiry's report<sup>302</sup>, whereas the finding that the leakage was motivated by 'private gain' was emphasized<sup>303</sup>, implying that 'personal and "inalienable" shortcomings' alone explain the leak (Hood, 2002, p.25). Within the House, this rhetorical move was recognized by backbencher Willie Gallacher, who argued that, far from only condemning individuals, the Inquiry revealed that within government 'every encouragement is given for the development of corruption'<sup>304</sup>. Gallacher therefore concluded 'it to be a shame on the part of the House that it can condemn the ex-Colonial Secretary and leave his colleagues alone'<sup>305</sup>. Scandal inquiry reports are useful source material for the construction of these scapegoating narratives because the individualized nature of their examinations of blame mean that sections of the reports can be drawn on selectively in order to displace blame away from government and onto those individuals whose conduct the reports highlight.

This scapegoating strategy ultimately represents an attempt to depoliticize scandals, and depoliticization literature helps expose how this strategy works. On one level, scapegoating involves the classic depoliticizing tendency of 'hiving off' blame (Flinders and Wood, 2014, p.155), in order to 'insulate politicians in office from the adverse consequences' of scandals (Flinders and Buller, 2006, p.296). However, as was noted earlier, as a blame avoidance strategy, scapegoating also involves a 'personalization of blame' wherein individual 'inadequacies rather than ... systems or institutions' are designated the cause of wrongdoing (Drabeck and Quarantelli, 2008, p.153; see also Thomas, 2017). In the case of Crichton Down, the report highlights the role 'inexperience' and personal animosity played in the failings of civil servants (1954, p.27), and Dugdale seized on this, defining the scandal as caused by 'mistakes and errors of judgment' made by 'a number of individuals'<sup>306</sup>. In the case of the Budget Leak, the role that 'private gain' played in motivating the leak (1936, p.17) is

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<sup>302</sup> See HC Deb 11 June 1936 cc416–8. Thomas was referred to as a 'Member' of the House by Baldwin, and initial accusations were recounted as that 'disclosures that had been made of Budget secrets', ignoring the key aspect that the accusation was that someone within Cabinet was guilty of the leaking.

<sup>303</sup> See, for example, HC Deb 11 June 1936 c417.

<sup>304</sup> HC Deb 11 June 1936 c433.

<sup>305</sup> HC Deb 11 June 1936 c433.

<sup>306</sup> HC Deb 15 June 1954 c1745.

emphasized in the Prime Minister's summarizing of the Inquiry's report<sup>307</sup>. In drawing on these elements of inquiry reports, state managers construct scapegoated individuals as individually 'deviant or delinquent' in their personality, values or behaviour (Cohen, 2011, p.2). This construction 'posits a simple solution ... to a complex problem': 'constrain, reject, kill' the scapegoat, 'closing down debate' regarding wider political issues (Wood and Flinders, 2014, pp.161–2), and 'ignoring the deeper rationalities and practices that give rise' to negative events (Thomas, 2017, p.383)<sup>308</sup>.

It is worth noting that, especially in the case of Crichel Down, the wider political issue of the disposal of compulsorily purchased land which the Inquiry touched on is not depoliticized. Indeed, in the post-inquiry period, there are several debates concerning the need for a 'change in policy'<sup>309</sup> or a 'new policy in relation to the disposal of agricultural land' in light of Crichel Down<sup>310</sup>, leading to the development of the Requisitioned Houses and Housing (Amendment) Bill<sup>311</sup>. Rather, what is depoliticized is the issue of blame, which is either not mentioned within later debates<sup>312</sup>, or is seen have been resolved through 'political sanction ... which dismis[s]e[d] [those responsible] from [their] office'<sup>313</sup>.

In terms of efficacy, the success of depoliticization hinges on the '*perception* [that] an issue has ... been depoliticized' (Flinders and Buller, 2006, p.302, emphasis added): that it is accepted that scapegoats have engaged in wrongdoing only because of individual character failings, and that scapegoats are 'seen to be independent' from the core executive (Flinders and Buller, 2006, p.302). The two cases focussed on

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<sup>307</sup> HC Deb 11 June 1936 c418.

<sup>308</sup> These broader issues might be the political or administrative systems that organise political life, which may have given rise to the problem behaviour in the first place.

<sup>309</sup> HL Deb 29 July 1954 c321.

<sup>310</sup> HL Deb 27 October 1954 c732.

<sup>311</sup> See HC Deb 15 February 1955.

<sup>312</sup> See HL Deb 27 October 1954, c732. Within which it is noted that 'the Crichel Down case was ... fully debated in another place before the Recess'. Thus it is not seen to be necessary 'to raise this matter again'. Rather, it is argued that 'what ... has not been properly discussed ... up to now is the new policy in relation to the disposal of agricultural land' in general.

<sup>313</sup> HC Deb 25 March 1955 c2460. I.e. Dugdale's resignation (see below).

above offer a good contrast in this regard. In the case of the Budget Leak Inquiry, outside Gallacher's dissent, government's depoliticization of the scandal was accepted without real resistance. Leader of the Opposition Clement Attlee confessed to being 'reluctan[t] to pass judgment on' Thomas because 'we are all conscious of our own faults'<sup>314</sup> and concluded that 'the corrupting influences of wealth ... who have led [Thomas] astray ... from the path of public service', dissociating Thomas' private associations from his life in public service which was 'long and distinguished' and accepting the argument that the leak reflected personal indiscretion<sup>315</sup>. Furthermore, while Attlee asserted that 'it is for us to make [the] temptation' of 'making easy money' when in politics 'as small as possible'<sup>316</sup>, he accepted that 'the debate today *does not raise in any way at all a party issue*', and that it 'mere[ly] ... concern[s] the honour of Members of this House'<sup>317</sup>. Likewise, while within the debate, Labour's Deputy Leader Herbert Morrison suggested that the Inquiry revealed 'something wrong in the social and industrial life of our country', he accepted that the Inquiry concerned 'a great human tragedy' above all, which had occurred because members of the 'Conservative Party[']s ... morals [were] so restricted'<sup>318</sup>. Thus, beyond vague assertions that all individuals should 'stand up to temptation'<sup>319</sup>, or that 'government [should] take further action'<sup>320</sup>, it was accepted that the scandal should not politicize wider issues regarding standards in public life and reflected only Thomas' private indiscretions.

By contrast, in the case of Crichel Down, government's initial framing of the scandal was met with resistance, arousing 'strong feelings' within Parliament<sup>321</sup>. Resistance occurred because, while some of the Inquiry's findings focussed on lower-level officials within the 'Agricultural Land Commission'<sup>322</sup>, failings were also identified

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<sup>314</sup> HC Deb 11 June 1936 c421.

<sup>315</sup> HC Deb 11 June 1936 c421.

<sup>316</sup> HC Deb 11 June 1936 c423.

<sup>317</sup> HC Deb 11 June 1936 c420, emphasis added.

<sup>318</sup> HC Deb 11 June 1936 cc467–71.

<sup>319</sup> HC Deb 11 June 1936 c423.

<sup>320</sup> HC Deb 11 June 1936 c474.

<sup>321</sup> TNA CAB 128/27, CC (54) 51st Conclusions, 20 July 1954, p.3.

<sup>322</sup> HC Deb 20 July 1954 c1178.

within the Department of Agriculture (Clark, 1954, p.27–3). Displacing the blame for these onto individual civil servants contradicted the constitutional convention regarding individual ministerial accountability: that ministers should ‘accept sacrificial responsibility’ for the civil servants working directly under them ‘and ... resign voluntarily if [those within their Department are] culpable for significant failure(s)’ (Stark, 2011, p.1150). Thus, once it was acknowledged that the report brought ‘faults [within the Ministry] ... to light’<sup>323</sup>, Dugdale’s scapegoating of civil servants became difficult to maintain, because, as Dugdale acknowledged, ‘the recognised constitutional position [is that] I, as Minister, must accept full responsibility ... for any mistakes and inefficiency of officials in my department’<sup>324</sup>. However, while the convention made it difficult to displace blame onto government’s initial scapegoats, it had a scapegoating and depoliticizing effect of its own. Specifically, because of the convention’s sacrificial nature, individual ministers ‘emerge as the lightning rods when it comes to the allocation of blame and as key targets when it comes to demands for a “sacrificial lamb” to carry-the-can’ (Flinders, 2021, p.495). In the case of Crichton Down, Dugdale’s resignation meant that the buck stopped with him, and the crisis did not destabilize government as a whole. Thus, in a sense, the convention is a form of ‘rules-based depoliticization’ (Flinders and Buller, 2006, pp.303–7), that to some extent delimits where blame and responsibility can legitimately be placed, giving this ‘cornerstone of the constitution’ key strategic value in post-crisis blame games (Flinders, 2000, p.73).

Furthermore, as Standing has argued in a different context, the imposition of actual ‘constraints’ are what render ‘specific [rhetorical] crisis narratives’ credible and compelling (2018, pp.149–50). In Standing’s analysis of the politics of austerity, ‘the introduction of a series of institutional measures ... which sought to ‘lock in’ fiscal consolidation and the retreat of the state’ ultimately ‘bolstered’ and ensured ‘the resonance of [the depoliticizing] crisis narrative’ politicians sought to deploy: that there was ‘no alternative’ to austerity (2018, p.160). In the same way, regarding scandal inquiries, the existence of an actual institutional constraint (individual ministerial

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<sup>323</sup> HC Deb 20 July 1954 c1186.

<sup>324</sup> HC Deb 20 July 1954 c1186.

responsibility) renders credible and compelling government's attempts to rhetorically individualize blame and place it onto particular scapegoats. In particular, the convention of individual ministerial responsibility makes it more likely that even when initial lower-level scapegoats are not accepted as to blame (as in the Crichton Down case), blame will not be assigned to government as a whole, but only to scapegoats further up the chain of command. Furthermore, the convention's ubiquity has fed into a broader fixation on the "'gotcha' mentality' and 'tak[ing] scalps' in politics (Rhodes et al., 2009, p.150; Flinders, 2021, p.493), which normalizes and legitimizes government attempts to displace blame onto lower-level scapegoats. Thus, the extent to which failures are perceived to be private and personal, and the extent to which guilty actors are perceived to be at one remove from government affects how high up the chain of command sacrificial scapegoats have to be. However, in general, in successfully maintaining a focus on individual scapegoats in one form or another, the depoliticization strategy explored here appears to successfully avoid scandals politicizing wider regarding 'social, political and cultural' issues (Elliott and McGuinness, 2002, p.20)<sup>325</sup>.

### ***Risk Reports: The Logic of Institutional Depoliticization***

Whereas scandal reports are drawn on to attempt scapegoating and the individualization of blame, the complexity and networked analysis of risk reports are utilized by government to avoid blame by appealing to the logic of institutional depoliticization. As Greer and McLaughlin note, 'the hollowing out of the state creates layers of institutional complexity that obscure notions of who is accountable to whom and for what', and '*the state can use* these blurred lines of accountability ... to deflect culpability for public sector scandals away from itself and more fully onto the institutions in question' (2017, p.126, emphasis added).

In some cases, state manager's initial statements summarizing risk inquiry findings attempt this. In summarizing the findings of the Piper Alpha Inquiry, for

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<sup>325</sup> As Johnson et al. put it, the framing of crises in this individualized way 'leaves unanswered the question of how the "bad apple" comes to exist within the "barrel"', thus 'conceal[ing] the systemic origins and causes of harm' (2022, p.620).

example, while Energy Secretary John Wakeham attempted to use the report to suggest that, though there had been a lack of governmental oversight of offshore safety, ‘the *primary* responsibility for safety has always been ... with the operator’ rather than with government<sup>326</sup>. Likewise, in response to the King’s Cross Fire Inquiry, Transport Secretary Paul Channon emphasized that ‘the report found serious shortcomings within London Regional Transport and London Underground Ltd’, that ‘the majority of [the Inquiry’s recommendations] were directed to LRT or LUL’ and that he had ‘accepted the resignations of the senior management<sup>327</sup> [of LRT and LUL]’<sup>328</sup>. Similarly, Home Secretary David Waddington suggested that the Hillsborough Inquiry’s report was ‘addressed as much to the football industry as ... to the government’<sup>329</sup>, and framed it as ‘question[ing] whether the directors of ... clubs are ... interested in the welfare of their supporters’ as finding ‘the provision [clubs] make for ... customers [to be] ... squalid’<sup>330</sup>, and as calling out ‘the Football Association and Football League [for] not [seeing] it as ... their duty to offer guidance to clubs on safety matters’<sup>331</sup>. In terms of governmental responsibility, Waddington only acknowledged government’s role in facilitating ‘a move towards all-seater stadiums’ and in implementing other more minor proposals<sup>332</sup>. These examples demonstrate that state managers use the networked analysis provided by risk inquiry reports to downplay governmental responsibilities and potential blameworthiness by emphasizing inquiry findings that point to the wrongdoing of subsidiary bodies. In doing this, state managers rhetorically play on the logic of institutional depoliticization in order to ‘deflect blame and accountability from government [by highlighting that] decision-making [occurs] at “one remove”’ (Wood and Flinders, 2014, p.152).

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<sup>326</sup> HC Deb 12 November 1990 c329, emphasis added.

<sup>327</sup> This refers to the resignations of the Chairman of LRT, Sir Keith Bright, and Chairman of LUL, Dr Tony Ridley (see TNA CAB 128/91, CC (88) 34th Conclusions, 10 November 1988, p.2).

<sup>328</sup> HC Deb 12 April 1989 c916.

<sup>329</sup> HC Deb 29 January 1990 c19.

<sup>330</sup> HC Deb 29 January 1990 c20.

<sup>331</sup> HC Deb 29 January 1990 c20.

<sup>332</sup> HC Deb 29 January 1990 c20.

In other instances, this strategy was deployed in response to Opposition/backbench assertions of governmental culpability. For example, in response to Transport Secretary Cecil Parkinson's framing of the Clapham Junction Inquiry's report as demonstrating British Rail's culpability for the disaster<sup>333</sup>, Shadow Transport Secretary John Prescott contended that 'the report is ... a powerful indictment of both inadequate management and the government's policy', citing a lack of government investment, which he argued caused 'basic safety concerns [to be] lost'<sup>334</sup>. In response, Parkinson reiterated British Rail has become increasingly self-sufficient, meaning responsibility for investment in safety lay with them not government, noting that the report suggested that 'British Rail's revenue has increased more quickly than the [government] grant has decreased', meaning 'spending on safety had never been constrained by the shortage of funds'<sup>335</sup>. As well as this, Parkinson made further appeals to the networked analysis of the report, noting that 'in the report ... the unions' attitude is quoted' as playing a role in causing the disaster and arguing that the report suggests that 'unless the unions ... adopt a more flexible attitude ... British Rail will continue to be short of ... skilled staff'<sup>336</sup>. On one level, this line of argument clearly plays on the Labour Party's historical connection to the trade unions (Crouch, 2013), but it can also be considered an attempt to draw on the complexity of the report to further muddy the water regarding responsibility and blame in response to accusations that blame lies directly with government.

The above example indicates two points worth noting regarding this rhetorical appeal to the logic of institutional depoliticization. First, just as with scandal inquiries, government strategically reinterprets risk inquiry report's findings. In the above example, Parkinson argued that 'the Inquiry [makes clear] that ... spending on safety had never been constrained by the shortage of funds'<sup>337</sup>. However, Parkinson also notes that 'the report makes it clear that even if there were constraints on investment expenditure in the late 1970s, ... and the early 1980s, those constraints have been

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<sup>333</sup> HC Deb 7 November 1989 c835.

<sup>334</sup> HC Deb 7 November 1989 c837.

<sup>335</sup> HC Deb 7 November 1989 c838.

<sup>336</sup> HC Deb 7 November 1989 c838.

<sup>337</sup> HC Deb 7 November 1989 c838.

eased<sup>338</sup>. Thus, the report does consider underfunding a factor within the disaster. Indeed, there is a whole chapter within the report on ‘the funding of safety’, and the report explicitly concludes that the introduction of a ‘new business culture’ within the governance of railways, the imposition of a government ‘External Financing Limit’ on BR, along with government demands ‘to reduce operating costs through improved efficiency’, meant ‘investment proposals were ... subjected to more rigorous scrutiny before being authorized [and] that investment into safety-related projects ... was not being progressed’ (Hidden, 1989, pp.128–31). Yet while Parkinson acknowledged this, he also strategically deemphasized it. Similarly, government representative’s initial framing of the Hillsborough Inquiry’s report as designating subsidiary bodies as primarily responsible for ensuring ‘the safety of the people who attend their grounds’<sup>339</sup>, elided aspects of the report that highlight governmental failings, such as the proposed new framework for minimum safety standards, which was motivated by the fact that existing ‘provisions ... *statutory and otherwise*, ha[d] not been strong enough’ (Taylor, 1990, p.24, emphasis added).

Thus, government’s utilization of inquiries within blame games involves an active reinterpretation of inquiry findings. In the case of risk reports, the networked style of analysis provides an opportunity for government representatives to selectively utilize passages of the report that suggest the disaster in question ought to be depoliticized (i.e. responsibility should be seen as lying at one remove), even though the reports do not come to this conclusion themselves. This is interesting because, although broader literature on blame has acknowledged that blame can be constructed in an individualized or in a more systemic way, it has been suggested that more systemic examinations of causation pose major problems for ‘top-level policy-makers’, such that they are likely to attempt to ‘to constrict the scope of investigation and debate to the incident narrowly conceived’ (Brändström and Kuipers, 2003, p.295). This is because it is assumed within literature on blame games that, if a negative event is perceived as ‘a symptom of an endemic crisis’, ‘then the blame will focus on actors at the political or strategic level’ (i.e. top-level political actors, rather than those at ‘the

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<sup>338</sup> HC Deb 7 November 1989 c838.

<sup>339</sup> HL Deb 19 February 1990 c6–7.



operational level’) (Resodihardjo, 2020, p.16). The analysis undertaken here makes clear that, crises constructed as systemic failings provide opportunities for state managers to engage in blame avoidance just as crises constructed as scandals do, because the construction of crises as systemic creates opportunities to appeal to the potent ideological logic of depoliticization (see Burnham, 2001).

Second, the above example of the Clapham Junction Inquiry also indicates that appeals to institutional depoliticization are sometimes met by attempts by Opposition parliamentarians to reassert a degree of governmental responsibility for disasters. In the case of Clapham, Shadow Transport Secretary John Prescott suggested that the ‘report ... shows clearly that safety has suffered at the expense of financial and commercial considerations’ and the ‘tough financial and commercial targets set by the government’<sup>340</sup>. Similarly, regarding the King’s Cross Fire Inquiry, parliamentarians argued that the report ‘[exposes] many examples of ... cuts in resources ... which affected the level of safety’<sup>341</sup>, that the report makes ‘it ... clear that ... the government ... stopped the GLC [Greater London Council] putting capital investment into the Underground system’<sup>342</sup>, and that the report shows that ‘financial targets set by the government ... led to an obsession with cost cutting ... resulting in disregard of safety and the final disaster’<sup>343</sup>. Likewise, in response to government downplaying its role in the Piper Alpha disaster, Shadow Energy Secretary Frank Dobson asserted that ‘the responsibility for safety in the North Sea is not just a matter for operators ... it is the responsibility of government’, citing ‘Lord Cullen[’s] [finding] that persistent undermanning [of the Department of Energy] undermined both the frequency and depth of [offshore rig] inspections’, and ‘the priorities of the Department of Energy’ which ‘were ... publicity, advertising and public relations [rather] than ... North Sea safety’ as contributing to the disaster<sup>344</sup>. Finally, in response to governmental attempts

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<sup>340</sup> HC Deb 7 November 1989 c837.

<sup>341</sup> HC Deb 12 April 1989 c927.

<sup>342</sup> HC Deb 12 April 1989 c920.

<sup>343</sup> HL Deb 12 December 1988 c791.

<sup>344</sup> HC Deb 12 November 1990 c332.

to frame the Aberfan report as a ‘damaging indictment of the National Coal Board’<sup>345</sup>, backbenchers queried ‘where ... responsibility lie[s] in a publicly-owned industry?’ and whether ‘decision[s] [were] taken at the top?’<sup>346</sup>, further arguing the disaster was ‘a political failure for which it would be ... unjust to blame the [Coal] Board’ alone, and that ‘government cannot evade their share of the responsibility’<sup>347</sup>.

These instances suggest that governmental attempts to wholly disentangle themselves from blame and responsibility for disasters are not always successful. However, the above examples show that parliamentarians reassert governmental responsibility to a relatively limited degree and implicitly accept the depoliticized narratives government present in that governmental failures are still only constructed as failures to steer. Regarding the Hillsborough Inquiry, for example, government was criticized for ‘inadequately’ financing football<sup>348</sup>, and failing to ‘give clear guidance to the football clubs on ... safety standards’<sup>349</sup>. In the case of Piper Alpha, government was accused of failing to ‘discharge their responsibility ... to set standards’<sup>350</sup>, failing to ‘increase ... the number of safety inspectors’<sup>351</sup>, and failing to ‘ensure that North Sea safety was properly policed’<sup>352</sup>. In the case of the King’s Cross Fire, government was accused of having ‘subordinated’ ‘safety ... to the ... objective of increasing revenue and reducing subsidy’<sup>353</sup>, and in the case of Clapham Junction, of having set ‘tough financial and commercial targets ... that [meant] basic safety concerns were lost’<sup>354</sup>. These attacks highlight the steering responsibilities of government. In doing so, they accept state manager’s framing that, while government bears some responsibility for disasters, this is of a fairly limited nature because government sit ‘at

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<sup>345</sup> TNA CAB 128/42, CC (67) 52nd Conclusions, 25 July 1967, p.3; see HC Deb 26 October 1967 cc1909–17.

<sup>346</sup> HC Deb 26 October 1967 c1945.

<sup>347</sup> HC Deb 26 October 1967 c1959.

<sup>348</sup> HC Deb 29 January 1990 cc22–3.

<sup>349</sup> HC Deb 27 June 1990 c299.

<sup>350</sup> HC Deb 12 November 1990 c332.

<sup>351</sup> HC Deb 10 December 1990 c645.

<sup>352</sup> HC Deb 19 December 1990 c385.

<sup>353</sup> HC Deb 10 November 1988 c500.

<sup>354</sup> HC Deb 7 November 1989 c837.

one remove' (Burnham, 2001, p.128), 'govern[ing] at a distance' (setting targets, overseeing, regulating) without being directly involved (Dommett and Flinders, 2015, p.2). As such, whilst government narratives regarding blame within risk reports are not accepted wholesale, and whilst government often get assigned some degree of blame and responsibility, the utilization of the networked analysis of risk reports to invoke the logic of institutional depoliticization is successful in limiting the blame government is assigned to issues of steering and oversight.

As with the connection between rhetorical scapegoating strategies and the existence of the convention regarding individual ministerial responsibility, the above ultimately indicates that attempts by government to depoliticize disasters by hiving off responsibility to subsidiary bodies are not just discursive moves made after disasters occur. Rather, they represent state managers pointing towards the actual institutional arrangements, which make these narratives resonant and difficult to transcend. In other words, whilst it is true that 'state managers retain, in many instances, arm's-length control over' depoliticized institutions (Burnham, 2001, p.128), and that 'a "rhetoric-reality gap" ... exists in relation to institutional depoliticization' (Flinders and Buller, 2006, p.303, emphasis removed), it is also true that the institutional depoliticization involves the actual 'rejigging of domestic bureaucratic practices' (Burnham, 2001, p.129). Again, as Standring has argued, the imposition of these 'material constraints' and changes render 'specific crisis narratives' credible and compelling (2018, pp.149–50). In the case of risk inquiries, the crisis narratives state managers deploy, which emphasize that responsibility and blame lies primarily with subsidiary bodies, are compelling and difficult for those scrutinizing government to transcend precisely because there has been a transfer of day-to-day responsibility for a number of industries and services away from the central state. Such arrangements have created 'a more complex marble cake configuration [within governance] in which the contours between the public and private sectors are increasingly blurred' (Dommett and Flinders, 2015, p.1). These 'layers of institutional complexity' really do make it more difficult to determine 'who is accountable to whom and for what' (Greer and McLaughlin, 2017, p.126; Raco, 2016; see also Jones and Hameiri, 2022,

pp.1036–8)<sup>355</sup>. As such, these trends undermine (although only to some extent) historically typical and institutionally ingrained predilections for the quick identification of individual scapegoats (see above) and render credible deindividualized, networked analysis of causation and blame. Indeed, as I argued above, it is precisely because of these material shifts and the rejigging of governance that risk inquiry reports adopt the networked approach to blame that can so fruitfully be drawn on by state managers in their first place.

### **Public Inquiries and Blame Avoidance**

As was noted at the outset of the chapter, in the post-crisis period, being pinned with blame represents a major risk for state managers, and inquiries are popularly seen to play a blame avoidance function. However, existing literature's conceptualization of how inquiries achieve blame avoidance, within which inquiries were considered to play a whitewashing role, is limited in a number of ways. As such, the issue of blame avoidance and inquiries required reassessment to achieve greater clarity, nuance and empirical grounding.

To remedy this issue, this chapter brought together a detailed analysis of how inquiry reports themselves construct blame with an assessment of how these narratives are utilized and rearticulated by government representatives in Parliament. The analysis of inquiry reports themselves was undertaken to examine the veracity of the whitewashing claims made within existing scholarship. It was found that in terms of how they constructed blame, inquiry reports have changed over time. When inquiries first emerged, the negative events they examined were understood in broader public discourse, and by the inquiries themselves, as scandals. Within these scandal reports, blame is assigned to individuals, with reports adopting a narrow, focussed, chronological style. Over time however, material changes in governance, in particular the hollowing out of the state and the 'massive proliferation of networks' of actors

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<sup>355</sup> As such, these institutional and organizational changes have been explicitly understood as a form of proactive blame avoidance strategy within blame research. Hood refers to these as 'agency strategies', denoting 'attempts officeholders and organizations make to deflect or limit blame by creative allocation of formal responsibility, competency, or jurisdiction among different units and individuals' (2011, p.67; see also Resodihardjo, 2020, pp.20–1).

involved in governance, and concomitant changes in public attitudes, have led to a greater propensity for negative events to be understood in broader, more complex terms. This has often been described as a shift towards a risk society (Beck, 1992), and more recent inquiries have been influenced by these shifts. Within these risk reports, a broader networked and thematic approach to exploring blame and responsibility is adopted. The style of scandal reports is therefore consistent with claims made within existing literature regarding 'monological' storytelling and 'verisimilitude' (Brown, 2004, pp.95–6), meaning existing literature adequately captures the construction of blame within early inquiries. However, risk reports contradict these assumptions, adopting a more complex approach to exploring blame and causation, thus existing literature fails to account for how inquiry reports' treatment of blame has changed over time as the society and economy being investigated has changed, as I have here. Neither type of report, however, consistently whitewashes crises, as both tend to identify failings of one kind or another.

Having established that inquiries tend not to deliver absolution from blame on their own, as existing literature often assumes (see Resodihardjo, 2006, p.623), the second half of the chapter examined how state managers utilize and draw on inquiries in order to rhetorically avoid and displace blame. Regarding scandal reports, state managers were found to draw on the individualized narratives therein in order to displace blame through the identification and punishment of particular scapegoats, whose blameworthiness is constructed as emanating from their personal character flaws. In contrast, in regard to risk reports, state managers play on the broader, networked analysis therein, constructing these reports as highlighting the blameworthiness of subsidiary bodies at the coal face of service delivery, and de-emphasizing those sections of the reports that touch on governmental culpability or failings. Both of these tactics were considered attempts to depoliticize crises because in their own ways both attempted to 'hive off' blame (Wood and Flinders, 2014, p.155), placing it 'at one remove' from government (Burnham, 2001, p.128), either by assigning it to particular individuals and their personal (rather than political) failings, or with subsidiary bodies whose existence is itself a form of institutional depoliticization.

This section of the chapter also drew conclusions regarding the effectiveness of these tactics. It was emphasized that the rhetorical strategies government employ

public inquiry reports within are resonant and difficult to transcend because they are bolstered by actually existing 'institutional measures' (Standing, 2018, p.160). In the case of scapegoating, whilst scandals sometimes lead to criticism of individuals at higher levels (i.e. within the Cabinet or core executive), the existence of an actual institutional convention (individual ministerial responsibility) makes the individualization of blame difficult to avoid. Likewise, rhetorical appeals to the logic of institutional depoliticization are bolstered by the actual 'rejjing of domestic bureaucratic practices' (Burnham, 2001, p.129), such that substantive responsibility and authority have been transferred away from an increasingly 'hollowed-out' state (Rhodes, 1994) and individual responsibilities become more difficult to identify (Greer and McLaughlin, 2017, p.126), which challenges traditional, individualized understandings of blame and culpability. Again, this rejjing of responsibilities renders crisis narratives that emphasize the responsibility and blameworthiness of subsidiary bodies doing the rowing of service delivery credible and difficult to transcend.

Finally, the question of efficacy in the broadest sense merits further reflection, in that whilst it was found that the use of inquiries within blame games is largely effective, it is more accurate to say they are effective within blame *limitation* strategies, rather than blame *avoidance* strategies. That is, neither tactic is effective in absolving government from any blame or culpability, with political opposition within Parliament continuing to assert a degree of government blameworthiness in the face of these strategies. However, scapegoating is able to limit and contain blame, culpability and punishment to a few bad apples, and appealing to the logic of institutional depoliticization is effective in limiting criticisms of government to its steering of certain actors or policy areas, meaning primary blame and responsibility remains at one remove. This characterization of inquiries deployed here, as ultimately utilized as part of attempts to depoliticize crises, is key to this insight. Depoliticization tactics are often 'defensive' in nature (Flinders and Buller, 2006, p.297), used 'in place of solution' (Copley, 2017, p.702). It has been noted that while the 'central aim of depoliticization is to convince key actors that the state is ... disengaged from the process of policy-making, in reality ... the state continues to play a ... role' in steering and regulating which can be seized upon by other actors to assert state responsibility for failures

(Burnham, 2001, p.145). Thus, depoliticization always leaves politicians with 'residual responsibility[ies]' they must carry out (Flinders, 2008, p.254), or contains politicizing remainders which leave open the prospect of repoliticization (Bates et al., 2014). This changes how inquiries should be conceptualized within discussions of crises and blame, with existing literature appearing to overstate inquiry efficacy by asserting that inquiries wholly deliver 'legitimation for the state' (Gilligan, 2004, p.18; Brown, 2000, p.48). In contrast, in this chapter, inquiries were found to consistently identify blame, but to construct blame in ways that ultimately afford state managers significant opportunities to displace or limit the impact of this blame by presenting depoliticized narratives of the crises under investigation.

At this point, the thesis has addressed its Research Questions One and Two. Chapter Four examined state managers internal discussions of public inquiry usage to address Research Question One: What goals do state managers have in mind when they call a public inquiry? Chapters Five, Six and Seven then examined the strategic and rhetorical battles that inquiries are utilized within in order to address Research Question Two: How do state managers utilize inquiries to achieve these goals? Having done all this, the next chapter attempts to use these empirical findings to provide a broader conceptualization of the role of the public inquiry within broader patterns of British governance, which is the central concern of Research Question Three.

## Chapter Eight: Public Inquiries, (De)politicization and Containment

### Public Inquiries and the Politics of Depoliticization

At this point, the thesis has demonstrated that inquiries have Swiss Army knife-like functionality (i.e. they are multi-faceted, adaptable), and has identified three expected functions that inquiries are called to fulfil: the relief of political pressure; the maintenance of political autonomy; and blame avoidance. How inquiries are utilized to achieve each of these objectives has been analysed in turn. This analysis has developed the position that *inquiries are utilized strategically and rhetorically from without* by state managers in pursuit of the functions identified above. In light of this, depoliticization—with its focus on ‘the process of placing at one remove the political character of decision-making’ (Burnham, 2001, p.128)—was used as a key part of the thesis’s conceptual framework. This chapter provides a more comprehensive account of how inquiries are used in (de)politicizing ways within state crisis management strategies by synthesizing the empirical insights of the previous chapters. In exploring the strategic use of inquiries through the lens of the (de)politicization, the chapter also highlights what the thesis’s empirical findings regarding inquiries can contribute to ongoing conceptual debates regarding (de)politicization.

The chapter begins with a more detailed summary of the empirical work undertaken in the previous chapters of the thesis, providing an overview of how inquiries function as depoliticizing and politicizing initiatives. Following this summary, three ways that this empirical work contributes to conceptual debates regarding (de)politicization are explored. First, by engaging with the work of Standing (2018), the empirical work undertaken demonstrates the interconnectedness between discursive and institutional/rules-based forms of depoliticization (Burnham, 2001, p.129), which are often treated as separate in existing empirical and conceptual work (e.g. Flinders and Buller, 2006). Acknowledging the interplay between these forms better captures the full complexity of the interplay between different depoliticization tactics and offers a means to transcend prominent divisions between first-wave and second-wave research within existing literature (see Wood, 2016).

Second, the empirical findings of this thesis further develop discussions of the complex interplay between depoliticization and politicization (see Warner and Luke,



2023; Bates et al., 2014). Specifically, this thesis highlights that crises create strong public expectations that government should take action, in the face of which, a purely depoliticized crisis management strategy is likely to lack popular legitimacy. This, in turn, is what encourages government to frame crisis responses in a politicized way. This is important because whilst the advantages of a depoliticized governing strategy are well established (see Burnham, 2001), the rationale ‘underpinning politicized or discretionary’ aspects of a governing strategy is not as ‘explicit and detailed’ within existing literature (Buller and Flinders, 2005, p,528). As well as this, the thesis also reveals a unique set of circumstances, in that inquiry usage can be shown to involve *politicizing to depoliticize*. A process in which politicized and depoliticized strategies are both used deliberately by state manager (see Warner and Luke, 2023), but occur in a related but temporally phased way (see Bates et al., 2014).

Finally, the chapter explores the ‘arena-shifting’ effect inquiry initiation can be shown to have, whereby public outcry and debate is funnelled into the public inquiry itself and into Parliament. Within this thesis, the focus has been on the parliamentary part of this movement, and it has been demonstrated that whilst Parliament taking account of a crisis plays into the politicized framing of inquiry usage by state managers, the elitist nature of Parliament means that this funnelling of public outcry into Parliament has a mediating, ‘depopularizing’, depoliticizing role (see Miliband, 1984; Anderson, 1976, p.28). This argument provides an overarching account of the functionality of inquiries and brings together depoliticization literature with critical literature on the British state and the British Political Tradition in order to advance a critique of existing literature on depoliticization that sees “the representation of issues in the political process [as] the ultimate determinant of their “politicalness”” (Beveridge, 2017, p.594; see Hay, 2007, pp.80–2).

### **Public Inquiries and (De)politicization: The Story So Far**

The empirical work of this thesis examined two key questions regarding inquiries. First, what functions are inquiries called to fulfil? Second, how are inquiries utilized in pursuit of these functions? The phrasing of the second question is indicative of the fact that the first part of the thesis’s empirical analysis found that inquiries appear to enjoy a degree of independence from the state. Instead of achieving direct control of inquiries,

then, state managers are shown to think strategically about when to call inquiries and how to frame their initiation, findings and report. Thus, the thesis developed the position that *inquiries are utilized strategically and rhetorically from without* by state managers, rather than being controlled from within. Chapter Four identified three functions inquiries are utilized in pursuit of: the relief of political pressure, the maintenance of governmental autonomy, and blame limitation. Following this, the subsequent three chapters explored each of these functions in turn in order to answer Research Question Two.

To expand, Chapter Five analysed how governments utilize inquiries to relieve pressure placed on them in the immediate aftermath of crises. This pressure takes two forms. First, demands are made for something to be done by government in terms of immediate crisis response. Second, government are confronted with questions regarding causation and blame. In terms of demands for something to be done, inquiry initiation was shown to be discursively framed by governments in a highly politicized way: as representing speedy, authoritative, decisive, proactive action on their parts. By contrast, governments use inquiries to discursively *depoliticize* questions regarding causation and blame by arguing that, because an inquiry is running, it is inappropriate for them to comment until after the inquiry has concluded<sup>356</sup>.

Chapter Six then examined how inquiries are utilized as part of the perpetual struggle to maintain governmental autonomy over policy-making. Crises stimulate demands for political reform to ensure they do not reoccur. Inquiries are often thought to shelve such demands, such that issues will have fallen off the agenda by the time recommendations have been delivered (see Stark, 2020). This chapter demonstrated that, in contrast, inquiry recommendations are subject to pressure when they are released. However, inquiries were shown to offer significant advantages in the period *between the rhetorical acceptance of inquiry recommendations and their implementation*, allowing government to pay ‘lip service ... to inquiry recommendations’, without rendering implementation obligatory (Francis in PASC, 2004c, Ev 16). As such, whilst the process of maintaining autonomy is more complex

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<sup>356</sup> Such arguments make use of the *sub judice* rule (see Kelly, 2007). I discuss how best to think about these dynamics below.

and temporally drawn out than existing literature on inquiries assumes, the view that inquiries help to depoliticize and suppress demands for change is broadly correct. This chapter also examined inquiry recommendations themselves and found that they also have a depoliticizing role in that they tend to work within existing dominant norms, values, institutions and practices, leaving broader issues unexamined and narrowing the scope for change.

Finally, Chapter Seven examined how inquiries are utilized to avoid blame in the post-inquiry period. The role of inquiries in avoiding blame was shown to have changed over time. Initially, inquiries were used in response to scandals: instances of alleged wrongdoing perpetrated by individual state actors. Inquiries that examined such scandals presented narrow, individualized reports that broached the topic of blame directly. Government utilized these scandal reports to discursively depoliticize scandals through scapegoating, selectively drawing on these individualized narratives to emphasize the lone, private failings of individuals, leaving government's role conveniently unexamined. More recently, inquiries have been used in response to an array of 'social risks' (Burgess, 2011, p.4). These risk reports are more complex than scandal reports: blame is not as explicitly broached, the scope is broader, and causation is explored in a networked way. That is, it is taken as given that responsibility and culpability are diffused through complex networks of actors, in contrast to the individualized understanding of blame which underpins earlier inquiry reports. Governments draw on these reports to appeal to the logic of institutional depoliticization, arguing that since a network of actors exist at the coal face of service delivery, responsibility for failures resides 'at one remove' (Burnham, 2001, p.128), and government can only be held responsible in an ancillary sense.

The depoliticizing and politicizing dynamics at play here can be usefully summarized temporally (see Beveridge, 2017; Hay, 2014). In the immediate aftermath of crises, when inquiries are initiated, they are framed in a highly politicized way: as representing decisive government action demonstrating that government are responsive and in control. As inquiries run however, depoliticizing dynamics take precedence: questions regarding causation and blame are deferred through reference to *sub judice*. This runs through into the post-inquiry period wherein, immediately following the publication of inquiry reports, governments present depoliticizing

narratives of inquiry findings in order to limit accusations of blame. Following this, over time, inquiry recommendations are depoliticized and fall off of the legislative agenda. Thus, whilst the framing of inquiries is highly politicized, and whilst individual aspects of the depoliticizing dynamics of inquiries produce ‘politicizing remainders’ that provide opportunities to re-politicize certain issues (see Bates et al, 2014), overall, inquiries have a predominantly depoliticizing effect on demands for policy reform and on debates regarding crisis causation and blame.

These findings are of significant utility on their own terms, given the light they shed on the workings of a major institution within British governance (Jasanoff, 2005, p.218). As well as this though, the empirical analysis of inquiries undertaken here can also be used to reflect on and contribute to ongoing conceptual debates regarding (de)politicization, which have generated significant attention from academics working in a range of fields (see Wood, 2016, for a review). In particular, the empirical analysis of inquiries within this thesis: reveals the interconnectedness between institutional/rules-based forms of depoliticization and discursive forms of depoliticization; enhances understandings of the rationale behind, and how best to conceptualize, intercurrently (de)politicized governing strategies; and reveals the depoliticizing role that formal governmental politics can have on issues that emerge from the broader public sphere.

### **Institutional/Organizational Change and Discursive Depoliticization**

The question of how inquiries are utilized discursively by state managers has been a major focus of this thesis, with Chapter Five examining how inquiries are discursively framed when they are initiated in order to respond to demands for something to be done, Chapter Six exploring how inquiry recommendations are discursively responded to in order to preserve autonomy, and Chapter Seven analysing how governments discursively articulate inquiry findings in order to avoid blame. Crucially, however, throughout this analysis, it has been demonstrated that such discursive (de)politicization moves were resonant and credible to the extent that could be linked to (de)politicization moves involving institutional and organizational changes.

This is significant because existing literature on depoliticization and politicization tends to maintain a relatively strict distinction between forms of

depoliticization involving institutional and organizational changes and discursive or preference-shaping forms. This tendency to treat these two aspects of depoliticization as separate is reflected in wider literature, which has been split between two waves. For the first wave, depoliticization is conceived as an ongoing governing strategy that involves ‘political and ideological restructuring alongside the broader reorganization of capitalist social relations’ (Burnham, 2014, p.194). Such restructuring has been identified as taking the form of the creation of bodies at one remove from government, and the delegation of tasks to these bodies, and the implementation of binding externally enforced rules<sup>357</sup>, rather than taking a discursive form. Indeed, first-wave scholars have dismissed a discursive approach to depoliticization as ‘result[ing] in the rather bland assertion that “depoliticization is everywhere”’ (Burnham, 2014, p.190; see also Burnham, 2000). Second-wave scholars, meanwhile, have suggested the first-wave’s dismissal of discursive (de)politicization is blinkered and narrow, and results in ‘largely cosmetic or shallow analyses’ (Wood and Flinders, 2014, p.152). For them, depoliticization is not something involving a process of restructuring, rather, depoliticization is better understood as ‘a set of fluid discursive manoeuvres or “speech acts” deployed by a range of actors’ (Wood, 2016, p.522). Thus, at present, those who focus on rules-based and institutional depoliticization and those who focus on

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<sup>357</sup> These forms of depoliticization, typically termed institutional and rules-based depoliticization respectively, are what I refer to above as depoliticization involving organizational and institutional changes. The term ‘institutional’ is used imprecisely in existing literature on depoliticization, sometimes referring to changes (such as the creation of new bodies) which are more precisely organizational, and at other times—as with rules-based depoliticization—referring to changes that are in a true sense institutional. Organizations are ‘assemblages of interacting human beings’ (March and Simon, 1993, p.144), and are a ‘a type of social structure’, (Elder-Vass, 2008, p.282; see also Porpora, 1989). Institutions, on the other hand, are ‘the ‘normative rules and principles which, either through law or other mechanisms of social control, serve to regulate social action and relationships’ (Parsons, 1976, p.97; see also Fleetwood, 2008). They are therefore cultural, rather than structural. Thus, organizations and institutions are distinct phenomena, although they are related in practice insofar as ‘the structure of organizations depends on the roles that their members occupy and these roles are essentially bundles of norms [which means that] [o]rganizations are ... fundamentally dependent on normative social institutions’ (Elder-Vass, 2010, p.145).

depoliticization as discourse tend to view the value of the other wave's enterprise with some scepticism.

Some research, it is worth noting has nodded towards the interplay between different forms of depoliticization, and includes both discursive or preference-shaping forms within a single schema, however these have often not gone far enough<sup>358</sup>. Flinders and Buller's influential work on depoliticization (2006), for example, recognizes 'institutional depoliticization' and 'rules-based depoliticization', as well as 'preference-shaping depoliticization'<sup>359</sup>. However, Flinders and Buller argue that 'the benefit of depoliticization through preference shaping is that it involves investing no structural (institutional depoliticization) or legal (rule-based depoliticization) capital' (2006, p.308). Thus, for Flinders and Buller, the very reason state managers make recourse to discursive depoliticization is that it does not necessitate the investment of time and energy required to enact institutional or organizational changes that forms of institutional or rules-based depoliticization do. Likewise, Wood and Flinders' more recent typology of different forms of depoliticization still treat governmental depoliticization—'the "delegation" of ... issues by politicians to arm's-length bodies, judicial structures or technocratic rule-based systems that limit discretion'—as distinct from discursive depoliticization (2014, p.165). Thus, while some research has successfully captured the interplay between discursive, institutional and rules-based forms of depoliticization empirically (see for example Bates et al., 2014; Wood, 2015), conceptual work still maintains a distinction between the two. Furthermore, whilst much contemporary work is better at acknowledging this interplay, recent research largely still identifies either with the first-wave's focus on institutional and organizational changes (e.g. Copley, 2017; Dönmez and Sutton, 2020), or with the second-wave's prioritization of speech acts and discourse (e.g. Fawcett and Wood, 2017; Miró, 2021; Kutter, 2020). This continues to hobble conceptual debate (Wood, 2016).

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<sup>358</sup> Wood and Flinders, for example, acknowledge 'areas of overlap and blurred boundaries' between different forms of depoliticization, but this only admits a relatively limited connection (2014, p.165).

<sup>359</sup> Later works have shifted away from the term preference-shaping depoliticization in favour of 'discursive depoliticization' (Wood and Flinders, 2014, pp.161–4; Hay, 2014, p.299).

In contrast, within this thesis, Standing's argument that a form of discursive depoliticization 'achieve[s] resonance' to the extent that it is 'bolstered by ... [actually existing] institutional measures' was developed in order to explore the *interplay between* the discursive strategies inquiries were utilized within and the institutional and organizational dynamics of inquiries which complimented these (2018, p.154–60). This framework was useful in revealing several interesting dynamics within inquiry usage. Chapter Five, for instance, explored how the politicized framings of inquiry initiation wherein inquiries are constructed as 'urgent'<sup>360</sup>, and 'immediate'<sup>361</sup> were resonant because, organizationally, inquiries can be initiated first, set up later<sup>362</sup>. In the same chapter, it was shown that discursive attempts to depoliticize and delay questions of blame and causation were bolstered by the existence of an institutional measure: the *sub judice* rule, which provides an external justification rendering state manager's insurances that government cannot address questions under inquiry credible<sup>363</sup>. Likewise, Chapter Seven showed that governmental attempts to depoliticize scandals by utilizing inquiry reports to achieve scapegoating were rendered credible because of broader institutional conventions regarding individual ministerial responsibility, which naturalize the individualization of blame in this way (Rhodes et al., 2009, p.150). Similarly, governmental attempts to discursively depoliticize broader social risks by arguing that responsibility for failings resides with bodies charged with service delivery within governance networks, not with government itself, were shown to be resonant because such narratives are congruent with institutional and organizational processes related to the hollowing out of the state (Rhodes, 1994), which have 'create[d] layers of institutional complexity that obscure notions of who is accountable to whom and for what' (Greer and McLaughlin, 2017, p.126)<sup>364</sup>.

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<sup>360</sup> See HC Deb 23 May 1928 c1921; HC Deb 5 May 1936 c1551, for examples of this phrasing.

<sup>361</sup> See, for example, HC Deb 11 June 1936 c416; HC Deb 17 May 1928 cc1313–6

<sup>362</sup> Governments can announce inquiries before having selected the chair, panel, or finalized the terms of reference. This means inquiries can credibly be framed as immediate and proactive.

<sup>363</sup> See, for example, HC Deb 1 December 1977 c743.

<sup>364</sup> Strictly speaking, the layers of complexity created by the shift from government to governance are both institutional and organizational.

Thus, the discursive depoliticization strategies deployed by state managers vis-à-vis inquiries can clearly be shown to be deeply intertwined with and dependent (in terms of success) on institutional and rules-based forms of depoliticization. However, it should also be acknowledged that the corollary of this is that the institutional and rules-based aspects of inquiry functionality and the inquiry's functionality as a form of institutional depoliticization in itself is useful not only for its institutional and organizational effects, but because it provides a basis on which certain discursive strategies become feasible and resonant. In building on Standing (2018) then, this thesis has explored the interplay between institutional and rules-based forms of depoliticization and discursive, or preference-shaping forms of depoliticization. Doing so allowed the thesis to not only identify how inquiries were utilized discursively by state managers within broader rhetorical strategies designed to avoid scrutiny, pressure and blame, but to also produce a convincing account of why these discursive strategies were successful, resonant or at least difficult to resist.

The issues that ignoring this interplay can cause can be identified within existing research focussed on supposedly archetypal structural forms of depoliticization. Kettell, for example, analyses the depoliticizing effects of Britain's entry into European Exchange Rate Mechanism, which is typically considered a classic example of rules-based depoliticization designed to restructure and reinvigorate the British economy (Kettell, 2008, p.640). Within Kettell's analysis, however, the ERM is demonstrated to have a preference shaping function: 'furnish[ing] officials with a credible justificatory device for resisting calls for an economic policy relaxation' (discursive depoliticization) (2008, p.645). Thus Kettell's analysis usefully points out the existence of discursive/preference shaping aspects within an ostensibly purely rules-based depoliticization move. However, Kettell ultimately treats these two aspects of the policy as separate arguing that, *whilst* 'in terms of its material effects'—that is, whether the policy had successfully shifted the structure of the British economy in a positive, more productive way—'ERM membership was clearly mixed', 'politically'—that is, in terms of preference-shaping—'membership of the ERM ... brought distinct benefits for government officials' (2008, p.645). In analysing these two aspects of the policy separately (i.e. treating the institutional and organizational restructuring as a failure and the preference-shaping as a success), Kettell does not fully acknowledge that the



ERM's success as a discursive ploy to rebuff calls for economic policy relaxation was tied to the extent to which it was institutionally constraining and tied government's hands regarding economic policy-making to some extent. Thus, it makes no sense to consider the institutional aspects of the ERM as depoliticization a failure but the political, preference-shaping aspects a success, if it was precisely the institutional effects of the strategy that made possible the success of the discursive, preference-shaping moves. Likewise, perhaps the archetypal example of depoliticization as an organizational and institutional shift in British policy-making is New Labour's decision to grant operational independence to the Bank of England. However, whilst the restructuring of economic policy-making that the move brought about is well documented (see Burnham, 2001; 2017), so too is the centrality of this policy to New Labour's wider strategy of projecting an image of fiscal and monetary conservatism and competence (Hay and Watson, 1999, see also Hay, 1999), and to New Labour's discursive focus on demonstrating that they were adequately responding to new times (Watson and Hay, 2003). Thus, 'when ... operational independence [was] ceded to the Bank of England ... *this [was] as much a discursive depoliticization as ... an institutional one*', with the potency of New Labour's rhetorical project hanging precisely on these kinds of institutional/organizational changes that rendered the rhetoric credible (Hay, 2014, p.299). Yet this crucial point tends to be overlooked precisely because most scholarship on (de)politicization has failed to fully account for the interplay between institutional and rules-based forms of depoliticization and the successful deployment of depoliticizing discourses.

These examples, alongside the empirical work of this thesis suggest that depoliticization is a 'potent ... ideological mobilization' designed to shape public expectations for political reasons, as much as it is a technical strategy to involving institutional or organizational restructuring (Burnham, 2001, pp.129–34), and that these two aspects are always entwined within empirical examples of depoliticization. Yet, the insight that 'there is a discursive component to all depoliticizations (whatever

their type)' has been somewhat neglected (Hay, 2014, p.299)<sup>365</sup>. As such, recognizing this interplay offers significant conceptual insights regarding how depoliticization strategies work, providing a more useful framework within which to account for the success and potency of these strategies than existing approaches which demarcate between institutional and rules-based moves on the one hand and discursive moves on the other (i.e. Flinders and Buller, 2006; Wood and Flinders, 2014).

Furthermore, recognition of this interplay also offers a means of transcending the split, acknowledged above, between a 'first wave' of research on depoliticization that focusses on changes to organizations and institutions, and a 'second wave' of 'post-structuralists [who] emphasize the centrality of discursive ploys and constructions' (Wood, 2016, p.527–9). This is because, although there have been attempts to build common ground between the two waves (see Wood, 2016, p.526; Foster et al., 2014, p.229), as I note above, recent empirical work still tends to identify either with the first-wave's focus on institutions and organizations, or with the second-wave's discursive approach. Acknowledging the interplay of institutional and rules-based depoliticization with discursive depoliticization moves creates common ground for interaction between first-wave and second-wave scholars, in that the contributions of both are integrated and considered mutually constitutive as part of the same ongoing processes, rather than as separate enterprises. It is therefore also significant in offering a means to transcend a significant impasse currently hobbling conceptual debate on depoliticization.

### **Public Inquiries and Intercurrent (De)politicization**

This thesis also contributes to recent debates regarding the interplay between depoliticization and politicization within governing strategies. Traditionally, conceptual literature has tended 'to present politicization and depoliticization in binary terms'

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<sup>365</sup> Indeed, Hay makes this point because he argues that 'there are some problems ... with the (present) operationalization of the concept of discursive depoliticization', namely that it is considered separate from the other forms of depoliticizations (2014, p.299). Although, it is important to make clear that the argument I am making here is that not *only* is there 'a discursive component to all depoliticizations' (2014, p.299), but that the credibility and resonance of discursive depoliticizations often depends on the extent to which such discourses can be linked to depoliticizing institutional or organizational shifts.

(Warner and Luke, 2023, p.366). Therein, depoliticization has been considered the dominant governing strategy (British) governments pursue, at least since at least the 1980s and the neoliberal turn (Burnham, 2001; Flinders, 2012), whereas politicization has primarily been conceived as a form of resistance to depoliticized governing strategies (Wood, 2016, pp.525–6; see, for example, Jenkins, 2011; Beveridge and Naumann, 2014). More recent work has begun to push back on this, with several scholars acknowledging that ‘forms of depoliticization [co-exist] with more overtly politicized methods’ (Burnham, 2011, p.477), that depoliticized governing strategies can have politicizing remainders inherent within them (Bates et al., 2014), that governments hop between depoliticized and politicized approaches (Fawcett and Wood, 2017; Kettell and Kerr, 2022), that depoliticization and politicization act as a duality, rather than a dualism (Diamond, 2015), or that depoliticization and politicization are strategies governments pursue *intercurrently* (Warner and Luke, 2023)<sup>366</sup>.

In examining inquiries as a whole, this chapter contributes to this emerging scholarship in that it demonstrates that inquiries exemplify these kind of (de)politicizing dynamics. In particular, as was pointed out earlier, in responding to immediate post-crisis pressure, inquiries are used by government to respond to demands for something to be done in a politicized way but are also utilized to depoliticize demands for answers regarding causation, and to depoliticize discussions of reform and blame. Furthermore, this thesis’s findings also make a conceptual contribution by clarifying the rationale underpinning the politicized aspects of intercurrent (de)politicization strategies.

This is significant because, where the rationale underpinning a depoliticized a governing strategy is well established<sup>367</sup>, why governments would choose to adopt a politicized approach is less understood. As was noted above, much of the scholarship

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<sup>366</sup> Warner and Luke define intercurrency as referring to processes involving ‘the simultaneous operation’ of depoliticizing and politicizing strategies (2023, p.370). See also Berry and Lavery (2017), which empirically demonstrates a similar dynamic.

<sup>367</sup> Depoliticization ‘shield[s] the government from the consequences of unpopular policies’; changes ‘market expectations regarding the effectiveness and credibility of policy-making’; and ‘can be cloaked in the language of inclusiveness, democratization and empowerment’ (Burnham, 2001, p.129).

on politicization conceptualizes it as a form of resistance to depoliticized forms of governance that curtail democratic decision-making, autonomy and agency (see Jenkins, 2011). In research focussed on the state, it has been assumed that the adoption of highly politicized approaches to governance is somewhat foolhardy on the basis that, although ‘adopting strategies of direct intervention ... governments [can] take credit’ for successes, such politicized approaches leave open the risk that ‘a perceived ... crisis can quickly become a “political” crisis of the state’ (Burnham, 2001, p.130)<sup>368</sup>. Such a view chimes with wider literature on blame, in which politicians are assumed to have a ‘negativity bias’ whereby they are ‘motivated more by the desire to avoid blame for negative outcomes than by the desire to claim credit for positive ones’ (Hood, 2002, pp.17–21). This leaves Hood to speculate that governments will likely favour a governing strategy centred on the delegation of responsibilities (i.e. a depoliticized approach) over retaining control and responsibility themselves (i.e. a politicized approach) (2002, pp.17–21).

However, more recent research has not only demonstrated that politicized forms of governing are adopted on an ad hoc basis but has also suggested that the reasons for doing so are more complicated—especially in moments of crisis—than an explanation only focussed on credit seeking suggests (see Kettell and Kerr, 2022). Specifically, Kettell and Kerr show that, in responding to the COVID pandemic, since a ‘fixed and stable depoliticizing strategy was largely unachievable’, the British government instead engaged in a delicate balancing act, adopting a somewhat politicized approach within which they attempted to ‘demonstrate their competence in handling the crisis’, ‘take credit for its “unprecedented” actions’, while also ‘shifting blame for a myriad of growing problems’ (Kettell and Kerr, 2022, p.28). The empirical work undertaken in this thesis further supplements this recent work’s insights

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<sup>368</sup> Indeed, this logic underpins the Burnham’s overall assessment that the move towards depoliticization as the dominant governing strategy in the Blair era was ‘a distinct form of statecraft to cope with’ the failures of previous governments to achieve successful statecraft while adopting politicized methods of economic management (2001, p.128; see also Buller and Flinders, 2005, p.528). Although it is worth noting that a fully depoliticized governing strategy is noted to have limitations, both within Burnham’s seminal work on the topic (2001, p.144–6), and in more recent work (Flinders and Wood, 2015).

regarding the complex rationale underpinning the use of politicized forms of governance, especially in moments of crisis.

In particular, this thesis has demonstrated that moments of crisis—far from being moments where state managers are able to wash their hands (i.e. depoliticize) the situation—tend to provoke strong public expectations and demands for governmental action and responsiveness which motivate an at least somewhat politicized response. This is because, whilst depoliticization has curbed public expectations regarding what can reasonably be demanded of government, ‘residual responsibilities’ remain (Flinders, 2008, p.254). Indeed, as Foster et al. note ‘it is difficult to identify many contemporary issues which [have been depoliticized to the extent that] are truly consigned to the realm of fate’ (2014, p.228). Instead, issues are depoliticized by degree, and in most cases the state, often quite clearly, ‘continues to play a ... role’ in steering and regulating (Burnham, 2001, p.145). This was demonstrated in Chapter Five in particular, which focussed primarily on the immediate post-crisis period. Therein, it was emphasized that one of the problems inquiries are utilized to remedy is the sheer pressure for government to do something that inquiries provoke, despite the fact that state managers often demonstrated reluctance to take action and call public inquiries when crises initially occurred and tended to exhibit a preference for inaction. These public demands for something to be done betray the residual responsibilities the state is perceived to have in moments of crisis and provide a strong incentive for governments to adopt an at least partially politicized responses that allow them to plausibly argue that they are fulfilling their basic responsibilities and taking action in response to serious, highly salient issues.

Thus, to return to statecraft, state managers are likely to attempt to depoliticize crises in order to prevent political overload and retain a degree of relative autonomy from the demands and discontent that crises produce (see Bulpitt, 1986). At the same time, in moments of crises, maintaining an image of governing competence appears to also require and rely upon the use of mechanisms that can be framed in a politicized way: as government stepping up to the plate and taking decisive action. Essential to the utility of inquiries to state managers is the ways in which they can be utilized to do both of these things.

As Kettell and Kerr explore, the use of more politicized tactics involves a complex interplay of different considerations (2022), with this thesis highlighting one particular consideration: the need to *meet the minimum expectations the public have of government* when governments otherwise may not seek to take an issue on. In exposing the existence of potentially significant public risk, crises hit upon the most basic expectations citizens have of the state: to ensure order and public safety<sup>369</sup>. As is noted by Parker and Dekker, ‘in the wake of a crisis, paralysis and admissions of impotence are unacceptable’: ‘leaders are expected to act’ (2008, p.272). Chapter Five of this thesis highlighted this dynamic empirically, emphasizing the calls for something to be done which are specifically aimed at government in the wake of crises, and which motivate inquiry initiation. Crucially, meeting such minimum expectations is something on which the basic legitimacy of government/the state rests, thus they are not something governments can really be said to take credit for meeting<sup>370</sup>. At the same time, such expectations provide a strong impetus to act regardless of what risks state managers calculate exist regarding potential blameworthiness<sup>371</sup>. This not only highlights the rationale behind politicized responses to crises, but also why an approach that combines depoliticization and politicization may be the most favourable of all, in that it allows for much of the public pressure and outcry to be hived off, whilst providing a perception of governmental responsibility and activity that placates the basic minimum public expectations noted above.

Furthermore, in examining this dynamic more closely, debate about how to conceptualize these dynamics can be complimented and further enhanced. This can be done by thinking about how the dynamics sketched out above should best be

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<sup>369</sup> This dynamic can be seen in Statham and Trezn’s analysis of the Eurozone crisis, which they argue political elites attempted to depoliticize. However, they note that ‘the retreat of actors from the core of the political system, such as governments and mainstream political parties to “depoliticized” forms of expert governance is ... perceived as insufficient for the legitimation of public policies’ (2015, p.298).

<sup>370</sup> As Resodihardjo notes: ‘people want to live in a safe society and expect governments to make sure they do’ (2020, p.13).

<sup>371</sup> This again speaks to the temporal dynamics at play regarding inquiries, where state managers first have to respond in some way to public pressure, disquiet that overrides considerations of blame, which are themselves addressed later in the post-inquiry period.

conceptualized. At present, in terms of conceptualizing (de)politicization, the approach of Bates et al. (2014), in particular, has received praise for its empirical analysis and conceptualization of the interplay between depoliticizing and politicizing dynamics and their concept of politicizing remainders (see, for example, Hay, 2014, p.308)<sup>372</sup>. However, the term politicizing *remainders* implies that the politicizing aspects of an otherwise depoliticizing move are by-products, contradictions, or unintended consequences. Indeed, the focus of the concept is self-consciously on the ‘tensions and paradoxes’ inherent with (depoliticized) governance (Bates et al., 2014, p.244), and therefore overlaps with Burnham’s assertion that depoliticization ‘is ... no panacea’ because depoliticized approaches sometimes ‘risk politicizing social relations’ (2014, p.190). Such a concept has great utility, especially in the contemporary, crisis-ridden period wherein tensions and paradoxes within dominant governing strategies have reared their heads (see, for example, Jones and Hameiri, 2022).

However, recent work on depoliticization has also pointed out that, at times, the depoliticizing and politicizing aspects within the management of a given political issue are sometimes *both* strategic and deliberate, rather than one being the unintended by-product of the other. Specifically, Warner and Luke’s recent work highlights through an examination of the British government’s management of nationalized industries in the 1970’s that government’s sometimes use politicized and depoliticized strategies intercurrently in order to navigate difficult, ‘recurrent dilemmas’, in their case ‘the tensions surrounding political control (politicization) and arm’s-length discipline through commercial principles (depoliticization) in the management of the nationalized industries’ (2023, p.366). This approach, which emphasizes how both politicization and depoliticization can be pursued deliberately by government, fits better with the empirical findings of this thesis, which has largely focussed on the deliberate, strategic ways that inquiries are utilized by state managers within both politicizing and depoliticizing results (see above).

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<sup>372</sup> The research has also been drawn on in a number of more recent empirical works (Wood, 2015; Kettell and Kerr, 2022; Reardon and Marsden, 2020).

Yet, as is noted in the first section of the chapter, these dynamics are most usefully thought about temporally in that the strategic politicization of crises through the use of inquiries is something in which state managers engage in the immediate post-crisis period (see Chapter Five), while the depoliticization of issues of causation, blame and reform occur later, in the post-inquiry period (see Chapters Six and Seven). This temporal aspect is well captured in the work of Bates et al. (2014, see Hay, 2014, p.308)<sup>373</sup>. Indeed, the very concept of a remainder carries connotations of something produced in the wake of a particular process. By contrast, intercurrentence, denotes situations where ‘politicization and depoliticization operate simultaneously’ (Warner and Luke, 2023, p.370). Thus, the empirical findings of this thesis, and the (de)politicizing dynamics of public inquiries, present a set of circumstances that are not fully captured by existing conceptions of the interplay between depoliticization and politicization. Here, I suggest the insights of Bates et al. (2014) and Warner and Luke (2023) could be usefully combined in order to describe situations where politicization and depoliticization both occur, are both deliberately pursued by state managers, but occur in a phased manner (i.e. not strictly intercurrently). In the case of inquiries, this dynamic can perhaps be termed *politicizing to depoliticize*<sup>374</sup>, given that inquiries are framed in a highly politicized way initially by state managers: as representing decisive government action demonstrating that government are responsive and in control, but this is ultimately done to legitimate a process through which issues of causation, blame and reform can be depoliticized. The two aspects of the strategy are therefore inherently connected, are both deliberate, but occur in a phased way.

### **Public Inquiries and the Depoliticizing Role of Parliament**

A final thread running through this thesis, which helps clarify how inquiries work as a form of depoliticization, and which offers conceptual insights into how depoliticization

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<sup>373</sup> In particular, Hay’s comment that Bates et al.’s work ‘charts new ground by opening up in a richly empirical way *questions of temporality* which have thus far tended not to be explored in any detail in the literature on politicization and depoliticization’ (2014, p.308, emphasis added).

<sup>374</sup> This also raises the prospect of *depoliticizing to politicize*. Which could describe, amongst other things, state managers deliberately placing an issue at arm’s-length in order to generate popular backlash or debate.



functions, is the ‘arena-shifting’ effect inquiries have (see Flinders and Buller, 2006, p.296). In short, whilst this thesis has focussed on inquiry functionality, much of the empirical analysis has focussed on Parliament and parliamentary debates, which at face value is unusual, since inquiries are independent from Parliament and were created to supersede *parliamentary* select committee inquiries, which were seen to be too politicized to effectively investigate crises (see Blom-Cooper, 2017, p.5). However, inquiries and their reports and findings are announced and debated within Parliament, thus they are parliamentary in several important ways. Inquiry initiation then, can be said to have an arena-shifting effect whereby debate and pressure that emerges in the broader public sphere is funnelled into formalized political arenas (i.e. Parliament). More specifically, inquiry initiation triggers a double movement or shift, whereby those directly affected by crises are funnelled into the inquiry itself, and broader debate around causation, blame, and reform are funnelled into Parliament.

When thinking about the intercurrent politicizing and depoliticizing tendencies of inquiries, it is tempting to conclude that the first part of this movement (the funnelling of those affected by crises into the inquiry) accounts for the depoliticizing tendencies of inquiry functionality, and the second part (the funnelling of broader debate into Parliament) for the politicizing tendencies. After all, inquiries are, *prima facie*, a classic example institutional depoliticization (see Flinders and Buller, 2006): a body with formal independence from government, whose legitimacy is based on objectivity and technical expertise, that deals with difficult or intractable issues that government cannot deal with themselves, and over which government retains a degree of arms-length control (via setting terms of reference, selection of personnel etc.). Furthermore, inquiries have an ‘underlying legal structure [that] is labyrinthine’ and operate in a ‘heavily legalistic’ and therefore highly formalized and routinized way explicitly designed to cool highly politicized debate (Wells, 1995, p.72; Bew, 2005, p.115; Murphy, 2019, pp.4–6)<sup>375</sup>. Indeed, inquiry process is meant to adopt an ‘inquisitorial’, rather than ‘adversarial’ logic wherein participants engage in a process of collective

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<sup>375</sup> As Sedley notes, inquiries work by ‘funnelling ... arguments away from the anarchy and subjectivity of public debate and into the apparently objective and orderly forum of a proceeding which the world can watch but in which nobody speaks unless spoken to’ (1989, p.470).

learning, rather than a process of contestation (Salmon, 1966, pp.15–8; Howe, 1999, p.300).

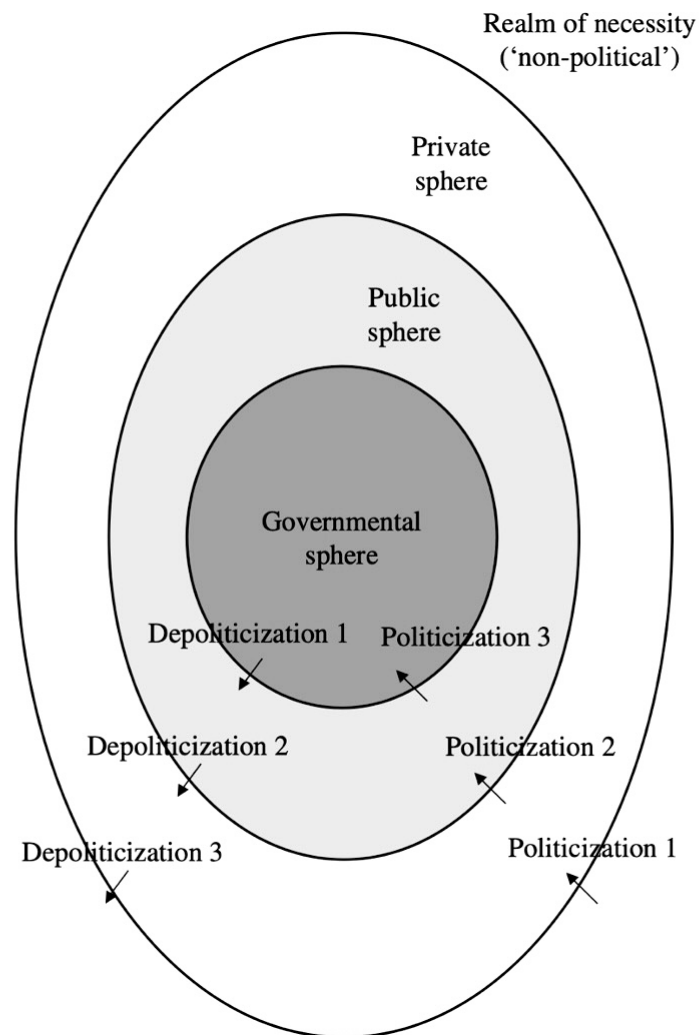


Figure VII: Hay's 'Differentiated' View of the Political (2007, p.80)

The funnelling of debate into Parliament, on the other hand, which has been the primary focus of this thesis, ostensibly has a politicizing effect. Indeed, (de)politicization literature tends to rely on a 'differentiated' conception of the political<sup>376</sup>, wherein the political is mapped as a set of concentric circles (see Hay,

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<sup>376</sup> Beveridge notes that this conception of the political, embodied in the work of Hay (2007), is highly 'influential' within literature on depoliticization, and how it has been 'adopted (e.g. Beveridge and Naumann, 2014) or adapted (e.g. Jenkins, 2011; Kuzemko, 2014) by other researchers' (2017, p.592).

2007, p.80, see Figure VII)<sup>377</sup>. Within this perspective, the governmental arena sits at the centre of the political, such that an issue that is ‘promote[d] ... from the public (but non-governmental) sphere into the arena of direct governmental deliberation’ has experienced ‘a further and *final* process of politicization’ (Hay, 2007, p.82, emphasis added). This conception reflects the typical tendency to see the state, or the formal governmental arena of politics as the focal point of the political, and governmental action and deliberation on issues as politicization, par excellence (see Rose and Miller, 1992).

Yet, whilst other research has shown the potentially politicizing role that parliamentary scrutiny of an issue can play (e.g. Bates et al., 2014), the findings of this thesis demonstrate the depoliticizing role that the funnelling of debate into Parliament can play. In particular, the thesis revealed three depoliticizing effects that the shifting of post-crisis debates into Parliament has. These were: *the legitimization of government’s initial crisis response; the narrowing of the scope of debate about reform; and the acceptance of government’s depoliticized narratives of blame.*

The legitimization of government’s initial crisis response refers to the findings of Chapter Five—discussed above—which demonstrate that, while crises generate significant demands and pressure for something to be done and for answers to questions related to causation and blame, the funnelling of these demands and questions into Parliament places them into an arena wherein the state’s ‘favoured’ form of response to such demands is accepted as fundamentally legitimate and appropriate by the political opposition (Jasanoff, 2006, p.218). Indeed, within the chapter, it was shown that government’s frame inquiries as legitimate insofar as they are immediate and independent, and both of these claims are fundamentally accepted and internalized by Opposition and backbench MPs within Parliament. Likewise, in terms of questions regarding causation and blame, governments argue that inquiries render such questions *sub judice*, deferring them until after the inquiry finishes. Again, these strategic invocations of the *sub judice* rule and inquiries’ quasi-legal nature are by and large accepted and seen to be legitimate within Parliament. All of this serves

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<sup>377</sup> Outermost is the private sphere, within this the public sphere, and innermost is the governmental sphere.

to legitimate and routinize the inquiry as a crisis response, leading to a ‘forgetting of the contested ... [nature of such] political ... processes’ (Jessop, 2014, p.216)<sup>378</sup>. It therefore has a depoliticizing effect. Furthermore, the same process also naturalizes and renders legitimate the depoliticizing aspects of inquiry functionality vis-à-vis political pressure (i.e. the use of the *sub judice* rule).

Second, in terms of narrowing the scope of debate about reform, Chapter Six demonstrates that shifting debate regarding inquiry recommendations into Parliament again has strategic value. In particular, it was shown that whilst parliamentarians apply a degree of pressure to government regarding recommendation implementation, this pressure was not sustained long enough to compel government to implement inquiry recommendations. As well as this, the chapter also highlighted that parliamentary debates regarding reform were framed by and focussed on inquiry recommendations. These recommendations were shown to work primarily within existing norms, values, institutions and practices. Thus, in remaining true to the scope of reform set out by inquiry recommendations, debate within Parliament tended to take for granted the political issues governments deem to be of key importance, preventing their contestation. Thus, funnelling debate into Parliament allowed for the depoliticization of inquiry recommendations themselves as parliamentary attention focussed on them waned over time. Furthermore, in sticking within the scope of these recommendations and seeing inquiry recommendations as setting the boundaries regarding legitimate reform, the patterns of parliamentary debates also have a depoliticizing role in terms of ‘forming necessities, permanence, immobility, closure ... and concealing/negating or removing contingency’ (Jenkins, 2011, p.160).

Finally, the acceptance of government’s depoliticized narratives of blame refers to the analysis of Chapter Seven, which shows that funnelling debate regarding blame for crises into Parliament also has a depoliticizing effect. In particular, whilst opposition parliamentarians were shown to offer some criticisms of government and assigned them a degree of blame, they were also shown to fundamentally accept and acquiesce to the depoliticizing logic that underpins governmental narrations of inquiry findings

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<sup>378</sup> In other words, that inquiries are not automatically initiated post-crisis and that, as such, other forms of crisis response could legitimately be used instead of a public inquiry.

regarding blame. In relation to scandal inquiries for example, which governments utilize to displace blame onto individual scapegoats, whilst parliamentarians did not accept such narratives without qualification, the underlying depoliticizing logic of such scapegoating narratives was not challenged within Parliament. Likewise, in relation to risk inquiries, regarding which government invoke the logic of institutional depoliticization to argue that ultimately responsibility has been displaced to bodies 'at one remove' from government (Burnham, 2001, p.128). Once again, within Parliament, whilst parliamentarians sometimes point out the steering responsibilities of government, they tend to leave unchallenged and internalize the broader depoliticizing logic at work within such narratives.

Thus, just as the occurrence of negative events (scandals, crises etc.) is noted to involve line-drawing manoeuvres of various kinds, through which responsibility and wrongdoing is spatially and/or temporally contained and bounded (Johnson, 2017). Public inquiries as responses to such negative events also involve a drawing of lines, specifically around the arenas in which government can legitimately discuss or respond to such events. Governmental crisis response and all that comes with it (discussions regarding reform, causation, blame etc.), are therefore subject to a kind of 'containment' (see Bovenkerk, 2012), such that only quite a narrow set of (parliamentary) political arenas are granted this legitimacy. This depoliticizing role that Parliament plays vis-à-vis inquiries reveals the extent to which Parliament can ultimately act as 'a buffer between government and the people'; one that accords the people 'the right to elect their representatives', while ensuring these representatives, rather than the people, 'bear the burden of sustaining or opposing the government of the day' (Miliband, 1984, p.38–9)<sup>379</sup>. In other words, whilst parliamentary democracy is 'presented and represented to the masses as the ultimate incarnation of ... "democracy"', to an extent, there is a 'separation and non-participation of the masses in the work of Parliament' (Anderson, 1976, p.28).

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<sup>379</sup> None of this is to say that Parliament is merely a 'talk shop' (Bulpitt, 1986, p.27), or 'mirage' (Anderson, 1976, p.28). Rather, 'Parliament is ... a "political apparatus", vested with real attributes of debate and decision, which are in no sense a mere subjective trick to lull the masses' (Anderson, 1976, p.28). Thus the view advanced here is critical, but not dismissive of, the democratic functionality of Parliament.

This separation ultimately functions to “depopularize” policy-making and ... limit ... the impact of [popular opinion] upon the conduct of affairs’ (Miliband, 1984, p.38). This critical view of Parliament has been reinforced more recently by research on the British Political Tradition, which acknowledges that British parliamentary democracy is marked by a ‘limited notion of representation’ (Marsh and Hall, 2007, p.224; see also Tant, 1993), wherein Parliament should ‘give voice to various views and interests, but [should] also ... deliberate and develop policy *without much recourse to the public*’ (Hall et al., 2018, p.367, emphasis added). Thus, the funnelling effect described here does not function to quell public debate regarding crises altogether. No evidence was found of this, and empirical work casts doubt on such claims (Sulitzeanu-Kenan, 2007). Rather, the funnelling effect discussed here allows for central government to gain a measure of ‘relative autonomy’ from popular pressure and debate (Bulpitt, 1986, p.27). This occurs because, in playing their role of ‘specify[ing] a way in which policy matters can be properly discussed’ (Parker and Dekker, 2008, p.272; see also Sedley, 1989, p.472), inquiries shift the fulcrum of discussion regarding crises towards the governmental arena, freeing governments from some of the complications of responsive government and therefore allowing ‘strong, decisive government’ to take place (Hall et al., 2018, pp.367–8).

In drawing this critical view of parliamentary democracy together with the findings of this thesis, it becomes clear that the depoliticizing role that Parliament can have (as explored above) helps to reproduce this model of strong, rather than responsive, government, and helps to maintain governmental autonomy in the face of pressure and popular discontent. In other words, by having the arena-shifting effect set out above, inquiries ultimately reinforce ‘the ideology of parliamentary sovereignty’ which suggests ‘that Westminster should provide the sole arena for the expression of interests within British society’ (Buller and Flinders, 2005, p.534), in order to ‘depopularize’ public outcry and discontent (Miliband, 1984). Furthermore, in examining the depoliticizing, arena-shifting dynamics of inquiries and Parliament, this thesis has provided further clarity regarding *how* British parliamentary democracy has this depopularizing effect by highlighting the specific depoliticizing effects that the funnelling of debate into Parliament can have (the legitimization of government’s initial

crisis response; the narrowing of the scope of debate about reform; and the acceptance of government's depoliticized narratives of blame).

As well as this, acknowledging the depoliticizing role of Parliament also offers significant conceptual insights regarding (de)politicization, calling into question the view of the political—embodied in the work of Hay (discussed above)—that the formal political arena is assumed to be the most highly politicized arena of the political. Indeed, this thesis makes clear that, at least in the case of inquiry usage, the shifting of debate to within Parliament represents the strategic containment of ‘eruptions of popular feeling [within] channels traced out for their expression’ (Miliband, 1984, p.98)<sup>380</sup>. Channels within which such popular feelings can be depoliticized, moderated and can be managed more effectively. In assuming that the governmental sphere is the most politicized area of the political in all moments, and that ‘the representation of issues in the political process is the ultimate determinant of their “politicalness”’ (Beveridge, 2017, p.594), existing literature risks implicitly adopting a view of British parliamentary democracy that ‘reifies the formal institutional processes of representative politics, as well the general claims to democratic legitimacy on which it is based’ (Beveridge, 2017, p.594), while ignoring the elitist, depoliticizing tendencies which give Parliament strategic utility as an arena which can be used to contain difficult to navigate issues and the threat posed by unrestrained popular discontent.

Relatedly, viewing Parliament from this perspective reveals that ‘eruptions of popular feeling *outside* [these preferred] channels’ (i.e. popular discontent within the broader public sphere) represents a key danger state managers seek to guard against (Miliband, 1984, p.98). This is a particular risk in the wake of the kinds of negative events inquiries respond to, which are noted to often provide ‘a basis for critique and popular resistance’ against the state (Johnson, 2017, p.704). This suggests that the public sphere can often be the most politicized political arena since discontent can be expressed there without co-optation and free from the moderating influence of the

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<sup>380</sup> As with any depoliticization strategy, the containment I discuss here is never complete: debate and popular outcry will still continue outside of popular channels to some extent, especially regarding the most politicized crises. What I have sketched out within this thesis though, is the depoliticizing strategies that are *attempted* by state managers in the wake of crises, which inquiries are utilized within. The degree of *success* such attempts enjoy of course varies from case to case.

formalized political procedures. Some scholars have acknowledged this, with Warner's research illustrating how the depoliticizing 'institutional apparatus of the state' can be undermined and repoliticized by the 'the disruptive potential of deformed politics' and 'contestation at the societal level' by 'informal non-governmental political actors' (Warner, 2019, pp.542–3). Crucially, Warner demonstrates how informal political actors are able to have this disruptive, politicizing effect precisely *because* they operate beyond the governmental and avoid being 'shackled to the governmental sphere' and the depoliticizing strategies 'forged' therein (2019, pp.553–4). By identifying some of the ways that formal governmental organizations, and specifically Parliament, have this shackling, depoliticizing effect, this thesis has further developed these ideas.

### **Public Inquiries within Patterns of British Governance**

Throughout this thesis, the three functions inquiries are utilized by state managers to fulfil—pressure relief, the maintenance of autonomy, and blame avoidance—have been explored through the lens of (de)politicization. As is noted at the outset, temporally, inquiries are initially called in a highly politicized way, but over time, depoliticizing dynamics take precedence. This chapter has attempted to provide an overall picture tying some of these dynamics together and, in so doing, contribute to conceptual debate regarding (de)politicization.

In particular, the chapter has emphasized how the empirical work on (de)politicization that runs through the thesis demonstrates the interplay between institutional/rules-based and discursive forms of depoliticization by drawing on the work of Standing (2018). In other words, a repeated theme of the thesis has been that the discursive (de)politicization strategies inquiries are utilized within resonate and are credible to the extent to which they are bolstered by actually existing institutional or organizational measures. In making this argument, the thesis pushes back against the dominant tendency within existing literature on (de)politicization to present institutional/rules-based forms of depoliticization as distinct from discursive forms (see Flinders and Buller, 2006). Maintaining this separation, it was argued, misses the extent to which both forms are mutually constitutive, and therefore lacks nuance and explanatory power regarding the effectiveness and resonance of discursive forms of



depoliticization. Acknowledging this interplay, on the other hand, provides greater nuance regarding how depoliticization strategies—even those considered quintessentially institutional/rules-based or those considered wholly discursive—work in practice. Furthermore, acknowledging the mutual constitution of different forms of depoliticization offers a basis on which to transcend the split within existing depoliticization literature between a ‘first wave’ of research that emphasizes ‘the delegation of tasks and imposition of rules’ (institutional/rules-based) and a ‘second wave’ that ‘emphasize[s] the centrality of discursive ploys and constructions over physical “acts”’ (preference-shaping/discursive) (Wood, 2016, p.527–9).

As well as this, this chapter has also contributed to ongoing discussion of the interplay of depoliticization and politicization by highlighting these dynamics within the workings of inquiries (Warner and Luke, 2023). In exploring these dynamics, the thesis supplements existing understandings of the rationale underpinning the politicized aspects of (de)politicized governments. In particular, in focussing on crisis management, and in stressing how inquiries respond to demands for something to be done, this thesis highlights how crises trigger strong public expectations that government meet the minimum expectations citizens have of them. Thus, while crises are difficult to navigate, which renders depoliticized responses desirable, the need to ensure basic legitimacy incentivizes a somewhat politicized approach that allows government to plausibly claim that they are taking decisive action to meet crises head on. Alongside this, the fact that inquiries are often framed in a highly politicized way initially, but ultimately play a primarily depoliticizing role in the post-inquiry period was pointed out in order to bring together existing work on (de)politicization (Bates et al., 2014; Warner and Luke, 2023). This was done in order to conceptualize situations wherein politicization and depoliticization are both deliberate aspects of a governing strategy, but unfold in a phased way, which, at least in the case of inquiries, can be summarized as politicizing to depoliticize.

Finally, this chapter has also highlighted the extent to which this thesis has focused on how inquiries are utilized within Parliament and parliamentary debates. This, it was argued, reveals the arena-shifting effect inquiry initiation has, in that, by calling an inquiry, government funnel those directly affected by crises into the inquiry itself, and funnel broader debate and questions into Parliament. While governmental

institutions are typically considered politicized arenas par excellence, this thesis demonstrated the *depoliticizing* effects this funnelling has on demands for answers regarding causation and blame, as well as debate around political reform. In making this argument, depoliticization literature was synthesized with a critical view of British parliamentary democracy. This synthesis was used to argue that inquiry usage reinforces the government knows best elitist tradition underpinning British democracy, which seeks to depopularize policy-making and contain outcry for change from below and reveals some of the ways this tradition is upheld. Finally, the acknowledgement of the depopularizing effects that Parliamentary democracy has demonstrates the problems of the dominant view of the political underpinning depoliticization literature, which in asserting the governmental arena as the most politicized area of the political, risks downplaying how highly politicized the public sphere can become (and the problems this causes government), and in turn risks adopting a somewhat naïve view of British democracy rather than a critical one that acknowledges the limited role public opinion plays within Parliament.

## **Conclusion**

### **The Enduring Significance of Public Inquiries**

As has been demonstrated throughout this thesis, the public inquiry is enormously important within British governance. Since their emergence at the turn of the twentieth century (see Blom-Cooper, 2017, p.11; Beer, 2011, p.6; Flinders, 2001, p.160), public inquiries have become government's 'favoured mechanism' for dealing with the most high-profile matters that provoke significant public concern (Jasanoff, 2005, p.218), and are called 'almost [as] a reflex action' when significant crises threaten the legitimacy of the state (Drewry, 1975, p.58; Gephart, 1992). This has meant that, since the 1920's, inquiries have seen both frequent and high-profile usage (see Norris and Sheppard, 2017), being called as part of governmental responses to some of the most serious political crises of the twentieth century. This role as a key part of state crisis management strategies has continued into the contemporary period, as the decision to assess the British government's COVID-19 pandemic response via public inquiry only serves to underscore.

Yet, in spite of this clear significance and prominent role, public inquiries are somewhat poorly understood phenomena. Research, to be sure, has offered an array of interesting insights about aspects of inquiry process, or regarding specific inquiries and their political impact (see Chapter One), however academic reflections on inquiries have been somewhat limited (Salter, 1989, p.173; Peplow, 2018, p.137). Furthermore, literature which does exist is disorganized and fragmented (Burgess, 2011, p.8), and has failed to offer convincing answers to key questions regarding inquiry usage and functionality (Stark, 2019, p.398). The continued prominence of the public inquiry is sure to stimulate academic and wider interest in inquiries. As well as this, looking ahead, the increasingly crisis-prone nature of the neo-liberal settlement (Peck, 2010), and the increasing problems the neo-liberal state has achieving a sufficient degree of legitimacy (see Bruff, 2014), suggests that tools of state crisis management and legitimation, of which the public inquiry is among the most significant for the British state, will continue to be crucial within governing strategies in the coming years.

In sum, public inquiries are key to British governance and especially the politics of crisis management in Britain, both historically and in the contemporary period. The continued high-profile usage of inquiries and the increased prevalence of exactly the kinds of issues inquiries respond to (e.g. political crises, legitimisation deficits) means inquiries are likely to continue to play a prominent role in British governance. However, at present, existing literature on inquiries has several limitations and has not fully addressed key questions regarding inquiries.

### **This Thesis's Contributions**

It is because of this mismatch between the significance of inquiries, and the fragmented state of existing literature on inquiries, that this thesis sought to intervene. This intervention involved several key contributions.

First, as is noted above, literature on inquiries as it stands is fragmented. Existing research either proceeds without reviewing existing literature, or only engages in limited or short reviews. As such, the first intervention this thesis made was to conduct what is perhaps the only thoroughgoing, systematic review of literature on public inquiries in Chapter One. In doing this, this thesis identified that, whilst a number of sub-literatures on inquiries could be identified and examined, literature generally was most helpfully understood as divided on the question of inquiry functionality<sup>381</sup>. Most works on inquiries, regardless of disciplinary, methodological or theoretical background offer a view of what inquiries are for. On the one hand, inquiries are viewed as serving the public good by delivering information, accountability, transparency and learning (see, for example, PASC, 2005). On the other, more critically, inquiries are viewed as serving the narrower interests of state managers as they desperately try to manage crises and ensure their own survival (see, for example, Gephart, 1992).

This review provides a more accessible introduction to what is out there on inquiries compared to existing research. However, the review also raised further questions. Namely, in the process of reviewing the issue of inquiry functionality, it was

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<sup>381</sup> This built on the insights of other scholars, especially Elliott and McGuinness (2002) and Sedley (1989).

argued that, whilst the critical view noted above is more convincing overall, neither view adequately resolves the debate regarding functionality. Instead, both views are beset by problems, especially regarding the evidential basis of the claims made regarding what specific functions inquiries are called to achieve, and the lack of clarity about how and why inquiries actually fulfil their expected functions in practice. Clarifying these two issues therefore formed the two major empirical contributions of the thesis.

To address the first issue of expected inquiry functionality, or why inquiries are called by state managers, the thesis drew on government archival documents to produce a threefold multi-faceted conception of expected inquiry functionality. The findings of this analysis are presented in Chapter Four. Therein, it is suggested that inquiries are called to relieve political pressure placed on governments when crises occur, to help maintain governmental autonomy in the face of demands for change that come from below when crises occur, and to help government's avoid blame for crises that have occurred. I labelled this conception of inquiry functionality Swiss Army knife-like in that governments may use inquiries in pursuit of all of these goals or may call inquiries primarily to fulfil one or two of them (just a Swiss Army knife can be used for one task, or for several). These ideas are not entirely novel, indeed the chapter aimed to synthesize rather than depart from what existing literature had claimed about inquiry functionality. However, this conception of inquiry functionality had several advantages over those found within existing research. Most significantly, in offering a multi-faceted view of inquiry functionality, the chapter departed from existing literature's preference for unidimensional views of inquiry functionality, which lacked complexity and were unable to explain a diversity of cases. As well as this, in drawing extensively on archival material, the conception of inquiry functionality offered here had strong empirical grounding in the most 'important single source of information' that exists when researching the motivations of state managers (Burnham et al., 2008, p.200). This is contra the empirical lightness of much existing research, which tended to offer only speculative or theoretically-derived explanations of inquiry functionality (Stark, 2019, p.399). This more holistic and empirically rich understanding of inquiry functionality therefore represents a significant step forward on existing research.

Another significant finding derived from the archival section of the project was that, contrary to the assumptions of some existing research, little evidence was found that inquiries are directly controlled by state managers in some way. Instead, archival evidence suggested that researchers should take the formal independence of inquiries somewhat seriously. This finding, however, raises a question. Namely, if inquiries are not simply controlled by state managers, how and why do they consistently serve their interests?

Drawing on depoliticization literature which focusses on the arms-length control, manipulation and ideological use of formally independent bodies (see Burnham, 2001), the thesis developed an account of inquiry functionality centred on the ways that state managers rhetorically and strategically make use of inquiries *from without*. Much of this strategic and rhetorical usage of inquiries occurs within Parliament, and Chapters Five, Six and Seven offered an in-depth, empirically grounded account of the numerous ways state managers utilize inquiries strategically and rhetorically throughout the inquiry/crisis management process in order to achieve the three goals set out above<sup>382</sup>. Overall, the findings of these chapters suggest that inquiries aid state manager's attempts to manage crises, relieve pressure, maintain autonomy and avoid blame. However, in placing inquiries within ongoing strategic and rhetorical wrangling, the thesis has avoided the latent functionalism of some existing literature, which suggests inquiries reflexively and automatically deliver certain key objectives. In contrast, the thesis has maintained an awareness of both the limitations of inquiries as tools of crisis management, and to how political opposition groups respond and attempt to resist the use of inquiries in these ways. This has meant the thesis has broken significant new ground, both on inquiries and the politics of depoliticization, and offered a more dynamic and holistic account of how inquiries are used in pursuit of key political objectives compared to most existing research.

### **Avenues for Future Research**

In accomplishing these tasks, the thesis has shed new light on a significant aspect of British governance and has broken new empirical and theoretical/conceptual ground.

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<sup>382</sup> I review the main findings of these chapters in detail in the previous chapter.

At the same time, given the complexity of the social world, no researcher can hope to capture everything of note about a given social phenomena (Hay, 2014, p.298), and indeed, regarding inquiries, as I note above, this project was undertaken with the intention of giving future researchers a solid basis on which to build. It is therefore worth noting some of the limitations of this project that such future research may seek to address.

First, this thesis views inquiries as a means of containing discontent that emerges outside of formal political institutions. Given the thesis's focus on how inquiries are utilized by state managers, much of the analysis has focussed on Parliament, which I argue becomes a key site that debate and discontent is funnelled into following the initiation of an inquiry. However, as I note in Chapter Eight, it is also true that the inquiry itself is an arena where discontent can be contained, in that inquiries capture those directly affected by major crises within a 'heavily legalistic', highly formalized and routinized institution (Wells, 1995, p.72), 'which the world can watch but in which nobody speaks unless spoken to' (Sedley, 1989, p.470). Thus, future research should seek to gain more clarity around the ways in which the inquiry itself functions as an arena used to contain discontent.

This would involve researchers developing primary data through interviews or ethnographic methods, in order to achieve a picture of what inquiries are like to participate in for those directly affected by crises. Again, because of the focus here on statecraft, the politics of governing, and therefore on how inquiries are used by state managers, this was left unaddressed here. Furthermore, literature more generally has largely been reluctant to collect the kind of primary data necessary to address this avenue of research (Stark, 2019, p.399). As such, only a small set of research, largely drawn from wider grey literature, actually reflects on what inquiries are like to participate in (see Inquest, 2019; Jones, 2017). In order to research the internal dynamics of inquiries in a satisfactory and informed way, it is first necessary to have a clear idea of what inquiries do and are for (i.e. their function). Having clarified inquiry functionality here then, it is hoped that future research can use this project as a basis on which to explore the internal dynamics of inquiries and what inquiries are like to participate in, which would significantly enhance our understandings of inquiries as institutions.

Second, in contrast to existing literature on inquiries, which has largely avoided developing or utilizing primary data (Stark, 2019, p.399), this project has drawn on several sources of data in order to produce an empirically grounded account of inquiry functionality. Some of these data sources, such as parliamentary debates related to inquiries, have been utilized by researchers before (see Murphy, 2019). However, the archival aspect of the project's methodology represents the first project to use governmental archives within inquiries research. As I have argued elsewhere, for understanding how state managers see inquiry usage and functionality, this is highly significant. Archival documents, in being primary documents, archival materials contain the real, private motivations state managers have, since such material was 'secreted exclusively for the purpose of action' (Webb and Webb, 1932, p.100).

However, as is noted in the project's methodology (see Chapter Three), given the multi-case approach the project takes, data collection involved retrieving a sample of the archival material available for a number of cases, rather than a full archival analysis of all material available for each case. This decision in turn meant Cabinet Conclusions were selected as the data source for this section of the project. Yet, Cabinet Conclusions do not provide the full picture of governmental decision-making. As the name implies, Cabinet Conclusions only detail discussions at the level of the Cabinet, they do not reflect wider departmental discussions. Furthermore, Cabinet Conclusions are only summaries of discussions that took place. Cabinet Conclusions are therefore seen to have limitations as a data source and a full search of all available archival material available for a given case is considered the ideal (Burnham et al., 2008, pp. 204–5). Thus, while the use of Cabinet Conclusions was necessary given this project's methodology, and though they provided a sufficient basis for an analysis of the broad themes that exist within state manager's discussions regarding inquiry initiation and usage, they do have limits as a data source. Future research could therefore usefully compliment and build on the initial archival analysis undertaken here by engaging in a full archival search of materials related to individual inquiries. This would help to overcome the preference for light case analysis that existing literature has been criticized for and would shed further light on how decisions regarding inquiries taken centrally regarding inquiries (i.e. at Cabinet level) percolate through to



the departmental level, and what consequences these decisions have across governance networks.

Finally, though the project has attempted to provide a more holistic view of inquiry process by drawing on multiple sources of data, given the complexity of inquiry processes, and the broader crisis management processes they sit within, certain aspects of inquiry processes were underexamined in this thesis. In particular, because of the focus on state manager's articulation and usage of inquiries within Parliament, the broader articulation and reception of inquiries in public discourse was neglected to some degree. As Greer and McLaughlin (2017) have indicated, inquiries are often subject to extensive media coverage, both as they run and when they deliver their findings and are often central to the construction of scandals within media discourse. Indeed, media coverage is often a central way in which inquiry findings are communicated to the broader public. How inquiries are represented in media, and the relationship between inquiries and the media, is therefore an important avenue for further study that, given the focus on Parliament, was not covered in this research and has not been fully addressed within wider literature. If a full picture of inquiry process is to be achieved, accounting for these dynamics is crucial.

### **Reconceptualizing Public Inquiries within British Governance**

This project then, has made a number of significant contributions to understandings of inquiry process and functionality, and in reassessing these issues in a novel way, has highlighted numerous avenues for further research and study. Ultimately though, the aim of the project was to conceptualize inquiries within broader patterns of British governance. The fruits of this endeavour are discussed in Chapter Eight, wherein the inquiries are situated as part of broader processes the state institutes in order to depoliticize crises and contain public discontent within formal political institutions.

The first aspect of this conceptualization is perhaps not all that surprising. Inquiries, after all, have many of the hallmarks of an institutional depoliticization move, and in general British state managers have been seen to favour depoliticization as a governing strategy, both in the contemporary period (Burnham, 2001), and historically (Buller and Flinders, 2005). Indeed, as Bulpitt notes, given the perennial search for a degree of relative autonomy, state managers are perpetually seeking ways to achieve

‘the “euthanasia of politics”’ and ensure that political decision-making remains ‘depoliticized’ (Bulpitt, 1986, p.32).

The concept of containment, however, is less widely used within British Politics, and the connections made between the notion that inquiries funnel discontent into formal political institutions where it can be contained and the literature on depoliticization is novel. In particular, underpinning this idea is the notion that Britain’s formal political institutions, most notably Parliament, actually has a depoliticizing role. This is significant because it runs contrary to the dominant understanding of politics underpinning much of the existing literature on depoliticization, which assumes that the governmental sphere represents the most politicized arena, and that processes of politicization involve the pushing of issues from the broader private and public spheres into formal political (governmental) institutions (see Hay, 2007). In rediscovering insights from scholars such as Miliband, who offers a sceptical view of the role of Britain’s formal political institutions through his analysis of ‘parliamentarism’ (1984), we can identify that this assumption that the governmental sphere represents the most politicized social arena fails to account for how elitist and ‘pre-modern’ Britain’s political institutions are (Nairn, 2021, p.20), and the degree to which they are marked by a limited notion of representation (Marsh and Hall, 2007; 2016; Hall et al., 2018; Richards and Smith, 2015) .

This is a significant conceptual contribution in its own right, however it is also worth drawing out the two conclusions that follow from this contribution. First, in identifying that inquiries can be understood as bodies aimed at the containment of discontent that emerges outside of formal political institutions, it becomes clear that spontaneous debate, activism, and discontent are major sources of concern for state managers, which they perpetually seek to quell and manage, especially in moments of crisis, which are wont to cause this kind of discontent and informal discussion. Future work on depoliticization and crisis management, then, must account for and be aware of this as a key threat that occupies the thoughts of state managers. Second, this understanding of informal public discontent and activism also implies that such outbursts have something of a radical potential. This conclusion therefore also serves as a reminder of the democratic, progressive potential that a vibrant public sphere has, underscoring the significance of the actions of those citizens who become active in the

aftermath of crises and make demands for change outside of the formal political channels which seek to moderate and suppress them.

### **Inquiries and British Democracy**

Finally, throughout the thesis, it has been stressed that inquiries are seen by many authors to be key to British democracy (Jasanoff, 2005, p.218; Beer, 2011, ix; PASC, 2005, p.7), and to be reflective of how the British political system works (Wraith and Lamb, 1971, p.352; Suter, 2011). Contemporary debates regarding British democracy have centred on whether British democracy is in crisis (Hall et al., 2018; Wincott et al., 2021; Flinders, 2021; Baldini, 2015; Richards and Smith, 2015). This identification of a crisis of British democracy in turn reflects more long-running academic discussions regarding the rise of anti-politics in Britain (Vines and Marsh, 2018; Hay, 2007; Stoker, 2012; Flinders, 2010), and how this may reflect a growing sense amongst citizens that British democracy does not work and politicians cannot be trusted (Stoker, 2006; Flinders, 2012; Jennings et al., 2016), and/or increasingly visible deficiencies in the democratic system itself (Hay, 2007; Richards and Smith, 2015).

In recent times, scholars have particularly focussed on how declining trust in British democracy, and rising anti-political sentiment has affected party politics, especially in terms of the rise of populist challenger parties (Whitaker and Lynch, 2011; Vines and Marsh, 2018, pp.441–2), and populist elements within the established mainstream parties (Flinders, 2018; 2020; Watts and Bale, 2019). Scholars too have shown how anti-politics has expressed itself in terms of key political events such as Brexit (Marsh, 2018), but have also demonstrated how the drivers of anti-politics and the shortcomings of the British political system have contributed to the emergence of various crises. Most prominently, a number of scholars have examined how the nature of British democracy contributed to the constitutional and political crises which emerged during attempts to implement the Brexit vote (Richards et al., 2019; Marsh, 2018; Jennings and Lodge, 2018; Bell, 2022). More recently, work on Britain's poor response to the COVID-19 pandemic has begun to analyse the ways in which the British political system itself can be seen as part of the problem in terms of pandemic response (Joyce, 2021; Diamond and Laffin, 2021; Jones and Hameiri, 2021; Richards et al., 2023).

The key role that inquiries play within British governance means that their frequent and prominent usage, and the findings of this thesis regarding their functionality, reveals several things which are pertinent to these ongoing debates regarding British democracy. First, the frequent usage of inquiries, and even more frequent demands for inquiries, are indicative of an ongoing crisis of British democracy and reflects the nature of this crisis. Indeed, a major argument of this thesis has been that key to inquiry functionality and the Court's decision to initiate inquiries is the need to respond to public political pressure for action in response to various crises and demands for change and reform which emerge from below in the wake of these crises. That inquiries are utilized so frequently then, is indicative of a political system in which crises are frequent, public discontent is often palpable, and in which political elites are often seen by the public to be reactive or behind the curve in terms of effectively meeting key political challenges.

Furthermore, that the public inquiry has become both government's 'favoured mechanism' for responding to this discontent (Jasanoff, 2005, p.218)—the one which they deem to have the best chance of satisfying public demands for action, and of generating a sense of legitimacy—and the body that the public also instinctively call for in the wake of crises, is also significant. In particular, the public and government's recourse to public inquiries, whose legitimacy is rooted in their independence and ostensibly apolitical nature (Gilligan, 2004), suggests that the British political system is beset by perennial legitimation issues (Gephart, 1992). That is, the public frequently doubt the ability of the British political system, and British political elites, to deliver accountability internally or of their own accord. Political elites too, in making recourse to a formally independent, depoliticized form of crisis response, are acutely aware of the political system's inability to legitimate itself in moments of crisis by demonstrating accountability, learning, and responsiveness. The perennial public calls for public inquiries are therefore themselves indicative of a prevailing anti-political sentiment regarding British democracy. But importantly, where existing literature has tended to suggest that a prevailing mood of anti-politics within British democracy have been relatively recent phenomena (Hay, 2007), the frequency and prevalence of public inquiries throughout the twentieth century, which this thesis has explored, suggests

that these issues are more long in the tooth than has been assumed. Which in turn suggests that the roots of this anti-politics lie more in longstanding deficiencies in Britain's political system, rather than solely in more recent changes to citizen's expectations or experiences of democracy (Richards and Smith, 2015).

As I have explored within the thesis, the practices of British democracy are seen by a number of scholars to be underpinned by the British Political Tradition (Marsh and Hall, 2007; Richard and Smith, 2015). Key features of this tradition include the tendency towards a centralized, executive-dominated politics (Richards and Smith, 2002), and an antipathy towards meaningful citizen engagement (Marsh and Hall, 2007). The crisis of British democracy can be related the continuing influence of the BPT: the system's failure to meaningfully engage citizens and encourage participatory forms of democracy leads to perennial legitimization deficits (Hall et al., 2018; Richards et al., 2019); the system's centralization leaves it crisis-prone, especially when responding to complex, multi-level problems (Richards et al., 2023); the concentration of power leads to a lack of accountability, scrutiny, and meaningful input from key stakeholders (Warner et al., 2021). The logic of the public inquiry, and the ways in which its legitimacy is articulated by political elites was shown within the thesis to be related to the inquiry's supposed ability to overcome some of these tendencies. That is, as offering independent scrutiny of the executive, producing useful lessons regarding how to best respond to complex problems, and as operating on principles of democratic pluralism by promoting citizen engagement.

However, one of the key findings of this thesis has been that, in various ways, the public inquiry reflects and is an expression of the elitist, top-down logic of the BPT that is at best sceptical of citizen engagement and empowerment and seeks to suppress demands for change and action which emerge from below. Inquiries, as I discussed earlier, funnel and contain discontent, and make Parliament the fulcrum of debate regarding the crises they investigate, and questions of political reform related to these crises. In acting as agencies of containment in this way, public inquiries reinforce the ideology of parliamentary sovereignty which suggests 'that Westminster should provide the sole arena for the expression of interests within British society' (Buller and Flinders, 2005, p.534). Indeed, the very formation of the public inquiry has been seen to reflect the idea of Parliament as the grand inquest of the nation (PASC,

2005, p.10). As such, whilst inquiries can be seen as an attempt to address concerns regarding the legitimacy and efficacy of the British political system as it operates in accordance with the BPT, in practice, the public inquiry itself ultimately reflects and cements the central ideas of the BPT: that politics is something that occurs in Westminster, that executive autonomy ought to be maintained, and that citizen's demands for change and governmental actions are forces to be managed and placated, rather than engaged with substantively.

From this perspective, then, the continuing prominence of the public inquiry, and the continuing recourse that both citizens and political elites make to it as a means of addressing the deficiencies and problems caused by the continuing dominance of the BPT as a way of doing politics should ultimately be viewed pessimistically, as the inquiry is itself wedded to and an expression of this tradition. The public inquiry's continuing centrality therefore suggests that a new, more substantively democratic, open, bottom-up kind of politics, whilst articulated and expressed as a set of ideas and practices in Britain to some extent (Richards et al., 2019; Bailey, 2014), has yet to take root within Britain's political system which remains wedded to the values of the BPT, contra optimistic assertions regarding the vulnerability of the BPT in the contemporary period (Hall et al., 2018). British democracy is as such likely to remain in perpetual crisis and in a legitimisation deficit. The prevailing public mood of anti-politics appears set to endure. This in turn will likely leave British democracy perpetually reliant on the public inquiry as a means of managing and responding to serious crises, even though the public inquiry itself expresses and sustains the very set of political values that ought to be transcended if British democracy is to improve and evolve.

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## Appendices

### Appendix I: Inquiries, Data Availability

Inquiry Name	Year of Inquiry	Cabinet Papers Available?
Export of Defence and Dual-Use Goods	1992	N
Hillsborough	1989	Y
Clapham Junction Railway Accident	1988	Y
Piper Alpha Disaster	1988	Y
Kings Cross Underground Fire	1987	Y
Stanley Royd Hospital	1986	N
Crowd Safety at Football Grounds	1985	N
Brixton Disorders	1981	N
Professional Conduct of Crown Agents	1978	Y
Normansfield Hospital	1977	N
Red Lion Square Disorders	1974	N
Vehicle and General Insurance Co.	1972	N
Widgery Inquiry/Tribunal	1972	Y
Aberfan	1966	Y
Assault of John Waters	1959	Y
Bank Rate Information	1957	N
Crichel Down	1954	Y
Bribery of Ministers of the Crown	1948	N
Administration of the Newcastle upon Tyne Fire, Police and Civil Defence Services	1944	N
Hereford Juvenile Court Justices, proceedings against Craddock and others	1943	N
Detention Barracks	1943	Y
HM Submarine 'Thetis'	1939	Y
Unauthorised Disclosure of Information Relating to the Budget	1936	Y
Corporation of Glasgow	1933	Y
Interrogation of Miss Irene Savidge by the Metropolitan Police	1928	Y
Charges against the Chief Constable of St Helens by the Watch Committee	1928	N
Allegations Made Against the Chief Constable of Kilmarnock	1925	N
Arrest of R Sheppard RAOC Inquiry into conduct of Metropolitan Police	1925	N
Destruction of Documents by Ministry of Munitions officials	1921	N

## Appendix II: Code Set (Archives)

Codes	No of Times Used?	How Many Docs? (55)	How Many Cases? (14)	Description
<b>Tactical or Public Minded Usage?</b>				As part of the abductive coding process, related codes were gradually grouped together. In this section, I grouped a set of codes that spoke to the general questions of whether inquiries were called for narrow tactical reasons or for more public-minded reasons.
· Establishing facts	4	4	4	Any reference to state managers calling inquiries for one of their stated functions: to find out what happened. The code was created with existing literature in mind, some of which suggests inquiries are called mainly or exclusively as fact-finding exercises.
· Accountability	6	4	3	Any reference to state managers calling inquiries to hold themselves accountable. Again created with existing literature in mind, and the view that inquiries serve the public good and deliver accountability.
· Tactical use	21	12	9	Any general reference to state managers calling inquiries for more narrow, self-serving reasons. A code created with the more critical view of inquiries in mind. As I coded I began to rely more on more specific codes related to specific tactical functions I identified within the data (see below).
· Potential hazards of inquiry use	21	15	6	Any reference to state managers viewing inquiries as having risks as well as benefits. A code created with the work of scholars like Resodihardjo (2006) in mind, who try to move beyond the extremes of existing literature and treat inquiry usage as something of a double-edged sword.
<b>Relieve Political Pressure</b>				The notion that inquiries were utilized to relieve pressure generally, and in some more specific ways came through across several of the codes, I therefore also grouped them together.
· Relieve political pressure	48	28	11	Any more specific reference to inquiries being called for the purpose of relieving pressure on government (rather than a just a general notion of inquiries being advantageous, see above).
· Delaying tactic	11	9	6	In later rounds of coding I divided the data in the relieve political pressure code into subcategories, also incorporating data from other codes. This is one such category. It refers to any reference to inquiries relieve pressure through placing a delay on debate regarding a given crisis.
· Need for outside legitimacy	18	9	6	As above, created to further tease apart different aspects of the relief of pressure code. Denotes any reference state managers make to the independence of inquiries and how this can be used to placate demands for something to be done.
· Need to act quickly and decisively	16	11	9	Also created to tease apart different aspects of the relief of pressure code. Contains any references state managers make to inquiries relieving pressure by being a swift post-crisis response.
<b>Inquiries and Govt Post-Crisis Response</b>				These two codes regarding the government's response to inquiry reports and the report's policy implications were linked. I therefore grouped them together.
· Squaring existing policy with report	17	10	4	Indicates any reference to state managers discussing inquiry findings and how their existing policy initiatives can be legitimated by framing them as consistent with inquiry findings. I saw several high profiles of this within the data (especially Hillsborough and Crichel Down).
· Acceptance of report	13	11	7	Any reference to state managers agreeing that they should be seen to accept inquiry findings.
<b>Blame Avoidance</b>				These two codes both related to how governments related to inquiry reports in terms of culpability. I therefore grouped them together.
· Political reading of report	13	11	6	Any reference to state managers discussing the findings of the report mainly in terms of their political consequences, rather than treating them as lessons to be learnt or as a means to improve policy. Again was created with the more critical view of inquiries in mind.
· Subsidiary bodies	13	11	8	Any reference to state managers framing inquiry findings regarding blame as being directed towards subsidiary arms-length bodies charged with service delivery, rather than with central government. Is a specific form of blame avoidance strategy that was noticed within the data.
<b>Influencing the Inquiry</b>				These codes were all created with the notion that inquiries are controlled or influenced by state managers in mind. They were also therefore grouped together.
· Drawing terms of reference	20	13	5	This code captures any discussion of the drawing up of inquiry terms of reference, which are set by government when they call inquiries. It has been argued that this is a way governments can influence inquiries.
· Choice of personnel	10	8	8	Any reference to the selection of key inquiry personnel, typically the inquiry chairs. Again it is argued in existing literature that who government's select can influence how the inquiry proceeds. It is also noted that the typical selection of a judge is significant to the legitimacy of inquiries. These ideas were in mind when this code was created.
· Denial of information	11	4	1	Any reference to governments attempting to prevent the release of information to inquiries. In the Crichel Down case, government discussed this. I therefore created the code to capture other instances but they were not any found.

## Appendix III: Code Set (Parliamentary Debates)

Codes	No of Times Used?	Across How Many Debates ? (290)	Across How Many Cases ? (14)	Description
<b>Backbench or Opposition Statement or Question</b>				In this set of coding, I wanted to examine how the Court utilized inquiries (strategically and rhetorically) and how political opposition within Parliament responded. I therefore drew a distinction statements made by government representatives regarding inquiries and statements made by either Opposition representatives and backbenchers.
<b>Pre-Inquiry/Inquiry Running Period</b>				Within the data it was clear that there was a hive of activity when inquiries were called (the pre-inquiry period) (the focus here was on inquiry set up and pressure relief), and some related activity as inquiries ran, and that this was distinct from the post-inquiry period (wherein activity focussed on policy and blame avoidance). I therefore grouped the coding in accordance with this division to make it more manageable.
· Question or speculation about factors contributing to event	31	22	5	Any statement made involving speculation or questions regarding causation of an event subject to inquiry.
· Acceptance of debate being shut down	103	35	9	As is made clear below, when analysing government statements, it became clear that inquiries were utilized to shut down debate regarding crisis causation and culpability, this code was created to see how opposition groups responded to this tactical utilization of inquiries.
· Resistance to debate being shut down	5	5	4	As above, the code was made to analyse how political opposition within Parliament responds to inquiries being utilized by state managers to shut down debate as inquiries run.
· Request for debate	23	22	7	Related to the above codes, this code identifies any requests for discussion or debate of issues related to an event subject to inquiry by political opposition within Parliament.
· Request for more immediate action	18	15	6	Code identifies any request for government to take action in response to a crisis (a key reason why inquiries are called was judged to be the relief of political pressure for something to be done).
· Appreciation of immediacy of inquiry initiation	20	16	6	It was noticed that government stress the immediacy of inquiry initiation when framing inquiry announcements, this code was created to note the responses to this.
· Confidence in chair	26	15	7	Code identifies any expression of confidence in inquiries related to the choice of chair.
<b>Post-Inquiry (Policy and Report)</b>				
· Post-inquiry scrutiny of whether promises are being met or recommendations implemented	91	46	9	Code identifies any backbench or opposition statement that seeks to put pressure on government/scrutinize whether they are implementing inquiry recommendations.
· Question on wider political issues related to event subject to inquiry	146	66	7	Code identifies any question regarding the wider political issues the inquiry report raises (i.e. not issues specifically related to the report's recommendations).
· Confidence in report	36	15	8	Code identifies any expression of support for the report and its legitimacy.
· Confidence in chair	17	10	7	Identifies any expression of support for the work of the chair.
· Debate regarding report is being politicized	8	5	4	Code was created to capture any negative sentiments regarding governments handling/presentation of inquiry reports.
· Inquiry demonstrates positives about existing arrangements	10	6	4	Code identifies any instances where opposition parliamentarians accept governments suggestions that inquiry reports demonstrate existing policy arrangements are positive.
<b>Post-Inquiry (Blame)</b>				
· Accusation of blame lying at governmental level	65	30	8	Code identifies any instance where opposition parliamentarians accuse government of being to blame for crises in the wake of inquiry reports.
· Blame is with subsidiary bodies	52	21	7	Below it was found that government representatives often utilize inquiry reports to push blame onto subsidiary bodies, this code captures any instances where opposition parliamentarians internalized that idea.



<b>Codes</b>	<b>No of Times Used?</b>	<b>Across How Many Debates? (290)</b>	<b>Across How Many Cases? (14)</b>	<b>Description</b>
<b>Government Response or Statement</b>				
<b>Pre-Inquiry/Inquiry Running Period</b>				
· Use of inquiry as delaying tactic	73	52	10	Code captures any instance where inquiry was used as a reason to delay any aspect of the post-crisis learning and accountability crisis.
· Use of inquiry to shut down debate because inquiry is running	52	33	10	Related to the above code. Code used to capture more specific instances where government suggest that because an inquiry has been called, debate regarding a given crisis must be delayed in order to give the inquiry time and space to do its work. The notion that inquiries work as a delaying tactic is present within existing literature and this was in mind when that code was created.
· Chair as source of legitimacy	19	15	7	Code captures instances where governments suggest inquiry is a legitimate crisis response because of who the chair is.
· Independence as source of legitimacy	17	15	10	Code captures instances where governments suggest inquiry is a legitimate crisis response because of the inquiry's independence from Parliament.
· Inquiry as immediate or speedy response	59	45	11	Code captures instances where governments suggest inquiry is a legitimate crisis response because of the inquiry's immediacy and how quickly government called it.
· Powers or scope inquiries have used as source of legitimacy	22	15	9	Code captures instances where governments suggest inquiry is a legitimate crisis response because of the investigative powers the inquiry may have (such as the ability to compel the release of documents, call witnesses to give evidence etc.).
<b>Post-Inquiry (Policy and Report)</b>				
· Taking action not related to inquiry recommendations (discretion)	34	23	7	Code captures any time that governments announce action not clearly related to inquiry findings in the post inquiry period.
· Justifying discretionary action	28	20	7	Code captures how governments justify the above actions.
· Acceptance of recommendations (vague)	50	28	9	Code captures how governments respond to inquiry recommendations, in this case any instances where governments accept recommendations.
· Rejection or equivocation regarding recommendations	4	3	2	Code captures how governments respond to inquiry recommendations, in this case any instances where governments reject or equivocate over inquiry recommendations.
· Implementation of recommendations (specific)	47	27	5	Code captures how governments respond to inquiry recommendations, in this case any instances where governments accept recommendations in a more specific way (i.e. by referring to how they have or are seeking to implement them).
<b>Post-Inquiry (Blame)</b>				
· Acceptance of blame	5	3	3	Code captures how governments deal with the implications of inquiry reports regarding wrongdoing and blameworthiness, in this case any instances where they accept that inquiry reports suggest that they are guilty of wrongdoing to some extent.
· Blame or responsibility lies with subsidiary bodies	31	12	7	Code captures how governments deal with the implications of inquiry reports regarding wrongdoing and blameworthiness, in this case any instances where they attempt to frame inquiry reports as suggesting that blame lies within subsidiary bodies not central government
· Report identifies existing arrangements are positive	35	13	5	Code captures any instances where government attempt to legitimate existing practices by suggesting inquiry findings regarding wrongdoing reflect well on them.

## Appendix IV: Motivations for Inquiry Usage within Cabinet Papers

	Relieve Pressure	Post-Crisis Discretion	Blame Avoidance
<b>Hyde Park</b>	Commons debate forces inquiry.	Discussion about prosecuting police would 'reopen the whole case' <sup>383</sup> .	
<b>Glasgow Corp</b>	Representations made by Ministers, also subject to media coverage.		
<b>Budget Leak</b>	'Public interest' noted as key <sup>384</sup> .		
<b>Thetis</b>		Cabinet frame the report as 'inconclusive' in terms of policy implications <sup>385</sup> .	Need to shut down 'whispering campaign against the government' <sup>386</sup>
<b>Detention Barracks</b>	'Parliament and the public might not be content with ... a purely military tribunal' <sup>387</sup> .		
<b>Crichel Down</b>	Campaign ran by previous owner of land was crucial in decision to hold inquiry.	Inquiry delayed to allow for 'more time' to consider 'possibility of modifying the present policy' on compulsorily acquired land <sup>388</sup> .	Use of report to refute 'any accusations or rumours' of govt corruption <sup>389</sup> .
<b>John Waters</b>	Cabinet notes need to allay 'growing public disquiet' <sup>390</sup> .	Cabinet note inquiry would not necessitate action even if allegations were substantiated.	
<b>Aberfan</b>	Note 'grave public concern' <sup>391</sup>		Inquiry framed by Cabinet as 'indictment of the NCB' <sup>392</sup> .
<b>Bloody Sunday</b>			Discussion of report centres on how it 'vindicate[es] ... the Army's conduct' <sup>393</sup> .
<b>Crown Agents</b>	Inquiry responds to 'parliamentary and public pressures' <sup>394</sup>		Discussion of report concerns attributing blame to 'outside agencies' <sup>395</sup> .
<b>Kings Cross</b>			Discussion centres on who is to blame/head off criticisms <sup>396</sup>
<b>Piper Alpha</b>		Desire to retain current safety arrangements and is key priority <sup>397</sup>	Discussion of report about blaming others <sup>398</sup> .
<b>Clapham Junction</b>			Cabinet stresses that there has 'already signs of a search for scapegoats' <sup>399</sup>
<b>Hillsborough</b>		Issue of Spectators Bill <sup>400</sup>	

<sup>383</sup> TNA CAB 23/57, CC (28) 30th Conclusions, 23 May, pp.2–3.

<sup>384</sup> TNA CAB 23/84, CC (36) 33rd Conclusions, 4 May, pp.1–2.

<sup>385</sup> TNA CAB 65/5, WM (40) 32nd Conclusions, 3 February, p.249.

<sup>386</sup> TNA CAB 23/99, CC (39) 31st Conclusions, 7 June, p.14.

<sup>387</sup> TNA CAB 65/35, WM (43) 93rd Conclusions, 5 July, p.129.

<sup>388</sup> TNA CAB 128/26, CC (53) 81st Conclusions, 29 December, p.189.

<sup>389</sup> TNA CAB 129/68, C (54) 183, Crichel Down 1 June.

<sup>390</sup> TNA CAB 128/33, CC (59) Seventh Conclusions, 12 February, p.4.

<sup>391</sup> TNA CAB 128/41, CC (66) 52nd Conclusions, 27 October, pp.9–11.

<sup>392</sup> TNA CAB 128/42, CC (67) 52nd Conclusions, 25 June, p.3.

<sup>393</sup> TNA CAB 128/48, CM (72) 20th Conclusions Minute 3 Confidential Annex, 13 April.

<sup>394</sup> TNA CAB 128/62, CC (77) 35th Conclusions, 10 November, p.11.

<sup>395</sup> TNA CAB 128/62, CC (77) 35th Conclusions, 10 November, p.11.

<sup>396</sup> TNA CAB 128/91, CC (88) 34th Conclusions, 10 November, p.2.

<sup>397</sup> TNA CAB 128/90, CC (88) 25th Conclusions, 14 July, p.2.

<sup>398</sup> TNA CAB 128/97, CC (90) 35th Conclusions, 8 November, p.2.

<sup>399</sup> TNA CAB 128/91, CC (88) 39th Conclusions, 15 December, p.1.

<sup>400</sup> TNA CAB 128/93, CC (89) 14th Conclusions, 20 April, p.1.

## Appendix V: Table of Inquiries: Date of Crisis, Date Inquiry Initiated

Event	Date of Event	Date of Inquiry Announcement
Aberfan	21/10/1966	23/10/1966 <sup>401</sup>
Budget Leak	N/A	04/05/1936 <sup>402</sup>
John Waters	07/12/1957	16/02/1959 <sup>403</sup>
Clapham Junction	12/12/1988	12/12/1988 <sup>404</sup>
Crichel Down	N/A	23/10/1953 <sup>405</sup>
Detention Barracks	17/03/1943 <sup>406</sup>	06/07/1943 <sup>407</sup>
Glasgow Corp	N/A	09/03/1933 <sup>408</sup>
Hillsborough	15/04/1989	17/04/1989 <sup>409</sup>
Hyde Park	23/04/1928	18/05/1928 <sup>410</sup>
Crown Agents	N/A	01/12/1977 <sup>411</sup>
King's Cross Fire	18/11/1987	19/11/1987 <sup>412</sup>
Piper Alpha	06/07/1988	07/07/1988 <sup>413</sup>
Thetis	01/06/1939	05/06/1939 <sup>414</sup>
Widgery	30/01/1972	01/02/1972 <sup>415</sup>

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<sup>401</sup> The Times, 1966, p.1.

<sup>402</sup> HC Deb 4 May 1936 c1346.

<sup>403</sup> HC Deb 16 February 1959 cc31–2.

<sup>404</sup> HC Deb 12 December 1988 c647.

<sup>405</sup> The Times, 1953, p.6.

<sup>406</sup> HC Deb 14 December 1943 c1386.

<sup>407</sup> HC Deb 6 July 1943 c1910.

<sup>408</sup> The Times, 1933, p.14.

<sup>409</sup> HC Deb 17 April 1989 c19.

<sup>410</sup> The Times, 1928, p.14.

<sup>411</sup> HC Deb 1 December 1977 c730.

<sup>412</sup> HC Deb 19 November 1987 c1201

<sup>413</sup> HC Deb 7 July 1988 c1193.

<sup>414</sup> HC Deb 5 June 1939 c49.

<sup>415</sup> HC Deb 1 February 1972 c241.

## Appendix VI: Inquiry Report Publication and Debate on Report (Dates)

Event	Date of Report Publication	Date of Debate on Report
Aberfan	19/07/1967 <sup>416</sup>	26/10/1967 <sup>417</sup>
Budget Leak	02/06/1936 <sup>418</sup>	11/06/1936 <sup>419</sup>
John Waters	07/04/1959 <sup>420</sup>	N/A
Clapham Junction	07/11/1989 <sup>421</sup>	07/11/1989 <sup>422</sup>
Crichel Down	15/06/1954 <sup>423</sup>	20/07/1954 <sup>424</sup>
Detention Barracks	22/11/1943 <sup>425</sup>	14/12/1943 <sup>426</sup>
Glasgow Corp	22/06/1933 <sup>427</sup>	N/A
Hillsborough	29/01/1990 <sup>428</sup>	29/01/1990 <sup>429</sup>
Hyde Park	13/07/1928 <sup>430</sup>	20/07/1928 <sup>431</sup>
Crown Agents	26/05/1982 <sup>432</sup>	26/05/1982 <sup>433</sup>
King's Cross Fire	10/11/1988 <sup>434</sup>	10/11/1988 <sup>435</sup>
Piper Alpha	12/11/1990 <sup>436</sup>	12/11/1990 <sup>437</sup>
Thetis	04/04/1940 <sup>438</sup>	N/A
Widgery	19/04/1972 <sup>439</sup>	19/04/1972 <sup>440</sup>

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<sup>416</sup> 1967, p.1.

<sup>417</sup> HC Deb 26 October 1967 c1909.

<sup>418</sup> The Times, 1936, p.12.

<sup>419</sup> HC Deb 11 June 1936 c416.

<sup>420</sup> 1959, p.15.

<sup>421</sup> HC Deb 7 November 1989 c835.

<sup>422</sup> HC Deb 7 November 1989 c835.

<sup>423</sup> The Times, 1954a, p.6.

<sup>424</sup> HC Deb 20 July 1954 c1178.

<sup>425</sup> The Times, 1943, p.2.

<sup>426</sup> HC Deb 14 December 1943 cc1385–8.

<sup>427</sup> The Times, 1933, p.16.

<sup>428</sup> HC Deb 29 January 1990 c19.

<sup>429</sup> HC Deb 29 January 1990 c19

<sup>430</sup> The Times, 1928a, p.14.

<sup>431</sup> The Times, 1928b, p.12.

<sup>432</sup> HL Deb 26 May 1982 c1250WA.

<sup>433</sup> HL Deb 26 May 1982 c1250WA.

<sup>434</sup> HC Deb 10 November 1988 c498.

<sup>435</sup> HC Deb 10 November 1988 c498.

<sup>436</sup> HC Deb 12 November 1990 c329.

<sup>437</sup> HC Deb 12 November 1990 c329.

<sup>438</sup> HC Deb 2 April 1940 c24.

<sup>439</sup> HC Deb 19 April 1972 c519.

<sup>440</sup> HC Deb 19 April 1972 c519.