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Introduction from the Editors-in-Chief

The launch of the Cambridge Journal of Political Affairs has been unconventional, to say the least. With work on our first issue beginning in the spring of 2020, just after the start of the COVID-19 pandemic, every issue of the Journal has so far come together remotely. The third issue is no exception. This has only been possible thanks to the exceptional work of our Editorial Board and the institutional support of the Department of Politics and International Studies at Cambridge. Our third editorial board consisted of 38 undergraduates at 21 colleges, studying Politics, Anthropology, Law, History, Philosophy, Sociology, and Modern Languages, a testament to the Journal's commitment to an inclusive and multi-disciplinary study of politics. We are proud of how the Journal has provided a platform for students to engage with academia in a time when conventional 'student life' has been abstracted to an unprecedented degree. Moreover, we are proud to continue the work and purpose of the first two issues of the Journal, as we seek to make academia more inclusive and approachable by engaging undergraduate authors, editors, and readers in the academic review process.

Building on the work of our second issue, the third issue of the Cambridge Journal of Political Affairs is delighted to present yet another exceptional showcase of undergraduate scholarship. We continued to open up submissions from other universities for this edition. We are glad to have done so, and the diverse range of academic work in the following pages will demonstrate precisely why.

Our third issue begins with

1. **International Relations**, where Alison Khan investigates migrant rights and state violence from a legal perspective in 'Locked Up and Locked Out'. In doing so, Khan explores the relationship between law and state violence and the ability of law to make and unmake legal persons, specifically with reference to the legal case of *Jennings v. Rodriguez*.
2. We continue in **International Relations** with Heloise Messervy-Whiting's piece 'The Concept of Friendship in Intelligence'. Messervy-Whiting attempts to reconcile the theory of friendship in international relations with reality, specifically with reference to intelligence-sharing between states. In doing so, Messervy-Whiting challenges the strategic-normative binary categorisation of inter-state friendship by proposing an interim category of their own.
3. For **Political History**, we have Adam Fereday's 'Reviving the 'dead' Parliament'. Fereday challenges the notion that British parliamentary negotiations were in a state of legislative crisis between 2017 and 2019. Fereday argues that the 2017-2019 period should not be interpreted as a radical break from the Westminster model, but rather as a reaffirmation of long-term trends in executive-legislative relations in the United

Kingdom. This also leads them to challenge the assumption of executive dominance in the United Kingdom's political system.

4. Continuing in **Political History**, Felix Parsons' 'Civil Rights and American Television 1957-1970' examines the role of television in the American Civil Rights Movement. Parsons argues that television's impact on the Civil Rights Movement must be understood in conjunction with the interests of broadcasters and civil rights activists, ultimately leading them to argue that television was in fact moulded to meet the needs of networks.
5. In **Comparative Politics**, Anson Tam takes us to Eastern Europe, where they discuss civic and ethnic nationalism in 'A Comparative Analysis of Post-Communist Political Mobilisation in Eastern Europe'. Tam details the relationship between collective action and different types of nationalism, whilst advocating a new paradigm for civic and ethnic nationalism, through case studies of Poland, Ukraine and Bulgaria.
6. We move on to **Political Anthropology**, where Lucian Morié's 'Lost in translation: French farmers and the spectre of environmentalism' discusses the difficulty conventional French farmers encounter when representing themselves in French media. Morié argues that French media portrays conventional farmers through an environmentalist-moral framework that delegitimises them. To transcend this dynamic, it is necessary to study environmentalism from both within *and* without.
7. In **Political Philosophy**, Trey Taylor explores Rahel Jaeggi's critical theory in 'The Struggle Over Forms of Life: On Power and Domination in Rahel Jaeggi's Critique of Forms of Life'. Taylor addresses the concern that Jaeggi's theory lacks a conceptualisation of power-conflict, and responds to such concerns by developing a critique of domination as inherently irrational through a reconstruction of Jaeggi's notion of blockages.
8. Next in **Political Philosophy**, Olga Popinska makes two interventions in contemporary debates about globalising the history of political thought. In 'Why We Don't Need a Global History of Political Thought', Popinska firstly argues that calls for a 'global history of political thought' should be a starting point of reform of the mother discipline - not further specialisation. Secondly, Popinska goes on to propose a new framework, the 'pluriverse', which they argue could provide a theoretical starting point for reform.
9. Finally, in **Political Sociology**, Megan Redhead investigates the continued importance of Malthus' writings in 'Malthus' Enduring Legacy: Poverty, Dependency, and Individual Responsibility in the nineteenth and twenty-first centuries'. Using Malthus' literary framing as their starting point, Redhead explores the complementary logics underpinning nineteenth and twenty-first century political discourses on poverty, and subsequent welfare policy. Specifically, they investigate the legacy of Malthus in the 1834 Poor Law Amendments Act (PLA) and the 2012 Welfare Reform Act (WRA).

This issue is indebted to the rigorous and thought-provoking work of the authors mentioned above, alongside the dedication of the editors who worked tirelessly to prepare these works for academic publication. We hope that the CIPA can continue to provide a platform through which they can be shared.

We hope you enjoy reading the third issue of the Cambridge Journal of Political Affairs.

Editors-in-Chief
Sandra Guldborg
Charlotte Cheang

Alison Kahn: Locked Up and Locked Out: *Jennings v. Rodriguez* as a Justification of Indefinite Detention

Author

Alison Kahn was a spring 2020 visiting student at Pembroke College, where she studied Human, Social, and Political Sciences. Alison graduated this year from Barnard College, Columbia University, where she studied Political Science and Human Rights.

Abstract

*Rights to due process are enshrined in the fifth and fourteenth amendments of the U.S. Constitution, and while non-citizens do not enjoy all the rights that citizens do in the United States, they are entitled to broad constitutional protections. In practice, however, non-citizens' access to due process rights is piecemeal and precarious. In 2018, the Supreme Court ruled in *Jennings v. Rodriguez* that migrants in immigration detention were not entitled to periodic bond hearings, allowing for the possibility of indefinite detention without the right to due process. This paper investigates the following question: Given the due process protections in the Constitution, how was it possible for the US government to deny immigrant detainees the right to periodic bond hearings in *Jennings*?*

*I argue that migrant detainees' dual precarious status as stateless people and criminals under the law leaves them vulnerable to rights abuses and state violence. In *Jennings v. Rodriguez*, law's interpretive and institutional power facilitated the Court's exploitation of that fundamentally rightless status, solidifying detainees' civil death and denying them any right to challenge their detention. In this paper, I first establish the major frameworks explaining law's power to justify and facilitate state violence, law's ability to make and unmake legal persons, and the fundamental question of rights for non-citizens. I then apply these frameworks to the practice of prolonged immigration detention as enabled by *Jennings v. Rodriguez* and ultimately conclude that migrants' lack of rights under *Jennings v. Rodriguez* amounts to civil death.*

Keywords: Immigration law, human rights, detention, American politics

Introduction

‘The guards used to tell me, “you’ll be here until you’re dead.”’

— *Nestor Campbos of Cuba, recounting how guards at Orleans Parish Prison in Louisiana described his detention (Human Rights Watch, 1998)*¹.

The United States boasts the world’s largest immigration detention system, with upwards of 50,000 people incarcerated in detention on any given day. Given the rights to due process enshrined in United States law and the international legal protections against arbitrary detention, it may come as a surprise that so many people are incarcerated pre-trial, sometimes for years on end. While non-citizens do not enjoy all the rights that citizens do in the United States, they are entitled to broad constitutional rights, including the rights enumerated under the Bill of Rights, which uses the language of ‘person,’ or ‘people,’ rather than ‘citizen.’ The Fifth Amendment guarantees a number of due process rights, meant to ensure that the federal government follows fair procedures before depriving a person of ‘life, liberty, or property.’² The Fourteenth Amendment applies these rights to state governments and guarantees equal protection under the law to all people in the United States.³ In practice, however, non-citizens’ access to due process rights is piecemeal and precarious.⁴

In 2018, the Supreme Court ruled in *Jennings v. Rodriguez* that migrants in immigration detention were not entitled to periodic bond hearings (court appearances where defendants can argue for their release while awaiting trial), allowing for the possibility of indefinite detention. In light of that ruling, this paper addresses the following question: given the due process protections in the Constitution, how was it possible for the US government to deny immigrant detainees the right to periodic bond hearings?

I argue that migrant detainees’ dual precarious status as stateless people and criminals under the law leaves them vulnerable to rights abuses and state violence. Exploiting that vulnerability, law has the interpretive and institutional power to, as in the case of *Jennings v.*

¹ Human Rights Watch (1998) “Locked Away: Immigration Detainees in Jails in the United States.” Available at: <https://www.hrw.org/legacy/reports98/us-immig/>.

² U.S. Const. amend V

³ U.S. Const. amend XIV

⁴ Though international law also prohibits arbitrary and indefinite detention and guarantees access to trial before the deprivation of liberty, international law is not legally binding and the U.S. Supreme Court rules based on domestic law. As such, my analysis of the Supreme Court’s ruling in *Jennings v. Rodriguez* will focus solely on considerations of domestic U.S. law.

Rodriguez, solidify detainees' civil death and deny them any right to challenge their detention. I begin by establishing the major frameworks explaining law's power to justify and facilitate state violence, law's ability to make and unmake legal persons, and the fundamental question of rights for non-citizens. I then extend these frameworks to the specific phenomenon of prolonged immigration detention and the case study of *Jennings v. Rodriguez*, whose analytical framework reflected the fundamental rightlessness of migrants and whose specific justifications exemplified the law's pernicious ability to enable violence through linguistic, interpretive, and structural justifications. I conclude my analysis by arguing that migrants' lack of rights under *Jennings v. Rodriguez* ultimately amounts to civil death.

This paper provides a crucial addition to the existing scholarship on legal personhood and migrant rights by reimagining Hannah Arendt's classic scholarship on statelessness in the context of contemporary American politics. While critics of the Trump Administration's approach to immigration have used a rights-based approach to dispute recent policies, this paper extends and complicates the rights-based framework by examining the implications of *Jennings v. Rodriguez* for migrant personhood. At a time when immigration detention impacts more people than it ever has before, this paper presents an important and timely critique of social and civil frameworks protecting institutional violence in the United States.

Section I. Literature Review

Law is seen as a remedy to violence, chaos, and injustice—and yet legal interpretation 'takes place in a field of pain and death' (Cover, 1986). The law constantly participates in inflicting, justifying, and obscuring violence, both through interpretive processes and as a result of institutionalised structures. I argue that the law's euphemistic reclassification and recategorisation of state abuses bolster the U.S. system of immigration detention in its current form. Moreover, the law's supernatural redefinition of legal facts contributed to its justification of due process violations in the case of *Jennings v. Rodriguez*. In this section, to help illuminate how this was possible, I provide a broad overview of how the law is entrenched in justifications of state violence, the power of law to undermine legal personhood, and the frameworks of rights and citizenship underpinning the current question of rights for non-citizens.

A. Law's Violence

Law's interpretive work, which Austin Sarat describes as 'law's own violence', works to distinguish state violence, which is usually framed as justified, necessary, and rational, from non-state violence, which is usually framed as illegitimate and illegal. To make certain kinds of violence legally acceptable and others not, the law recognises only certain kinds of pain and suffering (Meyer, 2014). Suffering at the hands of government forces such as police officers, correctional officers, and immigration officials, or suffering associated with incarceration or capital punishment, is evaluated and prosecuted very differently from violence at the hands of non-state actors such as gangs, vigilante groups, and individuals. The disparity between the administration and reception of pain helps the law to render the pain of state violence invisible. Elaine Scarry's seminal work on suffering, particularly on torture, emphasises the 'unshareability' of pain—how pain is a physical experience that is not only incompatible with language but 'actively destroys language'. Scarry highlights the 'achingly disparate' experiences of legal officials, people who physically carry out state violence, and victims, for whom an abstract justification of violence pales in importance to the 'reality of the pain and fear that is suffered' (Scarry, 1985). The 'unshareability' of pain is heightened when the law assigns labels or places people in categories that create moral distance between legal officials and the person experiencing the pain—such as the category of 'illegal alien.'

Law's interpretive work defines acceptable and unacceptable violence—and the violent practices that the law protects are often cloaked in technical or euphemistic language that renders the resulting pain invisible. Through language, the law has the ability to warp our understanding of what is 'normal.' Over time, legal punishment has become less vulgar and less physical, but state violence is still justified and protected by language that redefines and reclassifies violent acts and processes. Colin Dayan refers to the law's ability to 'define away' harm as 'hyperlegality' (Dayan, 2011). In U.S. criminal law, for example, punitive or disciplinary segregation has been redefined as 'administrative segregation' in some prisons. Because disciplinary action is regulated by due process procedures, simply calling it 'administrative' instead of 'disciplinary' allows prison officials to avoid judicial censure (Dayan, 2011). Changing the names or categorisations of state actions can also help justify unsavoury or unpopular state policies. The George W. Bush administration's practice of calling torture practices 'enhanced interrogation techniques' is a poignant example of the use of euphemisms to avoid recognising the violence or illegality of a legal practice.

Law's interpretive power also disguises discriminatory and harmful practices by purporting to be neutral or 'colourblind' in situations of systemic inequality. Particularly on racial issues, 'status-neutral' laws are often used to target specific social groups without explicitly denying equal protection under the Fourteenth Amendment or validating accusations of race-based malintent. For example, in U.S. immigration policy, exclusionary immigration policies are often cloaked in the neutral language of national protection, public health, or economic justice 'rather than being seen for what they really are: racism towards immigrants' (Chen, 2011). Linguistic workarounds have immense interpretive power to conceal violence and disguise discriminatory objectives.

B. Legal Personhood

Law has the quasi-supernatural power to make and unmake persons under the law. Lisa Marie Cacho illuminates existing scholarship on personhood by critiquing the differential values ascribed to people along sociopolitical lines and the ways that modern rights frameworks fail to confront the fundamental logic of differential personhood. Cacho's perspective on 'racialised rightlessness' is particularly helpful for understanding differential personhood within the context of modern American racial politics, and as such, it is principally her framework which I will use to analyse the theoretical roots of *Jennings v. Rodriguez*. Cacho argues that certain racialised populations, like African Americans, are excluded from the protections of the law, but are not completely outside the law, because 'to be outside the law suggests that eventual inclusion is possible' (Cacho, 2012). She builds off of the work of ethnic studies scholar Yen Le Espiritu, who argues that marginalised groups are in a position of 'differential inclusion,' where they are 'deemed integral to the nation's economy, culture, identity, and power—but integral only or precisely because of their designated subordinate standing.' (Espiritu, 2003). The systematic marginalisation of rightless statuses through differential inclusion solidifies the supremacy of dominant social groups, creating groups that enjoy conditional agency and asymmetrical social relations (Könönen, 2018).

Cacho argues that 'people who occupy legally vulnerable and criminalised statuses are not just excluded from justice; criminalised populations and the places where they live *form the foundation* of the U.S. legal system' (Cacho, 2012). Cacho emphasises that the law produces criminalised *statuses*, such as the status of 'illegal alien,' or 'terrorist suspect,' and then relegates racialised groups to those categories. The law denies the people who hold those statuses even the possibility of compliance with the law, since the law targets 'their being and

their bodies, not their behavior'. These statuses are always outside the law and always rightless. The people who occupy them are *ineligible for personhood*, or 'subjected to laws but refused the legal means to contest those laws as well as denied both the political legitimacy and moral credibility necessary to question them' (Cacho, 2012).

Cacho sees ineligibility to personhood as a contemporary manifestation of Orlando Patterson's 'inalienability problem.' Patterson discusses the inalienability problem in the context of slavery, arguing that because slaves are themselves property, and anything they own is already the property of the slaveholder, emancipation will always be seen as a gift, no matter how much the slave 'pays' for their freedom or what they do to 'win' it (Patterson, 1982). When granting freedom, a slaveholder does not confer power or agency to a slave, he simply releases the slave from his dominion, willingly reconfiguring the slave's relationship to his power (Cacho, 2012). Patterson's framework is extremely useful in understanding rights for marginalised populations as *conditional gifts*. Cacho relates Patterson's inalienability problem to the discourse around welfare benefits for poor people of color in contemporary U.S. politics, but the same framework can help explain the ease by which the government preventatively and 'administratively' detains migrants following their transformation into criminals. When the government controls all rights, why should they freely give rights to those seen as undeserving? Even when migrants are given bond hearings or allowed to fight their cases from the free world, without the personal right to due process, their freedoms are dependent on myriad circumstances outside of their control.

Colin Dayan applies some of Patterson, Smith, and Hartman's ideas about negative personhood to the U.S. carceral system, seeing connections between enslaved people, who have experienced social death, and free people who commit felonies and experience civil death within the legal system. Dayan argues that in the history of 'negative personhood,' or the condition of existing in negative relationship with the law, 'legal thought relied on a set of fictions that rendered the meaning of persons shifting and tentative: whether in creating slaves as *persons in law* and criminals as *dead in law*, or in the perpetual recreation of the rightless entity' (Dayan, 2011). While social death refers to societal dehumanisation and civil death refers to legal dehumanisation, both signify a complete lack of agency and death as a social being even as a person remains physically alive. Dayan argues that the free person of property who commits a felony and experiences civil death and the enslaved person who has experienced social death are both 'civil ghosts' (Dayan, 2011).

Dayan's investigation of how statute and case law are even better than social custom at 'effecting rituals of exclusion and in maintaining the racial line' provides crucial insight into the significance of *Jennings v. Rodriguez* in solidifying migrants' civil death (Dayan, 2011). While the racialisation and criminalisation of migrants contribute to their social marginalisation, law ultimately pushes migrants into civil death.

C. Migrant Rights

Questions of legal personhood are naturally predicated on a set of laws governing a society, but what happens when the boundaries of that society are unclear, or when there is a group of people that is excluded from citizenship but still present in a nation-state? Conventional approaches to human rights often emphasise the expansion of specific legal rights to a broadening array of social groups, but rights advocates face the constant challenge of locating rights in legal authorities or governing bodies that can enforce their fulfillment. Broad declarations of universal rights like the 1789 Declaration of the Rights of Man and the 1948 United Nations Universal Declaration of Human Rights have often been critiqued by those who argue that rights are only meaningfully protected in the context of national governments and legal orders. In the 1950s, Hannah Arendt established a seminal understanding of citizenship for the post-war era, defining it along the boundaries of a nation-state. Arendt was skeptical that 'universal' and 'inalienable' rights could be effectively protected in a world in which territorial sovereignty forms the foundation of the nation state. Many more recent theorists, like Gertrude Himmelfarb, agree that citizenship 'has little meaning except in the context of a state' and argue that rights are still primarily derived from inclusion in the community of a nation-state, notwithstanding the changes to international law which have occurred in the decades since Arendt's writing (Himmelfarb, 1996).

Arendt sees a tight connection between national citizenship and legal personhood. She argues that the challenge of stateless people is 'not that they are not equal before the law, but that no law exists for them' (Arendt, 1951). She sees stateless people as existing 'outside the pale of the law' and in a fundamental *condition* of rightlessness. In an interesting conceptual turn, Arendt argues that stateless people can actually gain legal recognition and improve their legal status by committing a crime. She argues that while stateless people's lack of legal standing subjects them to arbitrary and unpredictable rules which are completely disconnected from their actions, criminals are treated according to a normal juridical procedure 'in which a definite crime entails a predictable penalty' (Arendt, 1951). In the case of *Jennings*, the

arbitrary and unpredictable nature of migrant rights protections is abundantly clear. However, as will be explored in subsequent sections, Arendt's suggestion that stateless people commit a crime to gain legal standing does not work in the context of our modern carceral state.

Arendt critiques the metaphysical understanding of personhood which assigns inalienable legal rights to an antecedent and sacred human life (Gündoğdu, 2015). She argues that people are entitled to rights because of an 'artificial mask' of legal personhood, without which people simply have the 'abstract nakedness of being nothing but human'. Without this mask, a person is treated as a 'savage', and has 'lost the very qualities which make it possible for other people to treat him as a fellow-man' (Arendt, 1951). Arendt's description of the 'unmasked' human being is akin to Dayan's description of the civilly dead, or 'dead under the law'. Dayan describes prisoners at Guantánamo Bay, for example, as 'human in form but dead in spirit'. Dayan's framework problematises Arendt's placement of rightless entities entirely outside of the law. Echoing her framework of hyperlegality, Dayan argues that 'it is not an absence of law but an abundance of it' that allows government to engage in seemingly illegal practices (Dayan, 2011). While Arendt argues that the law confers legal personhood upon a blank human slate, Dayan counters that the law can actually 'spiritually [injure]' and 'depersonalise' people to the degree that they are no longer civil persons.

Arendt's perspective on the 'absence' of law for stateless people is also complicated by the development of international human rights standards after World War II. Ayten Gündoğdu helps to fill the conceptual gap left by Arendt's temporal setting. Gündoğdu's analysis suggests that today, given the developments in international law that followed Arendt's writing, rightlessness can be understood 'not as the absolute loss of rights but instead as a fundamental condition denoting the *precarious* legal, political, and human standing of migrants (Gündoğdu, 2015). Rightlessness denotes the *fragility* of formal rights guarantees. It highlights the 'practices and processes that give rise to divisions, stratifications, and thresholds within the concept of universal personhood and render the rights of various categories of migrants dependent on quite unreliable sentiments and highly arbitrary decisions' (Gündoğdu, 2015).

Though they may not be focused specifically on the plight of non-citizens, Cacho and Dayan's theories of negative legal personhood complicate an Arendtian approach and help illuminate the ways that migrants can be made rightless within the immigration detention system. My aim in subsequent sections is to apply concepts of legal personhood, principally as articulated by Cacho and Dayan, to the loss of migrant rights under *Jennings v. Rodriguez*.

While Arendt's classic ideas about statelessness provide important insights, her analysis predates the significant changes to the American carceral system over the past 70 years, the racialised and criminalised nature of migration today, and the significant increases in the practice of immigration detention. In situating this analysis in the broader theories of law's violence and legal personhood, I aim to use these perspectives to analyse the particular position of currently detained migrants and to understand the specific implications of *Jennings v. Rodriguez* for migrant personhood.

Though the concepts are undeniably distinct, for the purposes of this analysis I use 'precarious personhood', 'ineligibility for personhood', 'negative personhood', 'lack of personhood', and 'social death' somewhat interchangeably. I use the term 'civil death' when these concepts apply to someone's personhood and agency under the law. Having established the strengths and shortcomings of various analyses of personhood, I employ all of these terms to refer to a fundamental condition of rightlessness, wherein, while individuals may enjoy some privileges under the law, they have no legal standing upon which they can assert their fundamental entitlement to rights.

Section II. Case Study: *Jennings v. Rodriguez*

Alejandro Rodriguez immigrated to the United States from Mexico as an infant and has been a lawful permanent resident of the United States since 1987.⁵ In April 2004, when Rodriguez was working as a dental assistant, the Department of Homeland Security instituted removal proceedings against him 'in response to a conviction for drug possession and an earlier conviction for joyriding' and detained him (Hudson, 2016). Rodriguez appealed his removal order, first to the Board of Immigration Appeals and then to the Court of Appeals for the Ninth Circuit. After three years of detention, while Rodriguez was still litigating his removal, he filed a habeas petition in the District Court for the Central District of California, arguing that he was entitled to a bond hearing to assess whether his continued detention was justified.⁶ Rodriguez joined with Alejandro Garcia and others to file a class action lawsuit in 2007. They challenged the government's detention statutes for three subclasses of respondents: 8 U.S.C. §1226(a), §1225(b), and §1226(c). §1226(a) includes people who are arrested and detained pending a decision on whether they should be removed, §1225(b) includes people who are detained upon

⁵ *Jennings v. Rodriguez*, 583.

⁶ *Jennings v. Rodriguez*, 583 at 6.

entry into the United States, and §1226(c) applies to people who can be removed for criminal offenses after being released from criminal custody (Hudson, 2016).

Ultimately, the U.S. Court of Appeals for the Ninth Circuit held that prolonged detention without a bond hearing raised ‘serious constitutional concerns’.⁷ The Ninth Circuit ruled that the relevant statutory language in the Immigration and Nationality Act (INA) should be interpreted to have a time limitation of six months, at which point detention is ‘prolonged’ and detainees are entitled to bond hearings. It also instituted procedural safeguards to ensure due process. Following the Ninth Circuit’s decision, the government filed a petition for a writ of certiorari, requesting that the Supreme Court hear an appeal, and the Court granted review (Hudson, 2016).

The most important precedent pertaining to the Court’s deliberation in *Jennings v. Rodriguez* was *Zadvydas v. Davis*, 533 U.S. 678 (2001). In *Zadvydas*, the Court declared that freedom from detention was one of the core freedoms that the Due Process Clause protects, and its decision imposed a presumptive six-month limit on detention after a removal order.⁸ The Court ruled that ‘the statute, read in light of the Constitution’s demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States’ and ‘does not permit indefinite detention’.⁹ It was on the basis of *Zadvydas* that the Ninth Circuit initially found detention without a hearing for more than six months to constitute a due process violation.

Wong Wing v. United States (1896) established an early conceptual framework for the legal interpretation of migrant rights cases which has governed relevant legal interpretation for more than a century. In *Wong Wing*, the Supreme Court ruled that ‘all persons within the territory of the United States are entitled to the protection guaranteed’ by the Fifth and Sixth Amendments.¹⁰ It established that though the government’s plenary power over immigration remained absolute, ‘just because the object of government power is an alien does not mean that the government is exercising its immigration power’ (Bosniak, 2008). The Court ruled that the government’s immigration domain governs admission, exclusion, and deportation, and outside

⁷ “*Jennings v. Rodriguez*.”

⁸ *Zadvydas v. Davis*, 533.

⁹ “*Zadvydas v. Davis*.”

¹⁰ *Wong Wing v. United States*, 163 228.

of those issues, ‘the alien inhabits the domain of territorially present persons, where different and more protective rules against government power apply (Bosniak, 2008).

The specific language of *Wong Wing v. United States* suggests two requirements for the entitlement to protection under the Bill of Rights: the person in question is within the territory of the United States, and they are considered a person under the law. I argue that the Supreme Court in *Jennings v. Rodriguez* justified its denial of the right to periodic bond hearings by denying both migrants’ territorial presence in the United States and their legal personhood, demonstrating the law’s interpretive power to redefine legal truths and legal persons. Finally, I argue that the ruling and the justification behind it reflected and solidified migrants’ social and civil death.

A. Migrant Personhood: Rightlessness in the Immigration Law System

In today’s United States, migrants in immigration detention face the compound burdens of racialisation and criminalisation, contributing to a status of rightlessness. Rightlessness underpins the denial of civil rights in a plethora of cases, including *Jennings v. Rodriguez*. In this section, I detail how the construction of the ‘illegal alien’ status and the law’s concurrent power to reclassify immigration litigation as ‘civil’ and ‘administrative’ makes migrants especially vulnerable to harm to the degree of indefinite detention.

Contemporary rightlessness in the U.S. immigration system cannot be understood without understanding our history of racist immigration policies and the current racialised status of the ‘illegal alien’. Before 1965, immigrants from the Western Hemisphere were non-quota immigrants under the US’ ‘good neighbour’ policy (Cacho, 2012). After the Immigration and Nationality Act (INA) was enacted to impose limits on immigration from the Western Hemisphere, particularly Mexico, without changing the demand for Mexican labour, the number of undocumented Mexican immigrants rose dramatically and ideas about ‘illegal’ conduct, such as criminality, were ‘fused to the racialised status of the ‘illegal alien’ and to the Mexican body as its signifier’ (Cacho, 2012). As of 2018, Mexican nationals comprised about 43% of all detainees, and migrants from the Northern Triangle region (Guatemala, Honduras, and El Salvador) comprised an additional 46% of the detainee population (Ryo and Peacock, 2018).

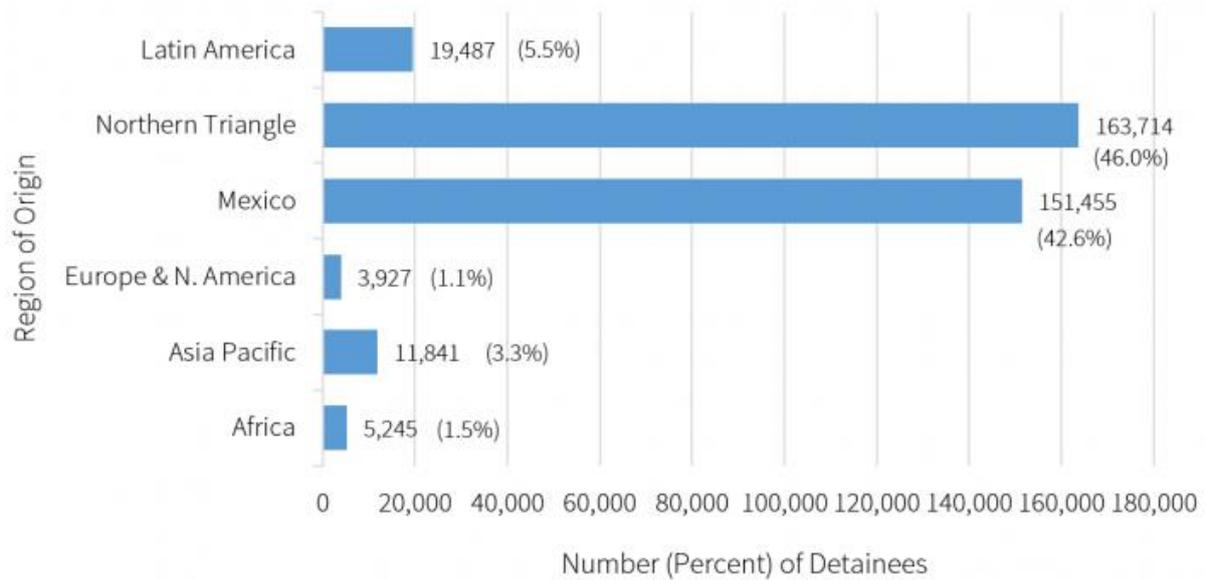


Figure 1: Region of Origin of Detainees, Fiscal Year 2015 (Ryo and Peacock, 2015)

Already marginalised by virtue of being non-citizens and racial minorities, undocumented Latino migrants exist in a condition of racialised rightlessness, where their rights are a ‘conditional gift’. Karla Mari McKanders argues that ‘state and local anti-immigrant laws lead to the segregation, exclusion, and degradation of Latinos from American society in the same way that Jim Crow laws excluded African Americans from membership in social, political, and economic institutions within the United States and relegated them to second-class citizenship’ (McKanders, 2010). When migrants’ precarious status is compromised by an accusation of criminality, their conditional rights are lost, and their pain and suffering at the hands of the state goes unrecognised.

At the beginning of the twentieth century, migration was in the process of becoming ‘legalised’, regulated by a robust system of passports and visas (Dauvergne, 2008). Today, as the world rapidly globalises, countries around the world are reacting to a perceived loss of state sovereignty by cracking down on ‘illegal’ migration (Dauvergne, 2008). Part of this process has been the criminalisation of border-crossing, which the United States has emphasised in its immigration policy. The classification of border-crossing as a crime makes undocumented migrants vulnerable to criminal prosecution and further contributes to their exclusion from rights-granting personhood. For almost two decades, the U.S. government has prosecuted more migration-related offenses than any other kind of federal offense within its borders (Franzblau, 2020). The Trump administration’s ‘zero tolerance’ policy required that ‘illegal’ border

crossing be tried as a *criminal* charge, and prosecutions for entering or reentering the United States without authorisation increased by almost 50 percent from fiscal years 2017 to 2019.¹¹ In order to (legally) apply for asylum, people must cross into the United States, so the criminalisation of border-crossing has made, and continues to make, lawfulness impossible and solidifies the status of ‘illegal alien’ as a de facto status crime. At every step, the classifications created by the state systematically prevent migrants from complying with the law and accessing justice.

Refugees cannot be punished for extralegal entry under international law, but if a person’s asylum claim is denied, then their entry can still be considered ‘illegal’. Thus, the definition of ‘illegal’ migration is imprecise, further complicating the identification of lawful and unlawful actions. Dauvergne argues that the most straightforward way to define illegal migration is to refer to the migration law of the state which is counting ‘illegal’ migrants, giving anyone who is ‘currently in contravention of the law’ an ‘illegal’ status, including those who enter illegally and those who remain in the country beyond their legal stay (Dauvergne, 2008). However, this evaluation is complicated by the fact that many people who enter ‘illegally’ intend to apply for asylum. What is notable is that however it is defined, illegality itself is a creation of the law (Dauvergne, 2008).

Law’s power to de-personalise, to make and unmake legal persons, is stark when it comes to the ‘illegalising’ of undocumented migrants. The term ‘illegal alien’, as a de-personalising and racialised signifier, blurs the lines between statelessness and criminality. The construction of ‘alien’ terminology serves important social and legal functions, helping to mask the privilege of citizenship and rationalise the poor treatment of non-citizens (Johnson, 1996). Nicholas De Genova details how migrant ‘illegality’ is both a sociopolitical condition and an epistemological problem, arguing that the legal production of ‘illegality’, what he calls ‘illegalisations’, actually supply the ‘foundational conditions of possibility’ for programs that offer an official adjustment of status for undocumented people (Genova, 2002). In this way, the illegalisation of migrants forms the foundation for their legal marginalisation and for the structures that offer them legal relief. The criminalisation of border-crossing makes migrant detention not arbitrary—in the eyes of the law—but justified, and rising rates of detention reflect this change. In 1973, the U.S. government detained a daily average of 2,370 migrants;

¹¹ Department of Justice Prosecuted a Record-Breaking Number of Immigration-Related Cases in Fiscal Year 2019.

by 1994 this number had risen to 5,532, by 2009 it was 34,000, and as of 2019 the government was detaining a record 55,000 people a day, on average (Patler and Golash-Boza, 2017).

Yet the law still defines immigration detention as strictly civil, so immigrant detainees are not granted the same set of legal protections as those guaranteed to criminal defendants, such as ‘the right to government-appointed counsel, the privilege against self-incrimination, the ban on cruel and unusual punishment, and the right to a speedy trial’ (Ryo and Peacock, 2018). While the law’s classificatory power may change the legal definition of immigration detention, in practice, conditions in immigration detention can be indistinguishable from those in criminal settings. Detainees are held in ‘jails and jail-like facilities’, wear uniforms and identifying information at all times, have regimented schedules, are constantly surveilled, are subject to discipline and segregation, and have limited contact with the outside world (Ryo and Peacock, 2018). Legal scholar Cesar Garcia Hernandez writes that ‘individuals in immigration confinement are frequently perceived to be no different than individuals in penal confinement ... They are represented as a threat to public safety, locked behind barbed wire, often in remote facilities, and subjected to the detailed control emblematic of all secure environments. Often they are held alongside their criminal counterparts’ (Garcia Hernandez, 2014).

The broader classification of immigration litigation as civil, not criminal, has distinct consequences for people’s access to due process rights throughout the legal process. The Sixth Amendment states that ‘in all criminal prosecutions, the accused shall... have the assistance of counsel for his defense’,¹² and in 1963, the Supreme Court ruled in *Gideon v. Wainwright* (1963) that the government must appoint a public defender if a person cannot afford an attorney.¹³ However, because the vast majority of immigration cases are not criminal cases, as previously mentioned, defendants do not have the right to counsel. In the rare situations where migrants are charged under criminal law for unlawful entry, they are charged with misdemeanors, rather than felonies, so that the government is still not obligated to provide them with counsel. In 2016, only 37% of immigrants nationally secured legal representation in their removal cases, and only 14% of immigrants in detention secured representation, with representation rates varying widely by court jurisdiction. Immigrants in detention with representation were four times more likely to be released than those without it (Eagly and Shafer, 2016).

¹² U.S. Const. amend VI

¹³ “*Gideon v. Wainwright*, 372 U.S. 335 (1963).”

As discussed in Section 1A, the rehabilitation of legal violence through linguistic processes has powerful effects on the justification of state violence within the legal system and within society at large. Law's 'interpretive violence' is particularly visible in discourse around immigration detention; even the language of 'detention' and 'detainee' instead of 'jail' and 'prison' and 'prisoner' reflects a 'hyperlegal' cleansing of the violence of incarceration. Just as the classification of disciplinary segregation in criminal settings allows prison officials to avoid the restrictions that regulate punitive measures, the definition of immigration detention as 'administrative' frames it as a *tool* to ensure that migrants show up to court, even though migrants almost always show up to court even when they are not detained (Garcia Hernandez, 2014). Detention is framed as a method for ensuring the smooth administration of legal processes and for protecting the population from 'dangerous' 'illegal aliens'. Yet because detention is administrative, rather than punitive, it is not seen as double jeopardy to detain someone for a past criminal record; the law's re-classification of detention justifies it simply as a way to protect the security of the United States.

In summary, as a result of their non-citizen, racialised, and criminalised statuses, detained migrants are, in Cacho's words, 'ineligible for personhood'. The term 'illegal alien' reflects and solidifies migrants' exclusion from the possibility of lawfulness and true inclusion. The construction of a differentially included and fundamentally rightless population of migrants forms the foundation of our understanding of citizenship. These structural conditions and legal practices are what make the *Jennings v. Rodriguez* ruling in many ways unsurprising, and the denial of migrant rights in the ruling reflects the broader structure of the immigration detention system. The exclusion of racialised non-citizens is not a side effect of our immigration system, but an intended consequence. And within the context of migrants' negative personhood, the law has the interpretive and institutional power to justify the denial of rights and facilitate state violence in the form of indefinite detention.

B. Justifications for the Denial of Bond Hearings in *Jennings v. Rodriguez*

Given that there is a trend in the courts to at least put some restrictions on indefinite detention, as in *Zadvydas v. Davis* (2001), how did the Court in *Jennings v. Rodriguez* justify the denial of the right to periodic bond hearings to immigrant detainees? First, there are very relaxed guidelines about what constitutes 'indefinite' or 'prolonged' detention, so the majority was able to exploit that ambiguity to invalidate the imposition of a specific six-month limit on

detention. Second, the court used the justification of a strict statutory interpretation of the law to deny that migrants had any guarantee to bond hearings. The majority entirely avoided the constitutional question of whether this was a violation of due process, except to endorse what Justice Breyer called a ‘legal fiction’—that since people have not technically been admitted to the country when their applications are pending, they are not legally ‘here’. Ultimately, the majority’s argument revealed its approach to migrant personhood because it defended the ruling based on whether the U.S. state was *obligated* to provide a bond hearing, rather than whether migrants were *entitled* to due process.

The constitutional avoidance canon is a way of understanding interpretive ambiguities in statutes: ‘if there are two equally plausible readings of a statute, and one of them raises constitutional concerns, judges are instructed to choose the other one’ (Fish, 2016). In *Zadvydas v. Davis* (2001), the Court used this canon to read a 6-month limit on detention without a bond hearing into the statute of the INA. In *Jennings*, the majority argued that that was a misapplication of the canon and said that the statute was actually clear—that detention was mandatory until deportation proceedings had concluded, no matter how long that takes. The institutional violence of the law is evident in this justification, as the Court insisted that its job was simply to literally interpret the statute, not rewrite the law—even at the expense of people’s lives.

Because there is no specific definition of ‘prolonged’ or ‘indefinite’ detention in the Immigration and Nationality Act (INA) statute or in any other U.S. statute, the imposition of a six-month limit in *Zadvydas* was dismissed as judicial activism. The six-month limit was a creation of the court, but without a specific limit, there would be no way to identify a due process violation in the form of prolonged or indefinite detention.

The majority used a ‘strict textualist’ reading of the law to argue that there was nothing in the statutory text requiring the government to provide bond hearings. In the Opinion of the Court, Justice Alito explains how ‘aliens’ are detained while asylum applications or removal proceedings are pending. Justice Alito explains that ‘once those proceedings end, detention under §1225(b) must end as well. Until that point, however, nothing in the statutory text imposes any limit on the length of detention. And neither §1225(b)(1) nor §1225(b)(2) says anything whatsoever about bond hearings’.¹⁴ Migrants’ status of precarious personhood and social death is a critical part of how the majority was able to ignore the question of Fifth

¹⁴ *Jennings v. Rodriguez*, 583 at 13.

Amendment rights, using the excuse that the ruling should be made on statutory rather than constitutional grounds. If the respondents had been citizens with unquestioned Fifth Amendment rights, the constitutional question would have been unavoidable. Instead, a lack of specific protections in the letter of the law allowed the majority to avoid affirming due process rights.

The majority also endorsed a ‘legal fiction’ that ‘because the law treats arriving aliens as if they had never entered the United States... they are not held within its territory’.¹⁵ Migrants in immigration detention on U.S. soil, are, of course, within the territory of the U.S. Yet in *Jennings*, the government says that migrants are ‘constructively’ held outside of the US.¹⁶ and thus are not entitled to due process rights. This interpretation attempts to create new meaning out of legal definitions—those of ‘admission’ and ‘entry’—while denying the fact of their physical presence in the country. This supernatural construction of truth is a profound instance of legal power and of the lengths legal interpreters will go to deny rights to the marginalised and socially dead.

The difference in the theoretical approach of the majority and dissent in *Jennings* is quite striking. Justice Alito, writing for the majority, writes that ‘the meaning of the relevant statutory provisions is clear... but the dissent is undeterred’.¹⁷ Justice Alito sharply criticises the dissent’s focus on the constitutional question, dismissing it as irrelevant and writing that ‘only after a 19-page prologue does the dissent acknowledge the relevant statutory provisions’. Justice Alito also criticises the dissent’s claim that the statutes in question can actually be read to require bond hearings every six months, writing that ‘the dissent evidently has a strong stomach when it comes to inflicting linguistic trauma,’ and ‘the contortions needed to reach these remarkable conclusions are a sight to behold’.¹⁸ The difference in the importance that the majority and dissent place on rights can clearly be seen in the written opinions; the word ‘right’ appears in the majority opinion exactly five times, twice in the concurring opinion, and thirty times in the dissent.

The majority’s argument was emblematic of the ways in which legal interpretation and definition-making can be weaponised to exclude certain people from the protection of the law, and the ways in which the institutional limitations of legal decision-making can provide

¹⁵ *Jennings v. Rodriguez*, 583 at 7.

¹⁶ *Jennings v. Rodriguez*, 583 at 7.

¹⁷ *Jennings v. Rodriguez*, 583 at 23.

¹⁸ *Jennings v. Rodriguez*, 583 at 23.

justification for racist and inhumane decisions. By using a strict textualist interpretation, the majority claimed to be actualising the fairness, accountability, and impartiality of law, respecting the authority of Congress, rather than the Supreme Court, to create new laws. Yet it is also the job of the Court to protect the rights of the people from government infringement, and the Court's failure to do so in *Jennings v. Rodriguez* reveals the stark pitfalls of our legal system.

C. Indefinite Detention as Civil Death

In *Wing Wong v. United States* (1896), the Supreme Court affirmed aliens' due process rights under the law, arguing that constitutional rights were derived from one's *personhood* and presence within the borders of the United States. As such, the complete loss of constitutional rights when within the borders of the U.S. denotes a lack of legal personhood. As a result of detained migrants' racialised, criminalised, and rightless status, they already exist on the edges of civil death, enjoying some of the privileges of legal personhood and not others. I argue that migrants who are denied bond hearings as a result of *Jennings v. Rodriguez* are pushed fully into civil death by virtue of their inability to question or curtail the length of their detention.

In his dissent, Justice Breyer compares the complete denial of constitutional rights to persons within the territory of the United States to the situation of slavery, writing that, 'no one can claim, nor since the time of slavery has anyone to my knowledge successfully claimed, that persons held within the United States are totally without constitutional protection'.¹⁹ Without the right to bond hearings, people can languish in detention for years, separated from their families and communities. It is common for asylum proceedings to last for years, even and *especially* when someone has a strong case.²⁰ The average length of detention experienced by a *Jennings v. Rodriguez* class member was 404 days (Hudson, 2016).

¹⁹ *Jennings v. Rodriguez*, 583 at 7.

²⁰ "Prolonged Detention Stories."

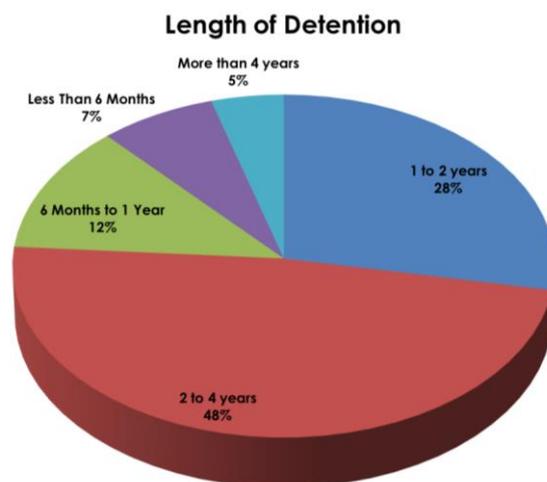


Figure 2: Average length of time in immigration detention²¹

Hannah Arendt suggests that it is possible to gain legal standing by committing a crime. Yet given the decades of systematic criminalisation and racialisation of migrants to the United States since the time of Arendt’s writings, her ideas on legal personhood are in this respect incomplete. Today, rather than conferring legal personhood upon a being that is outside the ‘pale of the law’, criminalisation adds an additional layer of marginalisation that justifies the loss of the conditional rights that non-citizens are theoretically entitled to. Colin Dayan explains how during the William Rehnquist court (1986-2005), a number of Supreme Court cases systematically eroded prisoner’s rights, constructing the incarcerated person as a legal person who stands in negative relation to law (Dayan, 2011). The development of a for-profit prison system and the systematic denial of constitutional rights even to incarcerated citizens shift the balance between legal standing and criminal standing (Patker and Golash-Boza, 2017); while legal standing can help protect one’s human rights, entry into the criminal system today is not a panacea to rightlessness; it is the opposite.

In the end, *Jennings v. Rodriguez* was an ambiguous ruling. It did not affirm the right to periodic bond hearings for immigrant detainees, but it also neglected to give lower courts guidance on whether prolonged detention would ever constitute a due process violation under the Constitution. The ambiguity of this ruling will lead to arbitrary decisions made by lower courts. By not affirming positive due process rights for migrants, the Supreme Court is allowing the possibility of indefinite detention, and in this way, facilitating state violence against

²¹ “United States Immigration Detention Profile.”
<https://www.globaldetentionproject.org/countries/americas/united-states>.

migrants who would otherwise have the chance to fight for their freedom. Arendt's emphasis on the arbitrariness of authority for stateless people rings true in the wake of *Jennings*. By not resolving whether indefinite detention without bail hearings was constitutional, the Court left migrants dependent on the charity of others—in this case, dependent on the benevolence of lower court decisions. In the absence of institutional protections, rights are abstract and freedoms are precarious. In order for migrants to be protected from indefinite detention, they need to have the right, by virtue of their legal personhood, to demand and receive due process.

Arendt's emphasis on the disconnect that stateless people experience between their actions and consequences, because of their exclusion from any legal structure, is also echoed in the arbitrariness of immigration detention and the prevalence of fundamentally preventative detention for migrants with criminal records or those who pose a 'flight risk'. Detention as a result of one's status and as a result of the actions that one could *potentially* take reflects a complete loss of civil agency: civil death.

Conclusion

Justice Antonin Scalia once wrote, 'The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive' (Von Drehle, 2004). While Scalia's voting record may not have always reflected a dedication to liberty and justice for *all* people, the importance he attributes to freedom from imprisonment reflects a strong dedication to the idea of freedom from government oppression. These rights should be equally accessible to all. Freedom from arbitrary detention is one of the most fundamental rights afforded to people under national and international law—and yet, *Jennings v. Rodriguez* demonstrates how the law itself can justify and rationalise violence when the freedom of a racialised, criminalised, and non-citizen group is constrained by the state.

This paper represents a critical contribution to the scholarship on migrant personhood in the United States and on the sociopolitical impact of *Jennings v. Rodriguez* (2018). This paper has confronted the denial of the right to periodic bond hearings in immigration detention, despite the due process protections in the U.S. Constitution and strong legal precedents entitling *persons within the territory of the U.S.* to constitutional rights. Within a broader conversation about law's ability to justify and facilitate violence, I have argued that the law's classificatory power has stark implications for the enjoyment of civil rights and civil existence under the law.

Marginalised statuses occupy a fundamental condition of rightlessness, and the systematic criminalisation of bodies of color only undermines the *conditional* access to rights that migrants and the ‘socially dead’ enjoy. The law has the power to give and take away legal personhood, and migrants’ criminalisation under U.S. law and racialised status in U.S. society makes them vulnerable to the abuses of the carceral system. The denial of the right to periodic bond hearings in *Jennings v. Rodriguez* both reflected conventional migrant rights challenges and featured unique justifications that displayed the interpretive and institutional power of the law to facilitate state violence. The dual status of social death and civil death, which detained and indigent Latino migrants experience in prolonged detention without access to bond hearings, is a powerful and deeply rightless condition.

There are myriad structural problems underpinning state violence against asylum-seekers, not least that immigration policies made by the US state will always determine who is eligible for personhood under the law and which rights people are able to enjoy. When the state is the entity abusing rights under the law, we cannot depend on the government to protect those rights (Cacho, 2012). As such, conventional appeals to rights and redress will not necessarily work to solve this problem. For criminalised and rightless groups, rights are still ‘gifts’ that must be deserved, and affording criminalised statuses specific rights doesn’t necessarily ameliorate the condition of rightlessness that they exist in. Discussions of rights and periods of detention for asylum-seekers evade the underlying problems of detention system as a whole, of a militarised and criminalised border, of extreme inequality across borders and decades of imperialist policies that continue to contribute to poverty and violence in Central America. Affirming migrants’ due process rights by establishing a presumption of a due process violation at or before six months of detention would be a crucial first step towards preventing the complete civil death of people within our borders. However, a more expansive and radical re-conception of the social contexts of law and the legal system perpetuating violence is necessary in the fight for a more just world.

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Heloise Messervy-Whiting: The Concept of Friendship in Intelligence, and Why Germany is Spied on by its ‘Friends’ in Five Eyes.

Author

Heloise Messervy-Whiting is a third year undergraduate doing Human, Social, and Political Sciences at Selwyn College, specialising in Politics and International Relations.

Abstract

Why do states eavesdrop on some of their friends? This work attempts to reconcile the theory of friendship in international relations, particularly the strategic and normative categorisation (taken from the scholarship of Oelsner and Koschut (2014)), with the reality of friendships between states, in the sphere of signals intelligence. Ultimately, this work demonstrates that the existent binary conception does not reflect the operation of intelligence-sharing between states. Five Eyes, the exclusive ‘in-club’ in signals intelligence, comprising the United States, the United Kingdom, Canada, New Zealand and Australia, operate global surveillance programmes. Under their watchful gaze fall many close allies, even those with whom they might frequently share information, such as Germany. This begs the question: why spy on some friends, but not others? In the golden age of telecommunications, it has become an ever-evolving challenge for agencies to find ‘the needle in the haystack’. It is thus of vital importance, in understanding why some friends are spied on, to probe further into the types of friend which are indeed observed. This work finds an interim category between strategic and normative friendships, through a comparative analysis, which appropriately defines the relationship between the US and Germany, demonstrating that being close, in this realm, is not close enough. The task of ‘finding the needle in the haystack’ creates a distinct insider/outsider outlook for an agency such as Five Eyes. Therefore if a state, such as Germany, is not on the ‘inside’ they are, evidently, outside of this ‘club’, whose purpose is to achieve comprehensive global insight. Five Eyes, as normative friends, use this exclusivity in order to collaborate for global security and peace.

Keywords: International Relations Theory, Espionage, Intelligence, Five Eyes, Snowden, Signals Intelligence

Introduction

States spy on their friends. This occurrence is evident, in modernity, following the United States' National Security Agency (NSA) documents, leaked by Edward Snowden since 2013. In particular, one document alleged the bugging of Chancellor Angela Merkel's own phone. Interstate spying, even at such an eminent level, seems to be an open secret in intelligence: President Barack Obama explained in 2013 that all countries spy on one another, 'to understand the world better ... seeking additional insight'. In its absence, 'there would be no use for an intelligence service' (Hyman. G, 2013). However, it is not accurate to say that states spy on all their friends. Certain rare types of friendship grant a degree of immunity. For example, the Five Eyes alliance ('Five Eyes'), comprising the signals intelligence ('SIGINT') capabilities of the US, United Kingdom, New Zealand, Canada and Australia have an internal non-spying pact in relation to SIGINT. This work explores the type of friendship, which is necessary for such mutual assurance, whilst outlining why Germany fails to qualify for that exclusive alliance.

This work will suggest that the absence of an historic, somewhat codified, trusting and rare relationship, pertaining to foreign policy and intelligence, engenders a varying degree of 'eavesdropping'. This will be achieved through examining the comprehensive theory of Oelsner and Koschut (2014) who classify international friendships as either 'strategic' (ad hoc and inconsistent) or 'normative' (ideationally and temporally confluent). This theory is then applied to the relationships between the US and Germany, and the US and the UK, to demonstrate that this division between friends is less apt in the intelligence realm. Germany is a suitable example since they are a close NATO ally to the Five Eyes states, yet relations between them, in particular relations to the US, have experienced a decline.

This essay therefore differs from the scholarship of Oelsner and Koschut (2014) in suggesting that the divisions between strategic and normative friends do not remain as applicable in relation to intelligence. The difference between strategic and normative friends is less distinct, as Germany has proven somewhat of a hybrid friend to the US in intelligence. However, they remain strategic to a greater extent.

Therefore, whilst the German/US relationship has intermittently blurred the distinction between these two categories, it is suggested here that only a completely normative friendship is allowed into the exclusive Five Eyes. Total normative friendship is incredibly rare. This is

then demonstrated through a comparative analysis of the UK and the US's well-documented 'special relationship' which evidences the strength, and rarity, of such a category. Furthermore, the UK and US, as members of Five Eyes, are specifically highlighted due to the methodological challenge of accessing equal sources on the remaining members of the Five Eyes alliance, whereas the relationship between the UK and the US is contrastingly more accessible. Moreover, this relationship is perhaps the best example of normative friendship within Five Eyes, due to its enduring significance and renown.

In further discussion, the motivation of both the US, and Five Eyes in spying on Germany shall be elaborated. This essay theorises that states spy on strategic friends, as, in a realist sense, states protect their interests, and their ability to do so is significantly aided by spying. However, states also collaborate to provide a global benefit through spying: Five Eyes pool resources, tasks and trust to combat risks effectively.

The task of 'finding the needle in the haystack' remains essential to combatting emerging threats and the wealth of information exchanged within Five Eyes would not be valuable if it was not comprehensive. In order to be on the inside, there must be a high degree of foreign policy confluence, corresponding with a high level of trust and historical patterns of cultural interlinkage, found only in entirely normative friendships. This is a precursor for Five Eyes membership. Therefore, Germany remains excluded since it cannot be inside. Thus, it will, by necessity, be spied upon.

2013 NSA Leaks and the Five Eyes Alliance as Sources

Before exploring the theoretical framework for friendship, it is crucial to outline the nature of 'spying' discussed in this essay and the literature from which it draws its understanding. Studying the content of contemporary intelligence arrangements between states is an academic challenge. By its very nature espionage is secretive, especially in the modern era: intelligence academia studying the activity of the twentieth-century has benefitted from official declassifications of information.

The study of contemporary intelligence relationships, particularly between the 1970s and the present day, has not benefitted from the same level of disclosure. It is a greater challenge to find information on spying between 'friends,' even in a wider timespan, since such information is classified for longer or destroyed so as not to endanger an alliance (Alexander, M. 1998). Therefore, there is not a great wealth of academic literature on contemporary spying,

especially between allies. For a greater precision of analysis, this piece shall focus more closely upon the relationships between the US and Germany and the US and the UK, due to the utility of these examples in exploring the strengths and shortcomings of the existing ‘friendship’ framework, but also due to a greater wealth of reliable and available sources. The special relationship between the US and the UK is particularly well-documented and shall therefore serve as the focal normative friendship of this work.

Two facets of Western intelligence have widened access to this topic: the leaked NSA documents and the existence of Five Eyes. The former has given an invaluable insight into SIGINT operations, in particular through the exposed ECHELON programme. There exists extensive cooperation between the NSA, the UK’s Government Communications Headquarters (GCHQ), and the complementary SIGINT facilities of Canada, New Zealand and Australia, to create global surveillance of communications on both allies and adversaries. Since the documents emanated from the NSA and it is acknowledged that the US has the most powerful foreign intelligence service²². This essay often focuses on the policy of the US. This is in particular relation to Germany in order to differentiate between ‘friendly’ states. The US and the UK, for example, do not spy on one another through SIGINT: they have a ‘special relationship’, and are precluded from this by the Five Eyes agreement. The US was revealed to have spied on Germany through SIGINT in the NSA leaks, and they have a complicated ‘friendship’ in relation to foreign and security policies. Comparison between these two relationships is both an original and effective method of demonstrating why some friends are spied upon and others are not. Since more information is available on Five Eyes, both through declassifications and the NSA document leaks, this essay has used such information, as far as it can, to illustrate why such states embark on spying upon ‘friends’ who are not members of this alliance, again focusing on Germany.

Theoretical Framework of ‘Friendship’

Distinguishing between types of ‘friend’ within the discussion of inter-state spying is crucial. This essay explores the implications of the differing conceptions of ‘friendship’ between states, yet before introducing more detailed examples, it is valuable to outline this work’s assumption of the different types of friendship here. Notably, the scholarship on this

²² *European Parliament* (2001) Report on the existence of a global system for the interception of private and commercial communications (ECHELON interception system). 11 November, section 2 and section 12.

area has been significantly developed to its level of sophistication in recent years by Andrea Oelsner.

The concept of 'friendship' between states is 'a political reality, not a conceptual idea' (Oelsner. A. and Koschut. S. 2014: 3); whilst it is possible to outline a general conceptual framework and to apply this to the facts, so as to categorise different interstate relationships into different types of 'friendship', the accuracy of this may vary in reference to different types of international issue. The focus of this essay will remain upon the relationship between states' differing attitudes to security and foreign policies, so as to answer more clearly why states spy on each other, in the sphere of SIGINT. However, this particular focus suggests that the intelligence sphere has been, to an extent, neglected in the literature's framework. Germany's relationship with the US in foreign policy often blurs the friendship binary, perhaps beyond what was anticipated by Oelsner and Koschut (2014).

Strategic Friendships

Oelsner and Koschut differentiate international friendship into the categories of strategic friendship and normative friendship (Oelsner. A. and Koschut. S. 2014: 13-15). Strategic friendship is based on states' 'rational self-interest', a relationship characterised by mutual reliance, but without enduring trust. This piece agrees to a large extent with this realist view of international relations, however, finds a more stable and enduringly productive relationship in the constructivist communities formed by normative friends, such as the Five Eyes alliance. That is not to say that the relationship is not productive. It is likely to be a mutually supportive friendship, existing 'under certain structural conditions', for example, a 'shared interest', and 'transparency' (Oelsner. A. and Koschut. S. 2014: 13). However, this category of friendship is the more precarious of the two since it is often formed around a 'transitory issue' (ibid). Once the unifying factor between the states is resolved, the relationship deteriorates.

This essay will further demonstrate that the relationship between the US and Germany largely falls within this category. Whilst they have been unified over certain security issues such as the threat of the Soviet Union against the Federal Republic of Germany during the Cold War, they ultimately lack the enduring form of close cooperation, as shall be seen through the US-UK relationship, to be classified as normative friends in the present day. Moreover, 'strategic friends would always expect the other side to cheat or defect from contracts or

agreements, and they prepare for such a possibility by installing safeguards or backdoor-options' (Oelsner. A. and Koschut. S. 2014: 14). This exemplifies how the American-German relationship largely falls under this categorisation: the documents leaked by Snowden to Wikileaks, published in 2015, revealed that the phones of Chancellor Merkel and 125 other senior German officials were bugged by the NSA (Reuters in Berlin, 2015). This incident epitomises the strategic friendship of Germany and America, whose trust for one another is tempered by 'safeguards'. Another elucidatory example given by Oelsner and Koschut (2014: 13) is President George W. Bush calling Russia a 'friend' to the US, in a 2004 Iraq War press conference: this label was more likely a consequence of Russia voting on that same day to back the US-led United Nations Security Council resolution to create a transitory government in post-war Iraq, rather than a meaningful, symbolic and historic value-based friendship between the states. It is clear that this notion of friendship between the states was as transitory as the issue which unified them; it was momentary. It is the tactical bond over an issue at critical moments, rather than the existence of trust, underlying an ongoing close relationship.

Normative Friendships

In comparison, normative friendship is more likely to see states having 'ideational and emotional bonds' in common, with trust as the basis of the relationship, rather than the 'instrumental rational thought process or utility cost-benefit calculations' present in strategic friendships (Oelsner. A. and Koschut. S. 2014: 14). Rather than an issue providing the basis for the relationship, it is the trust itself between the states which perpetuates the friendship. This relationship is exemplified by the special relationship enjoyed by the UK and the US, both on a wider relational scale and in particular reference to SIGINT sharing. This type of friendship is characterised by Oelsner and Koschut (2014: 14-15) into three themes: bestowing a value on the friendship, close and entrenched bonds, achieved through value-sharing, mutual empathy and transparency, and joint enterprise, driven by friendship as well as interest. Such a bond is a 'pattern', which can be both 'reinforced' and 'weakened' (Oelsner, A., and Vion, A. 2011: 5) through joint activity or breaches in the solidarity. It is a living thing.

The special intelligence relationship between the US and the UK, and the implications of such a relationship for the question of why states spy on certain friends, and not others, shall be explored in greater detail. However, for the purpose of this section in outlining the framework of normative friendship, it is well described as, 'the expression of a long-standing common destiny and common political goals' (Oelsner, A., and Vion, A. 2011: 6). In particular,

the sense of a common destiny, institutional integration and shared ideals are what enables a relationship to bind actors, beyond the scope of a transitory issue or issue-area. Whilst an issue may unify states (for example, the US and UK over World War II), such factors, present in normative friendships, reinforce the bond. As Colman (2004: 21) states, this ‘friendship often evolves from previously stable and peaceful relationships within integrated regional areas’. This essay finds that stability, peacefulness, and geographic ties (including a shared language) have been tantamount to the special intelligence-sharing relationship between the US and UK, and within the Five Eyes more generally, with all countries being predominantly Anglophonic. This work contributes to the existing literature by suggesting that it is because of this very rare, special and exclusive type of friendship enjoyed by some states, that spying does not occur between them.

US and German ‘Friendship’

As discussed, within Snowden’s NSA leaks were documents revealing that Angela Merkel’s phone was amongst those tapped by the US in 2013 (Pfluke. C. 2019: 310). This prompted public international outrage: it served as ‘a reminder that the international system is driven more by cutthroat self-interest’ than ‘fairness and friendliness’ (Fisher, M. 2013). Such language is reminiscent of the friendship found in the ‘strategic’ category. Furthermore, this single incident is reflective of a relationship which has suffered a gradual, although not consistent decline. The US-German relationship is now further analysed, through the evolution of both their similar and diverging interests and attitudes, to demonstrate why this friendship involves spying through SIGINT. As mentioned earlier in this work, however, it is not accurate to state that the relationship is entirely strategic. This essay also finds elements of the normative in this friendship. This work’s thesis is that in order not to be spied upon by a particular state (or state alliance), the friendship must wholly conform to normativity; this is exceedingly rare.

Following the 2003 G8 Summit, the inter-state relationship was at its worst since World War II (Kaim. M, 2003/4: 127). Relations between the two, in historical decline, reached a post-war nadir, exacerbated by diverging Iraq policies (Kaim, M. 2003/4, 127). This differing foreign policy is a significant area for divergence between the US and Germany, making them more strategic than normative friends. Differing foreign security policies between the states has led to a growing degree of distrust, a large factor as to why the US spies on its strategic friend, Germany. Moreover, whilst it is impossible to learn of the true reasons why Germany is not part of Five Eyes, it is perhaps because the inclusion of Germany would be an obstacle

to the internal policy cohesion necessitated by the intensely trusting, information-sharing group, a point which shall be revisited.

The Iraq War was, for a long time, a fundamental downfall in the relationship between the US and Germany, but ‘tension has been part of [their relationship] throughout the postwar era to varying degrees’ (Karnitschnig, M, 2019). The tensions made evident over their contradictory approach to the threat posed by Saddam Hussein was ‘only the tip of the iceberg’, revealing ‘structural incoherencies’ between the states (Kaim, M. 2003/4, 127). Firstly, in 1998 the Social Democratic-Green Coalition had been elected to power. Whilst both parties had been critical of US foreign policies’ unilateral action and easy recourse to using force (Kaim, M. 2003/4, 129), Chancellor Gerhard Schroder had been unreservedly supportive to the US after the 9/11 attack, pledging solidarity and troops to Operation Enduring Freedom. This reflexive support is characteristic of the emotional bonds of a normative friendship, thus is an instance of the blurring of the theoretical framework. Further, he used the threat of a vote of no-confidence to gain the consent of the parties’ left wings.

However, unity swiftly crumbled. Chancellor Schroder then announced he would not endorse US policy against Iraq, even if so mandated by the United Nations Security Council (Kaim, M. 2003/4, 133). Once unified by the immediate threat and emotional shockwaves of terrorism, they lacked the ideational bonds or trust to maintain a one-minded approach. In Germany, the guiding principles for forceful foreign policy are morality and reluctance: during their first significant military campaign since World War II, in Kosovo, it was ‘only the government’s interpretation of the war as a highly moral endeavour [which] helped to accommodate the criticism from ... both coalition parties’ (Kaim, M. 2003/4, 136). This is very different to the US’s more hawkish foreign policies, more characteristic of a military superpower: 55% of Americans strongly agree that war is sometimes necessary to obtain justice. The same is true for only 12% of Germans (ibid). This cultural-normative dissimilarity highlights divergence on a societal, and electoral level, which is a further barrier to a normative friendship: this policy outlook transcends Iraq policy, and is reflective of an ongoing, unbridgeable gap between them.

Such diverging foreign policy attitudes demonstrate why the US and Germany can only be strategic friends, whilst there are elements of normative friendship. Their common outlook is not unified. They do not stand together on perhaps the most important issues in foreign policy, such as the perception of a threat, and how to address it. For example, in 2015 Germany made

the decision to allow up to one million refugees from the Middle East, Asia and Africa to seek asylum in the country, making them ‘the top European destination for people fleeing conflict’ (Carell & Roche, 2015). This forms a stark comparison with President Trump’s 2017 executive order, banning entrants to the US from majority Muslim countries²³, a policy which particularly targeted and discriminated against those people who Germany sought to aid.

Moreover, whilst the US views terrorism as a ‘systemic-ideological fight between two incompatible systems of values and concepts of political order’, Germany views the threat of terrorism as ‘a socioeconomic phenomenon, resulting from the continuing impoverishment of the Third World’ (Kaim, M. 2003/4, 132). This means that the more bellicose US, with Five Eyes in tow, will spy on Germany, because they are not similar enough in their policy as to include them in their community of trust. German policy can, and often does, diverge significantly from US policy, which prevents cohesion. There must be common-mindedness in order to participate in such widescale SIGINT sharing as is present in Five Eyes, since a crucial part of trust is vulnerability (Easley, L.E. 2014, 143). The US, even with close allies, has a reluctance to be vulnerable, showing how remarkable an alliance Five Eyes truly is. The poor relationship between the US and Germany means that mutual vulnerability in the intelligence sphere is no longer feasible.

Germany does not pose a threat to the alliance directly, but still, they utilise surveillance on the state through ECHELON, as otherwise all ‘friendly’ non-Five Eyes states might be safe havens in avoiding the gaze of the programme. Whilst Germany has its own domestic security services to determine threats, not all information is shared in NATO, which is treated as more of a ‘barter economy’ for intelligence information (Hopkins. S, 2013).

It is not the intention of this essay to portray the US and Germany as alienated states. There has historically been a close friendship between them. Indeed, the states were closely entwined: ‘over the course of the Cold War, millions of American soldiers were stationed in Germany, where they married and had children’, and in 1985 there were 250,000 American soldiers stationed in the Federal Republic of Germany (Karnitschnig. M, 2019). Integration during the Cold War caused an ‘Americanisation’ of West Germany (ibid). Furthermore, German foreign policy does focus on defending Western values. For example, Chancellor Angela Merkel is intent on combatting the threat posed by North Korea (Erlanger. S, 2017).

²³ Amnesty International UK, 2020: <<https://www.amnesty.org.uk/licence-discriminate-trumps-muslim-refugee-ban>>

However, Merkel sought to achieve this through another round of diplomatic negotiations, rather than the comparative aggression of the Trump administration (Erlanger. S, 2017). Once again, whilst Germany perceives the same threat as the US in the region, their treatment of the threat differs. This symbolises this essay's suggestion of how the relationship has been, at times, both strategic and normative: the states are united in their acceptance to address the issue, but they lack the shared norms and values more closely to align their policies in addressing it.

The relationship between Germany and the US is not one characterised by an emotional or sentimental bond. The 2016 election of Donald Trump to the American Presidency exacerbated this, despite a period of friendlier relations between Chancellor Merkel and President Obama. Since then, there has been 'a steady diet of anti-American media coverage', such as the 2017 cover of *Der Spiegel*: a drawing of President Trump beheading the Statue of Liberty (ibid). Therefore, whilst there is some historical entwinement between the two in culture, and to a certain extent, in foreign policy, the two more frequently have a fraught and diplomatically antagonistic relationship. The now notorious image of Chancellor Merkel and President Trump, in actual direct opposition at the 2018 G7 summit, serves as a contemporary reminder of this. Whilst they are *prima facie* friends, there is not a large degree of trust in this relationship. As such, Germany would never be included in Five Eyes: they do not possess factors enabling the high degree of trust between the Five Eyes. This essay finds that if a state is not on the inside, they are by necessity, on the outside, and all outsiders must be observed, if the operation of signals intelligence is to have omniscience. This section has sought to contribute to the accuracy of the application of the framework of Oelsner and Koschut (2014), describing how the cross-over of foreign policy and intelligence relationships with historic connection can blur the distinction. However, this gap in the framework highlights this work's contribution that states will spy on other states with whom they lack a comprehensively normative friendship, and that such a normative friendship is rarely achieved.

US and UK 'Friendship'

In comparison, the US and UK, both members of Five Eyes, have shared greater similarities than differences in foreign and security policy. In the eyes of some, our relationship with the US is one of the last vestiges of our claim to be a global power (The Macaskill. E.,. Dance. G, 2013). The high degree of normative friendship here is deeply rooted in history as 'a special quality of bonds', public, interpersonal links between leaders, a realistic expectation

for ‘care and solidarity’, and the joint promotion of each other’s best interests, and the best interests of society globally (Oelsner. A. and Vion. A. 201, 5), as they perceive them.

A significant determinant of this special relationship was the development of coordinated SIGINT during and after World War II. According to Lord Callaghan, the war was the ‘apogee of the special relationship’ (Dobson A.P, 1995, 72). This is particularly visible in the SIGINT field: at the start of the war, US foreign intelligence capabilities were basic, whilst the UK’s was world leading (ibid). William Donovan, head of the Office of Strategic Services (which would become the Central Intelligence Agency), stated that ‘Bill Stevenson [the head of British Security Coordination] taught us everything we ever knew about foreign intelligence operations’ (Dobson A.P, 1995, 74). In 1943, the UKUSA Agreement, which then became Five Eyes, was signed. This was an unparalleled, extraordinary degree of information sharing. Moreover, the complete embeddedness of the UK in the US’s foreign intelligence capabilities signifies a normative friendship, through almost complete institutional integration. Today, a personnel pass to GCHQ also grants entry to the NSA, and vice versa (Pfluke, C. 2019, 305). Moreover, the leaked NSA files revealed that 60% of all British SIGINT comes from the NSA (Macaskill. E, Dance. G, 2013). Therefore, in terms of SIGINT, such states have very little need to spy on one another, since information and personnel both already flow so freely between the organisations. Such transparency negates much need for spying.

Furthermore, this has always been an emotive and symbolic relationship, entailing an entrenchment of trust within historically consistent areas of cooperation. Prime Minister Tony Blair, at a White House dinner in 1998, repeated to President Bill Clinton what Harry Hopkins had said to Prime Minister Winston Churchill in 1941, before the US joined the war effort (Danchev, A. 2007, 190):

‘Whither thou goest, I will go, and whither thou lodgest, I will lodge. Thy people shall be my people and thy God my God ... Even to the end’

Both Churchill and Clinton ‘wept’ (ibid). Whilst there has not been cooperation in all foreign policy endeavours between the US and UK, or indeed between all of the members of the Five Eyes alliance, the normative friendship enjoyed by the states has remained, to the largest extent, stable. This can be attributed to intelligence integration, shared morals, values and history, and a shared language. This tried-and-tested relationship has led to a relationship drawn together by mutual trust. This mutual trust and integration precludes spying. There is certainly no evidence of the US and UK, or any other member of Five Eyes, spying on one

another in the sphere of SIGINT. It is challenging to speculate on the degree of interstate spying in the sphere of modern human intelligence ('HUMINT'), through operatives and sources, due to the more discrete and dangerous nature of informational sharing in this area; states are more protective of their more vulnerable human sources. However, in the sphere of SIGINT, it is simply not in the interest of the US or the UK, or wider Five Eyes members, to spy on one another, not only since practically all information is shared, but also, due to the close institutional collaboration, it would be singularly difficult to keep such spying secret.

Reasons for Spying: the US

The US often acts in a self-interested manner in their foreign and security policy so as to further their domestic and foreign interests. This is perhaps particularly true today, when to many Americans, threats like terrorism, still feel 'real, very personal, and quite recent' (Hyman. G, 2013). The US spies on its strategic friends, like Germany, because of this prevalent self-interest, and self-protection. But more importantly, the US spies on strategic friends, this work posits because it should. The US has become the world leader in SIGINT capabilities: within NATO, states are dependent on US intelligence, and further, the EU would not be able to come up with a system rivalling ECHELON²⁴. The power granted to the US in this capability comes with responsibility. Without the US, there would be an intelligence gap given their unique institutional and material capacity to gather information and to find the 'needle in the haystack'.

Here, we can see the US acting for the global good by detecting threats to public security, thus contributing to international safety and stability: in 2007, a terrorist plot in Germany was foiled by US surveillance of an internet café in Stuttgart²⁵. Furthermore, it is alleged that the ECHELON programme has helped to foil around 54 terrorist plots (Hopkins. S, 2013), although evidently there is a methodological challenge in independently verifying such a claim. Therefore, not only does the US spy on other states because it can but perhaps, to an extent, friendly states have made their peace with US surveillance because of the benefit they derive from it. EU leaders were so frustrated, not because the US was watching them, but because the NSA leak made public their own inadequacies. It was the indiscretion, rather than the eavesdropping, which was unpalatable. This essay suggests that such spying has become a

²⁴ *European Parliament* (2001) Report on the existence of a global system for the interception of private and commercial communications (ECHELON interception system). 11 November, section 2 and section 12.

²⁵ ProPublica, 2013

norm in the intelligence sphere since it provides a common good, in the form of stability and security. In this way, spying on friends is integral to world order.

Reasons for Spying: Five Eyes

Five Eyes, which was expanded in 1948 to include Canada, and in 1956 to include Australia and New Zealand (Pfluke, C. 2019, 302), has global reach. The world is divided, so that each state is responsible for SIGINT collection and coordination in their 'jurisdiction'. The longevity of this alliance depends on an intense relationship of multilateral trust: information is shared in a 'trust economy', rather than the barter system of NATO (Hanna. J, 2017). Since the informational flow is free and open, it is important for the preservation of the alliance that it remains small. For example, a diplomatic incident between New Zealand and the US in 1986 resulted in New Zealand refusing to share their SIGINT information within Five Eyes for twenty years (Pfluke, C. 2019, 308). This significant event in the alliance created serious information gaps, such as over the 1987 Fiji coups (ibid). Furthermore, whilst it is noted that New Zealand did not support the US invasion of Iraq with troops, they still remain ideationally and historically linked to an extent amounting to normative friendship, albeit perhaps to a lesser extent than the US and the UK. However, New Zealand did still incur three hundred million dollars of costs in deploying troops to Afghanistan (Theunissen. M, 2013). This emphasises again that this framework of friendship should be viewed as a nuanced balance. Communities of normativity therefore must remain restrictive, so as not to tip this occasionally delicate equilibrium.

Therefore, as there is frequent potential in international relations for diplomatic friction which can cause serious consequences within even the normative friendship of Five Eyes, membership of such an alliance must be necessarily exclusive and rare. This again demonstrates that in this sphere, the normative and strategic categorisation in the literature is in fact better described as a sliding scale of alignment with close intelligence relationships (which preclude spying), necessarily possessing the greatest elements of the normative. Moreover, there must be policy confluence, as consistently as possible, so that the stability of the alliance is preserved.

If Germany are not inside the alliance, they are, essentially, outside. Five Eyes will always spy on 'friends' outside of the alliance; if they were trusted enough not to be spied on, they would be on the inside. This lack of trust stems in part from the fundamentally different

approach to terrorism and wider foreign policy issues already discussed: they cannot be trusted to 'toe the party line'. Through the New Zealand incident, this essay demonstrates the potentially catastrophic consequence of internal friction within the alliance. Membership must remain limited so as to minimise the potential for internal conflict, which hinders the effectiveness of intelligence collection. It is not that strategically friendly states such as Germany themselves present a security risk: surveillance is often in relation to the substate level threats which can be detected through SIGINT, namely, in the modern context, the threat of terrorism. The value of SIGINT is dependent upon 'finding the needle in the haystack'. This is the purpose of Five Eyes. They are able to do this easily through the access with which they provide one another, through their 'trust economy' and informational flow. However, such a purpose would be rendered obsolete if they did not also spy on the rest of the world; they would not so much be capable of searching for the 'needle in the haystack' as the 'needle in the bale'.

Conclusion

Whilst there has been a methodological challenge in finding the substance of modern intelligence relationships, this essay has attempted to take an original stance on the concept of friendship. This has been attempted by applying recent international relations scholarship on friendship to the reality of the intelligence sphere. In the scholarship, interstate friendships are categorised as either 'strategic' or 'normative'. This essay has differed from the literature, suggesting that in the modern intelligence and foreign policy sphere, the categorisations are not so binary: Germany does display some characteristics of a normative friend. However, a normative friendship precluding spying, as is found between the US and UK, is exceedingly rare. Through comparing these relationships, this essay has sought to prove that it is cultural commonalities, trust, and a shared perception of external factors, which has the potential to elevate a friendship from borderline normative/strategic, into a rare, non-spying, exclusively normative friendship.

Moreover, in the latter discussion of the US and Five Eyes' more general attitudes to spying on strategic 'friends', this work has demonstrated that such spying is integral to peace and stability in the global order. It is of multilateral benefit to states that programmes such as ECHELON operate to detect global security threats. Furthermore, the existence and stability of such an alliance is dependent upon its limited membership. A lack of cohesion can jeopardise its effectiveness. Therefore, many states are kept outside, since they lack the necessary, rare, high degree of normative friendship. A state which is not on the inside, by matter of course, is

on the outside. There is significant information-sharing inside NATO, but this is not equivalent to the SIGINT sharing within Five Eyes. Information shared in NATO and ad hoc alliances will be verified, since information shared without total trust is not totally dependable. Thus 'checking' is necessary if the term 'intelligence' is to have meaning.

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Anson Tam: Exploring Configurations of Civic and Ethnic Nationalism as a Causal Variable: A Comparative Analysis of Post-communist Political Mobilisation in Eastern Europe

Author

Anson Tam is a student from the University of Hong Kong, doing a Bachelors in Social Science, Politics and Public Administration.

Abstract

The inconsistent scale, intensity and duration of political mobilisation following the decline and dissolution of the Soviet Union points toward a nuanced relationship between collective action and different types of nationalism. This paper seeks to understand such a linkage whilst advocating a new paradigm of civic and ethnic nationalism. Utilising contextual civic- ethnic configuration as a causal variable instead of a mere means of classification, three instances of post- communist Eastern European political mobilisation along the civic- ethnic nationalist continuum will be examined, namely the Solidarity Movement of Poland, the Orange Revolution of Ukraine and the 1989 Bulgarian Revolution. This paper demonstrates how the variable can exhibit both promotional and inhibitive effects on mass mobilisation via both deliberative and ideational mechanisms, inherent within the endogenic and exogenic operating principles of respective configurations. This paper also reflects on Brubaker's suggestion of a complementary state- framed/ counter- state dimension, and proposes a pro status quo/ counter status quo dichotomy as a more suitable alternative.

Keywords: Nationalism, Social Movement Theory, Eastern European Political History

Part A: Introduction

The decline and dissolution of the Soviet Union brought about a surge of political mobilisation driven by aspirations of national self-determination and independence in Eastern Europe. The low degree of sovereignty maintained under communist dominance resulted in the salience of nationalism in inducing popular movements before and after the *de jure* communist collapse (Sabatovych, 2018). The inconsistent scale, intensity and duration of mobilisation across the region points toward a nuanced relationship between such attempts at collective action and different types of nationalism within respective nation-states. To understand this, several scholars have adopted the civic-ethnic distinction as their analytical framework (Kuzio, 2010).

At its core, this paper seeks to explore how different civic-ethnic configurations promote or inhibit political mobilisation by analysing three cases as different points along the civic-ethnic nationalism continuum: Solidarity in Poland as primarily civic, Orange Revolution in Ukraine as a mixture of civic and ethnic, and the Bulgarian Revolution as predominantly ethnic. It argues that an endogenic as opposed to exogenic nature results in consistently high mobilisational power of the civic instead of the ethnic variant, and suggests an alternative to the state-framed/counter-state dimension complementing the civic-ethnic continuum.

Part B: Literature Review

Depending on context, nationalism often plays a vital role in various forms of political mobilisation in ethnically divided societies. To this end, nationalism has two dimensions – its capacity as an ideology to instigate mobilisation of the targeted populace, as well as the conceptual map and narratives that constitute its content (Darden and Busse 2006). As such, the distinction between civic and ethnic nationalism, which incorporate both dimensions, poses as a viable analytical tool in understanding the differing impacts of nationalisms on political mobilisation. Civic nationalism is based on citizenship that includes all citizens regardless of their ethnicity and other particularistic traits. Its exclusion of the global population implies two embedded elements – connection to liberal-democratic values and national membership dependent on territory (Tabachnik, 2019). On the other hand, ethnic nationalism is based on the notion that ethnicity shapes national identity, of which the nation is defined by common

cultural characteristics such as a shared language, heritage and religion. It presupposes an inherent affective connection to the perceived nation (Stacey, 2018).

Political mobilisation refers to activities that intend to or successfully motivate masses of participants to express their views and undertake particular political actions to accomplish political goals (Yang, 2020). It manifests in one of two types – that instigated by political elites to pursue their own ends, or by a non- elite social group to translate their grievances into collective action. The former is often examined in relation to ethnic nationalism, via the strategies used by elites to mobilise ethnicity for electoral incentives utilising an instrumentalist perspective (Wilkinson, 2004). The latter, mostly neglected in social movement literature, is studied via a greater emphasis on the substantive content of the issues involved, such as inter-ethnic disparities and recollection of earlier conflicts, to account for intensity of feelings and continuing support for ongoing contentious action; as well as the cycles of contention that such nationalist mobilisation is situated in with the use of social movement theories (Vladislavljjevic, 2002). It has thus no specific relation to either type of nationalism.

The two types of nationalism promote or hinder political mobilization via underlying deliberative mechanisms that articulate what to fight for and ideological packages that convince participants of the justness and importance of their cause (Tarrow, 2012). The effects of civic nationalism are often examined via its discourse, which shapes the ideas and behavior of activists, adherents and by- standers, situating them in a dialectic between incentives to act within nationalism and against it (Santos, 2021). It provides a pool of ideas to be potentially translated into political rhetoric, of which the ‘shared struggle for democracy’ encompasses a range of ethnic groups. Its influence and actualisation depend on the extent to which such civic ideas have been ‘entrenched in the consciousness of ordinary people’ (Lockwood, 2019), and is thus *endogenic* upon the ideology itself. On the other hand, ethnic nationalism mobilises individuals via fostering ethnic solidarity built upon conscious identification with the given ethnic population, sustaining a cohesive organisational and social network within the ethnic group. It is particularly reinforced when materialist concerns such as employment segregation and regional underdevelopment become apparent, and during ethnic competition regarding state functions and resources for one’s group of origin – both of which demarcate and activate ethnic boundaries, elevating or sustaining their significance to preside over other potential boundaries (Olzak, 1983). The heavy influence of non- ideological factors demonstrates the *exogenic* nature of ethnic nationalism.

Part C: Case Study

Section C1: Rationale and Methodological Overview

Every nationalism embeds civic and ethnic elements in varying degrees and forms, of which either element predominates over the other or reaches a stalemate (Smith, 1991). As such, this paper adopts a continuum of civic nationalism at one end and ethnonationalism at the other. The continuum employed allows for a clear reference for instances of nationalist mobilisation inclining more toward either the civic or ethnic extreme.

The case study will be conducted on three instances of nationalist mobilization in Eastern Europe after 1980 occupying different positions along the civic- ethnic continuum. Their purpose is to treat different configurations of civic- ethnic nationalism as causal variables instead of mere classification tools as popularly used, illustrating and comparing their effects in promoting or inhibiting political mobilisation in the post- communist Eastern European context. Since the typological framework contains a number of analytical ambiguities (Brubaker, 2004) and faces difficulties classifying post- Soviet nations (Tabachnik, 2019), the deliberate exclusion of peoples of certain ethnicities within the national territory constitute as the *ultimate* indicator of ethnic nationalism in this paper whenever ambiguities still remain after all benchmarks distinguishing between the two types of nationalism have been exhausted. As seen, the configuration of nationalism constitutes as the variable to be changed; while the effects of ideational and deliberative mechanisms with civic or ethnic nationalist framing employed by bottom- up social forces and/ or political elites with nationalist agendas across time constitute as the variable to be measured, quantified by the scale and form of political mobilisation – the tangible actualisation of the intangible (Stacey, 2018).

To ensure that the differences in the dynamics observed largely reflect the effects of the varying configurations of nationalism, the 1980- 1989 Solidarity Movement in Poland, the 2004 Orange Revolution in Ukraine, and the 1989- 1990 Bulgarian Revolution as previously mentioned are selected due to a number of shared characteristics among such movements and the nation- states where they occurred. Although it is infeasible to ensure historical uniformity, all cases share similarity in geographical location, have undergone and resisted de facto communist rule, were non- violent, presented a general predisposition toward democratisation, and composed of an ethnic demographic with a majority ethnic group and few minority ethnic groups. Furthermore, as aforementioned, they respectively reflect three distinct configurations

of nationalism – the Polish movement being predominantly civic, the Orange Revolution being a relatively balanced mix of civic and ethnic, and Bulgarian mobilisation being predominantly ethnic. It is hoped that the three chosen cases are conducive to a clear illustration of the effects of differing nationalism configurations and contextual operations of the aforementioned causal mechanisms identified, while retaining overall theoretical consistency for a fair comparison.

Section C2: Solidarity Movement in Poland, 1980- 1989

The Solidarity Movement was sparked by the 1980 Gdansk strike leading to Solidarity's exponential rise in popularity and membership. The imposition of martial law in 1981 forced the Movement to go underground, and survived with the support of the Roman Catholic Church. The Movement resurfaced in 1988 when domestic policies were less restrictive, drove the incumbent to the bargaining table, and culminated into the elections of 1989 that marked successful democratisation and the end of communist rule (Zielinski, 1995).

Polish national identity proved to be a strong mobilising force during the Solidarity Movement, as evidenced by the state- wide scale of mobilisation made possible by *overwhelming* national unity in support of it. Polish nationalism was predominantly civic. The pursuit of democracy among student activists and echoed by workers was founded upon the efforts of national intelligentsia calling for 'democratic awakening' since 1968 (Kubow, 2013), while the embrace of European identity for the end goal of accession to the European Union reflected a desire for cosmopolitan citizenship associated with modernity and progress.

To understand how the actualisation of civic nationalist deliberative mechanisms brought about such effect, it is imperative to first analyse the Movement's master frames. The Movement's labels of 'civic', 'citizen' and 'society' instead of 'Pole' indicates both the idea of empowering society (Gross, 1992) and that of national liberation. While nationalistic slogans such as 'we, the nation' against 'them, the communists' were used, such discriminatory discourse was targeted at the Soviet puppet regime as foreign invaders whereas the 'nation' implies not just the Poles, but the entirety of society within the national territory (Sabatovych, 2018). The power of such discourse was further facilitated by the recycling of ideational mechanisms used to battle communism since the 1950s – examples include the crowned Polish Eagle, a historic national symbol previously humiliated by the Soviets via the 'stripping' of its crown; as well as the 'Catholic State of the Polish Nation' as a civic nationalist symbol of

Polish nationhood against communist ‘backwardness’ and atheism, manifested via regular participation and persistent adherence to the Catholic tradition (Mentzel, 2012).

Such deliberative and ideational mechanisms utilised by Movement leaders actualise political mobilisation of the Movement by translating master frames and shared meanings of the nation into collective action. As such, they help sustain mobilisation by providing abundant ideological resources: shaping the repertoires of contention via emotional- laden packages of nostalgia toward a prideful, pre- communist past (Darden and Busse 2006) and aspirations of Polish citizenship. Such strong affective registers help activists and potential participants transcend their fear toward the risk accompanying mobilisation. Simultaneously, they facilitate the fostering of overwhelming national unity in support of the Movement complemented by an inclusive civic nationalist framing that incorporates all sectors of Polish society as eligible participants in the effort, negating attempts at countermobilisation induced by the incumbent. Perhaps most notably, they help sustain the Movement’s internal organising structure, incentivising participants to continue their devotion toward the Movement across protest cycles (Martynska, 2018). This contributed to the Movement’s capability to survive despite periodic high levels of repression and revive in strength once restrictive measures were relaxed. As such, civic nationalism was conducive to the overwhelming national unity and large-scale mobilisation that characterised the Movement.

Section C3: Orange Revolution and its Countermobilisation in Ukraine, 2004

The Orange Revolution was a 17-day long series of nation- wide non- violent mass protests, primarily concentrated in Kyiv. It was sparked by rampant electoral fraud in the 2004 elections favoring sitting prime minister Yanukovich against opposition leader Yushchenko as competing candidates. The Revolution witnessed failed countermobilisation attempts by Yanukovich. It was widely hailed as a ‘battle for the Ukrainian soul’.

Contemporaneous nationalism in Ukraine reflected a relatively balanced civic- ethnic configuration. However, instead of homogeneously acting upon national mobilisation, its civic and ethnic elements were *competing forces nationally but unifying forces regionally*. The east- west regional divide largely reflected different levels of mobilisation, receptibility toward and respective effects of the two types of nationalism. Nationalism in western and central Ukraine was predominantly civic and counter- state – with an emphasis on ‘Ukrainian authenticity’, it

espouses the liberal ideals of democracy and civic action. Concurrently, activists from western Ukraine predominated protest efforts, illustrating the high mobilisational power of civic nationalism (Kuzio, 2012). Incompatibly, nationalism in eastern Ukraine was fundamentally ethnic and state- framed. Built upon an ethnic Slavic identity, it entails heavy xenophobia and a desire for socioeconomic stability over political change. Concurrently, most eastern Ukrainians were against the Revolution but failed to countermobilise (Kuzio 2010).

The master frames for both the civic and ethnic variants can be best illustrated by the rhetoric and construction of symbols by Yushchenko and Yanukovich respectively. While Yushchenko promoted the significance of authentic roots and pride in Ukrainian history, he stressed on a vision of national identity that is not limited by inborn ethnic affiliations, but of a ‘moral societal order’ that all citizens of Ukraine should adhere to. Such an order includes the embrace of the ‘European values’ of democracy and ‘virtues of civility’. The elections were portrayed as a choice for a radical change of the Ukrainian nation away from being a buffer zone between ‘Europe’ and Russia to being a part of ‘Europe’; while the color orange had revolutionary associations. On the other hand, Yanukovich directed xenophobic framing against western Ukrainians, labelling them as the ‘Banderites’ – a Ukrainian guerrilla movement that collaborated with Nazi Germany. Ukraine was framed as being surrounded by mighty ‘European’ enemies, and that embracing Russia could grant protection (Narvselius, 2007).

Evidently, civic nationalism contributed to the Orange Revolution via instilling strong distaste toward Yanukovich’s alternative. In light of competing frames of civic and ethnic nationalism and a divided country, western Ukrainians see the Revolution as a ‘life and death struggle’ for the Ukrainian nation. The deliberative and ideational mechanisms employed by Yushchenko actualised after mass mobilisation in light of heavy electoral fraud in the 2004 elections, shaping western Ukrainians’ perception of the ‘stolen election’ as a blatant violation of the rightful ‘moral societal order’ and a death sentence for the Ukrainian nation due to Yanukovich’s pro- Russian stance. A clear vision of the western Ukrainian ideal of a democratic nation, complemented by grim prospects of a Yanukovich presidency on the nation’s future, thus successfully mobilised large numbers onto the streets, reflecting a consolidated civic nationalist identity (Arel, 2005).

In contrast, ethnic nationalism inhibited Yanukovich’s countermobilisation of eastern Ukrainians, of which the deliberative and ideational mechanisms proved to be

counterproductive. The master frames employed failed to provoke *sufficient* nationalist sentiment for large- scale mobilisation to occur. Complemented by eastern Ukrainian insulation from the Revolution due to regional divide, the Revolution as a whole did not activate or reinforce ethnic boundaries due to its civic character of appealing to nation- wide support. Alongside relatively weak conscious identification with the ethnic group of origin, the cross-cutting cleavages of ‘primordial’ ethnic affiliation and territorial identities (Kuzio, 2010) resulted in the absence of a cohesive organisational network within eastern Ukraine – a disability to any mobilisation attempt. The perceived negligible impact that the Revolution would bring about to ethnic nationalist materialist concerns of socioeconomic stability did little to strengthen a ‘return to Russia’ sentiment and thus inhibited eastern Ukrainian mobilisation.

Section C4: Bulgarian Revolution, 1989- 1990

The Bulgarian Revolution was initially top- down, of which the Politburo ousted de facto leader Todor Zhivkov from power. Mass demonstrations by ethnic majority Bulgarians and disobedience from local governments soon followed, instigated by the announcement of the Central Committee of the Communist Party to condemn the 1984- 1989 assimilation campaign and promise the return of Turkish names. Against high levels of minority Turkish countermobilisation, the Bulgarian movement successfully imposed democratic institutions in the country with heavy discriminatory undertones (Ganev, 2004).

Despite employing the language of democracy, Bulgarian mobilisation was predominantly of an ethnic nationalist nature. Although the nationalist movement received support from local representatives of the state particularly in regions intermixed with Bulgarians and Turks, it occurred when the dominating socialist central state abandoned its strong nationalising principles, and was thus fundamentally counter- state. Its xenophobic nature was evident in its opposition of the regime’s effort to empower previously exploited Turks by restoring Turkish traditional names and property rights (Rechel, 2007). As such, it excluded the Turkish minority and undermined their rights as they were perceived as a threat to Bulgarian national unity.

An overall anti- Turkish sentiment was embedded within the deliberative and ideational mechanisms employed by both elites and mass actors, the effects of which were evident in the large- scale mobilisation that defined the Revolution. A zero- sum game rhetoric positing that any concession to ethnic minorities would significantly hamper the ethnic majority

predominated over the Revolution's discourse. The Revolution was justified by its participants due to the 'anti- democratic' way that the incumbent decided on the Turkish issue and 'forced its dictates on public opinion'. This allowed the prevailing domestic 'cultural idiom' of Bulgarian national unity to tie together with the 'international discursive practice' of democracy, the latter of which was directed against the incumbent to undermine their legitimacy.

Such mechanisms were effectively actualised as they strongly appealed to both the ideational and material interests of the ethnic Bulgarian populace. The language of democracy employed was in essence a manifestation of the potent anti- socialist sentiment. The discourse of the domestic cultural idiom concerning the Bulgarian nation was exceptionally powerful as it was built upon existing discursive practices with strong affective registers widely recognised as legitimate in the public sphere. Both contributed to the power of the Bulgarian ethnonationalist discourse, making it a capable mechanism of mobilisation by providing abundant ideological and affective resources. Simultaneously, promoting the Bulgarian ethnicity while undermining that of the Turks was conducive to material benefits. 'Bulgarianess' was a primary qualification in obtaining economic standing and prestige. Historically, Bulgarians had benefited from the exploitation of the Turks – the former's capability to purchase the property of the latter for profits during their large- scale departure from the country in the Great Excursion was a paramount example. The empowerment of the Turks under the incumbent's decision would only narrow the status gap between the two ethnic groups, leading to economic and symbolic loss for the Bulgarians (Stamatov, 2000). As such, the anti- socialist, pro- democratic rhetoric coincided with the Bulgarians' interests of upholding such benefits, which granted legitimacy for them in the public sphere and strong incentive to mobilise.

Part D: Discussion

The three case studies yield the following preliminary observations. Firstly, different configurations of nationalism led to different levels of political mobilisation: predominant civic nationalism brought about high levels of Polish mobilisation and national unity; relatively balanced forces of civic and ethnic nationalism led to high levels of Ukrainian mobilisation for the former but little to none for the latter; predominant ethnic nationalism contributed to high levels of Bulgarian mobilisation. Secondly, the effects of deliberative and ideational mechanisms were more homogenous for the civic than the ethnic variant. Across the three cases,

the civic variant has consistently shown high mobilisational power as evidenced from the movements of the Polish and western Ukrainians, but the same cannot be said for its ethnic counterpart in light of the respective attempts of eastern Ukrainians and Bulgarians. What explains such a difference, and what theoretical implications can be derived?

Table 1: summary of findings

	Poland	Ukraine		Bulgaria	
Civic/ ethnic nationalism continuum	civic	civic- ethnic		ethnic	
		civic	ethnic		
Mobilized ethnic group(s)	Poles and others	Western Ukrainians	Eastern Ukrainians	Ethnic Bulgarians	Ethnic Turks
State- framed/ Counter- state nationalism	Counter- state	Counter- state	State- framed	Counter- state	Undefined
Level of mass mobilisation	High	High	Low	High	High

On one hand, the endogenic nature and functioning of civic nationalism constituted the foundations of its consistently high mobilisational power. Its consistency can be explained by the similar operations of civic nationalist deliberative and ideational mechanisms in both Poland and Ukraine – shaping the way existing and potential participants thought and acted, while contributing to the construction and maintenance of the movement’s internal organisational structure. Accordingly, shared meanings of the ideal Polish or Ukrainian nation and democracy to be its core component, as strong normative and affective pressures *endogenic* to the nationalist vision itself, induced large- scale mobilisation directed at the incumbent.

On the other hand, the strength of the ethnonational variant of the mechanisms aforementioned was dependent on a number of *exogenous* factors determined by context, which explains the inconsistent mobilisational power of ethnic nationalism. Firstly, as the case

analyses illustrate in detail, the contextual stakes of materialist concerns involved constitutes as one of such factors. Another factor concerns the regional distribution of varying types of nationalism, which shapes the arena where competing forces of ethnicity and nationalism interact (Horowitz, 1985). The clear regional demarcation in Ukraine insulated eastern Ukrainians with an ethnic Slavic identity from the passionate activism of and interaction with their western counterparts, while the regions intermixed with ethnic Bulgarians and ethnic Turks in Bulgaria produced the largest instances of mobilisation during the Revolution. As ethnicity is the product of inter- group interaction rather than the property of a group (Eriksen, 1993), a mixed region of different groups of different ethnic or national identification results in hostility and a higher incentive to mobilise against the opposing group when the social differences between the two groups were perceived as negative. This results in a more consolidated in- group identity where ethnonationalism was predominant, while regional demarcation has the opposite effect.

Considering all three case studies together, a third observation presents a considerable challenge to the analytical power of the civic- ethnic paradigm. Counter- state nationalist movements, namely the Polish, western Ukrainian and Bulgarian ones, were characterised by high levels of mobilisation – *regardless of the civic- ethnic configuration of nationalism*. In contrast, mobilisation attempts founded upon a state- framed nationalism, namely that of the eastern Ukrainians, yielded low levels. This appears to suggest that the state- framed/ counter- state configuration is more powerful than that of the civic- ethnic in cultivating the differing levels of mobilisation across cases – when the mobilising nationalism opposes that advocated by the state, powerful mobilisation is induced, and vice versa. The power of the state- framed/ counter- state distinction stems from it being *endogenous* within the nationalist belief system itself – when state- framed nationalism distorts meanings of the nation and widely celebrated cultural artefacts, their heavy affective registers among the masses result in a feeling of humiliation that can induce mobilisation when it coincides with strong aspirations of democracy and self- determination. This appears to support the addition of a state- framed/ counter- state dimension to complement the civic- ethnic distinction (Brubaker, 2004).

While the strength of the state- framed/ counter- state configuration cannot be denied, that of the civic- ethnic is still more potent. Explanations of the former can only be applied to a predominantly civic nationalist context, such as that of Poland, due to its similarly endogenic nature. The case of Bulgaria, however, cannot be purely explained by ideology alone. As previously discussed, the ‘linguistic, cultural and ethnic aspects of nationhood’ of the

Bulgarians' counter- state nationalism cannot be said to be as vital as or even more important than the material causes that shaped it in inducing mobilisation (Stamatov, 2000). The decision of the communist regime to return Turkish names and condemn a previous assimilation campaign cannot satisfactorily explain an activation of ethnic boundaries *sufficiently* strong to induce mass Bulgarian mobilisation. The incapability to consider exogenous factors such as underlying material concerns constitutes as a major explanatory disability instead.

Furthermore, there is not a necessary contradiction between state- framed and counter- state nationalisms, and some nationalisms may not fall within this dimension. Minority Turkish countermobilization briefly mentioned in the Bulgarian case study constitutes as one such example – their nationalist ideology did not strongly oppose the still disempowering version of the communist government, and the movement was directed against the ethnic Bulgarian majority (Stamatov, 2000). Taking into account the case aforementioned, it can be observed that the civic- ethnic configuration operated consistently in nationalist mobilisation of an oppositional nature, *where the opponent was not necessarily a state*. Examples of opponents include the Polish and Bulgarian communist governments, as well as the majority ethnic Bulgarian population for the minority Turks. Given that such levels of mobilisation were consistently high in the face of those more powerful than the group concerned articulating an opposing vision of the nation, it may be more appropriate to include pro- status quo and counter status quo as a supplementary dimension instead. Pro- status quo implies that the idea of nation advocated is intentionally conducive to the maintenance of the socioeconomic and/ or sociopolitical inter- group and/ or state- society disparity; and vice versa for the counter variant. Further research is required to investigate its generalisability and validity.

Overall, the fundamental causal mechanisms of deliberation and ideology of the two types of nationalism are mostly satisfactory. The ideas and discourses they provide shape individuals' behavior, which echoes the academic consensus that exposure to, high sense of association and familiarity with discourses and symbols embedding strong affective registers enables high levels of receptibility and hence induces mobilisation (Stamatov, 2000). This has been successfully illustrated in the three case studies examined. Accordingly, the deliberative and ideational mechanisms suggested in this paper can help fill up the awkward void in the nationalist and social movement literature (Vladisavljevic, 2002), so that the civic- ethnic nationalism typology serves as a variable that exhibits causal effects instead of merely a popularly used method of classification.

Understandably, there are limitations to this approach, both of which are unavoidable. Firstly, it is impossible to ensure empirically that deliberative and ideational mechanisms have operated in the way they were intended. For instance, it is dubious whether or not the language used in civic nationalist movements is understood in a homogenous manner among the overwhelming majority of movement participants, such as the perceived polity that words like ‘civic’ and ‘society’ are based upon in the case of Poland (Mentzel, 2012). Secondly, the fundamentally exogenous nature of factors that influence the intensity of ethnonationalist sentiment implies their capability to be respectively treated as individual causal variables. As such, while it is evident that ethnic nationalism induced mobilisation, it is unclear which variable – materialist relative deprivation, regional divides or ethnonationalism itself – was exhibiting the *primary* causal effect as they often operated in a cluster.

Part E: Conclusion

As of now, there exists a popular scholarly tendency to fixate on the typologies of nationalism. Aside from the civic-ethnic binary, scholars have proposed a similar and overlapping distinction between ‘territorial’ and ‘ethnic’ nationalism. Others have advocated having ‘collectivistic’ and ‘individualistic’ as a dimension to the civic-ethnic typological scheme (Dickovick & Eastwood, 2019). However, this fixation adds no value to the understanding of nationalism as a function of political phenomena

This paper departs from the approach mentioned above. It utilises contextual civic-ethnic configuration as a causal variable, examining three instances of post-communist Eastern European political mobilisation along the civic-ethnic nationalist continuum, namely the Solidarity Movement of Poland, the Orange Revolution of Ukraine and the 1989 Bulgarian Revolution. Despite their flaws, this paper has shown how the variable can exhibit both promotional and inhibitive effects on mass mobilisation via the deliberative and ideational mechanisms suggested. The consistently high mobilisational power of civic nationalism is explained via endogenic operating principles of such mechanisms, while the irregular effects of its ethnic variant is attributed to their heavy reliance on exogenous factors such as the contextual stake of materialist concerns. This paper also reflects on Brubaker’s suggestion of a complementary state-framed/ counter-state dimension, and proposes a pro status quo/ counter status quo dichotomy as a more suitable alternative.

The findings of this paper are highly relevant to contemporary contentious politics within and beyond the three regions it studied, as evidenced by numerous instances of different configurations of civic and ethnic nationalism in instigating political mobilisation. For instance, a pro- European Union protest movement in 2020 induced by predominant civic nationalism with a anti status quo dimension saw Bulgaria's largest political mobilisation in seven years; trumping the short- lived, small scale, pro- status quo counter- protests of an ethnic nationalist nature mobilised by the incumbent (Oliver, 2020). In Asia, predominant ethnic nationalism with a counter status quo dimension manifested in exclusionary 'localism' was a major driving force in the large-scale anti- government protests of 2019 in Hong Kong, diluted by liberal ideals of citizenship and democracy (Hui, 2021). Nonetheless, the generalisability and validity of the framework proposed in this paper will require further empirical validation and theoretical modifications, providing a plausible direction for future research.

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Adam Fereday: Reviving the ‘dead Parliament’: Brexit and executive-legislative relations at Westminster, 2017-2019

Author

Adam Fereday is a recent History & Politics graduate from Trinity College.

Abstract

The 2017-2019 period in British politics is frequently regarded as one of political crisis. A Conservative government, returned after the 2017 general election without a governing majority, was forced to engage in multiple simultaneous Brexit negotiations: at the international level, with its counterparts in the European Commission, and at the domestic level, with parliamentarians who had in 2016 overwhelmingly supported remaining in the European Union. In both contemporary and retrospective commentary, these parliamentary negotiations have been widely interpreted through the lens of ‘legislative crisis’: as representing the breakdown of the United Kingdom’s parliamentary machinery under the twin pressures of Brexit polarisation and minority government. This article pushes back against this framing by showing that it relies on an understanding of the usual functioning of Parliament (the ‘Westminster Model’) that was out-of-date long before 2017. Drawing on contemporary articles by parliamentarians, records of divisions and debates in the House of Commons and House of Lords, and interviews with Members of Parliament and government ministers, this article advances the original claim that, far from marking a radical break with the recent past, the 2017-2019 period in fact reaffirmed the importance of long-term trends to understanding executive-legislative relations in the United Kingdom. While Brexit and minority government together provided the occasion for the stalemate between Parliament and the British executive, the specific features of developments in various executive-legislative relationships in the 2017-2019 period (between the government and its backbenchers, opposition Members of Parliament, select committees, and the House of Lords respectively) reflected changes in the policy role of Parliament initiated as early as the 1970s. The findings of this article supply further evidence that enduring assumptions about the norm of executive dominance in the United Kingdom’s political system require significant revision, if not total rejection.

Keywords: Brexit, British Politics, Constitution, Legislative studies

Introduction

On 9 January 2020, the European Union (Withdrawal Agreement) Bill passed unamended through the Westminster Parliament, clearing the way for the United Kingdom (UK) to leave the European Union (EU) twenty-two days later ('Brexit' hereafter). The absence of parliamentary drama added bathos to the moment that brought an end to a tumultuous period in British politics which had claimed a Prime Minister and tested the discipline of the two major parties to breaking point.

During this period, between 2017 and 2019, relationships between the executive and parliamentary actors were central. This claim may appear surprising at first: Brexit had been initiated by the UK electorate through a national referendum in 2016, and its terms were concluded via an international negotiation between the UK government and the EU. However, parliamentarians remained vital throughout the Brexit process. As Prime Minister, David Cameron conceded the referendum in response to pressure from his own backbenchers and required parliamentary legislation to give effect to his decision (Shipman 2017, 7-8). After the referendum, following a controversy over the government's right to initiate negotiations with the EU without parliamentary approval, the Supreme Court ruled that, 'where implementation of a referendum result requires a change in the law(...) the change in the law must be made(...) through parliamentary legislation'.²⁶ Finally, once government backbench Members of Parliament (MPs) extracted a 'meaningful vote' on the withdrawal agreement struck between the UK and the EU, Parliament effectively acquired a veto over the UK government's Brexit policy. Thus, Brexit affirmed the UK's reputation as 'the most parliamentary of democracies' (Russell 2020, 1).

While the centrality of Parliament during the Brexit process marked a point of continuity with the past, relationships in the 2017-2019 Parliament between the government and other parliamentary actors diverged radically from established constitutional theory. The governments of the period repeatedly failed to secure parliamentary approval for their flagship policy – that is, their approach to Brexit. They instead faced insurmountable opposition from unprecedentedly restive government backbenchers, an uncooperative House of Lords, and critical select committees. Advised by the Speaker of the House of Commons, the Opposition

²⁶ UK Supreme Court (2016) 'R (on the application of Miller and another) v Secretary of State for Exiting the European Union', UK Supreme Court, <https://www.supremecourt.uk/cases/docs/uksc-2016-0196-judgment.pdf>

revived arcane procedural tools to extract secret documents from the government and, through unexpectedly sophisticated coordination, government and opposition backbenchers usurped the executive's conventional monopoly over parliamentary business to take control of the Brexit process. Venting the government's frustration during a particularly ill-tempered Commons debate, the Attorney General, Geoffrey Cox, lambasted the Parliament as 'dead', and as having 'no moral right to sit'.²⁷ Essentially, the 'Westminster Model' tradition of executive-legislative relations in the UK, which assumes that governments dominate Parliament rather than vice-versa (Russell and Cowley 2015, 121), ceased to apply.

Since the end of the 2017-2019 Parliament, academic literature has tended to explain the political disagreements from which this impasse emerged with near-exclusive reference to short-term factors (that is, factors which emerged after the 2016 referendum). Key factors that have been singled out include: the government's lack of an outright majority in the Commons following the 2017 general election; the leadership style of Theresa May, the Prime Minister for much of the Parliament (Seldon 2020, 669); the presence of an activist Speaker of the House of Commons, John Bercow (Simson Caird 2020, 28-9); and the novel problematic of a referendum which generated a split between Parliament, which broadly supported remaining in the EU, and an electorate which narrowly supported leaving (Russell 2020, 4). The implication of these accounts is that the 2017-2019 Parliament was an aberration created by a combination of factors that were both highly contingent and constitutionally abnormal.

Two years on, with the 2017-2019 Parliament passing into historical time, I seek to advance our understanding of Parliament and the Brexit period by revising this myopic narrative. Although attempts to do so have been limited thus far (Norton 2019), viewing the parliamentary Brexit process through a historical lens allows it to be incorporated into existing narratives of developments in executive-legislative relations, both in the UK and beyond. Instead of fixating on the particularities of executive-legislative relations in the 2017-2019 period, one can see that the Brexit process in fact affirmed the importance of long-term changes in how the UK Parliament works: the steady breakdown of backbench discipline since the 1970s, the weakening of the government's power to call votes of confidence following the passage of the Fixed-term Parliaments Act (2011), and strengthening reforms to the House of Lords and select committee system in the late twentieth and early twenty-first centuries.

²⁷ Cox in HC Debates 25 September 2019, c660

Existing historical treatment of the Brexit process has generally focused on the 2016 referendum: its political economy (for example Thompson 2017), and its electoral politics (for example Clarke and Goodwin 2017; Ford and Sobolewska 2020). By contrast, historical appraisals of the 2017-2019 Parliament have been much more limited. Therefore, in this article I seek to answer the following question: how far was divergence from the Westminster Model of executive-legislative relations during the 2017-2019 Parliament the result of contingent factors, rather than long-term trends? Such a study is valuable for two reasons. Firstly, if the parliamentary impasse over Brexit was not an aberration, but reflected long-term trends in the relationship between the executive and legislature in the UK, then widespread assumptions about the Westminster Parliament's relative weakness compared to the legislatures of other developed democracies require re-evaluation. Moreover, identifying the effect of long-term trends on executive-legislative relationships in the UK facilitates comparisons between the 2017-2019 Parliament and its successor.

To answer this question, I adopt a revised version of the theoretical framework Anthony King devised in his seminal 1976 article for describing executive-legislative relations in the UK, France, and West Germany: I look sequentially at the relationships between the UK executive during the 2017-2019 period and government backbenchers, opposition parties, and select committees. Next, I augment King's framework by discussing the relationship between the executive and the House of Lords to reflect the latter's renewed importance in twenty-first century UK parliamentary politics (Russell and Cowley 2018, 24-25). The article ends with concluding remarks about the broader implications of my findings for understanding developments in executive-legislative relations in the UK Parliament with the restoration of majority government following the 2019 general election.

In proceeding, I adopt the following analytical framework. Firstly, to develop an overall understanding of legislative behaviour in the 2017-2019 Parliament, I use records of parliamentary divisions and select committee evidence sessions. Additionally, to contextualise key votes and sessions I use detailed qualitative evidence, including contemporary analysis from parliamentarians, journalists and think tanks. Reflecting the recent renewed scholarly interest in the role of parliamentary speech in shaping executive-legislative relations (Bächtiger 2014), I also draw on records of debates in the House of Lords and House of Commons. Finally, interviews provide valuable insight into the thoughts and intentions of parliamentarians (Bailer 2014; Cowley 2021); thus, I supplement my evidence base with newly available testimonies of

the 2017-2019 Parliament compiled by the UK in a Changing Europe think tank. To obtain more specific evidence for my study, I conducted semi-structured interviews of my own with two parliamentarians, Hilary Benn and Heidi Allen.

Overall, the 2017-2019 Parliament bore witness to several political and procedural novelties, if not a full-blown constitutional crisis (Menon and Wager 2019, 22-23). However, I show in the following sections that writing off the 2017-2019 period as an aberration, in which the pressures of Brexit and minority government caused the UK's parliamentary machine to warp and bend in unprecedented ways, misrepresents developments in executive-legislative relations before Brexit. A historical approach reveals that deviations from the Westminster Model during the Brexit process were primarily the result of long-term trends in executive-legislative relations in the UK.

Understanding Legislatures, the Westminster Model, and Brexit

Legislatures form a central unit in the study of politics, and there is a broad academic consensus that they are both ubiquitous and essential to the governments of modern states. They are ubiquitous because almost all countries in the world have one;²⁸ they are essential to the governments of modern states because they alone can exercise the right to assent to binding measures of public policy on behalf of a wider (national) political community (Norton 1990, 1). This view is shared by scholars of opposition in democratic systems, who see the institutionalisation through legislatures of political opposition capable of challenging government decisions and competing with it for power at elections as a hallmark of developed liberal democracy (Dahl 1968, xiii; Helms 2008, 6).

The functions and composition of legislatures, however, vary substantially from one country to the next. Some are—as the first modern work of legislative studies holds—solely responsible for passing laws (Montesquieu 1989 [1748], 154-166). Others play a more active role in relation to the executive, whether through determining or influencing policy, or through electing and scrutinising the executive (Packenham 1970; Norton 1990, 2). Other research shows that these relationships between governments and their legislatures are strongly influenced by institutional rules and norms (Kornberg and Musolf 1970, 4-5; Owens and

²⁸ Global Parliamentary Report (2012) 'The changing nature of parliamentary representation: executive summary': <http://archive.ipu.org/pdf/publications/gpr2012-es-e.pdf>

Loomis 2007, 258-260; Ahmed 1997, 60-61; Kaiser 2008, 20). Likewise, the proliferation of various forms of stable and disciplined party systems has had an important role in structuring and distinguishing executive-legislative relationships in different countries. In his 1976 article, Anthony King demonstrated the role of relationships between and within political parties in structuring executive-legislative relations in the UK, France, and Germany; his insights have strongly influenced subsequent research (for example Norton 2008; Müller and Narud 2013).

In the UK, the development of tightly-disciplined parties and the norm of majority government have meant that, from at least the early twentieth century, the Westminster Parliament has tended to be perceived as weak in relation to the government (Bryce 1990 [1921], 49-51; Hill and Whichelow 1964). Since the 1960s, this declinist interpretation of executive-legislative relations in the UK has combined with a shift towards identifying abstract models for comparative purposes (for example de Smith 1961), to generate the ‘Westminster Model’. As a comparative concept, the Westminster Model has been reinterpreted and stretched such that a recent paper called for it to be retired (Russell and Serban 2020). However, as a theoretical tradition used to describe the UK Parliament, its essential features are readily identifiable. As Russell and Cowley (2015, 121) note, ‘In common parlance, the term “Westminster Model” is widely associated with centralised executive power and an acquiescent legislature’. Institutionally, this has meant the role of parliamentary agents is not seen as being to substantively amend government policy: backbenchers publicly support their government while negotiating over policy details in private; the largest opposition party (‘the Opposition’) leads scrutiny of the government in the Commons and poses an alternative government in general elections; select committees, introduced in the 1970s, scrutinise the government and furnish it with expert policy advice; and the House of Lords, being a marginal parliamentary actor, passes whatever legislation the government sends it from the Commons (Norton 2008; Bogdanor 1997, 119).

Subsequent work has critiqued the Westminster Model. Some recent scholarship has made only limited revisions, for example highlighting the renewed contribution to government scrutiny of the revived House of Lords and select committees following strengthening reforms to both in 1999 and 2010 respectively (Russell 2013; Geddes 2020). Others have highlighted the continued centrality of bargaining within the governing party between frontbenchers and backbenchers in determining government policy, while observing that this process has become much less secretive since the 1970s as backbench MPs from both major parties have become

more willing to rebel against the party line (for example Norton 1975; Goodwin 2012; Cowley 2013). However, other scholars have made more substantive revisions, noting the increasing complexity of relationships between the government and opposition in Parliament with the re-emergence of small parties with distinctive goals in the twenty-first century (Russell and Cowley 2018). Exploring the impact of this breakdown of the two-party norm on the Westminster Model is a predominant occupation of legislative studies in the UK (Gover and Russell 2017; Thompson 2017); however, efforts to incorporate Brexit and the 2017-2019 Parliament into this existing literature have been limited thus far.

As noted in the introduction, the Brexit process in the 2017-2019 Parliament invites commentary about the changing nature of relationships between the government and other parliamentary actors; however, much analysis of it has been rooted squarely in the present. A recent report on Brexit and Parliament highlighted the novel aspects of executive-legislative relations during the period: minority government (Menon 2020, i); the frequency with which government backbench rebellions in the House of Commons contributed to governments defeats (Lynch 2020, 11-13); decisive, yet limited, instances of co-operation between opposition parties (Bale 2020, 20-21); and the tactical use of procedural innovation by opposition parties to improve scrutiny of the government (Gover 2020, 26-27). Likewise, other commentary has emphasised the role of particular agents in generating gridlock in Parliament (Rutter and Menon 2020), and the novel constitutional challenge of charging legislators with interpreting and implementing a referendum result which many of them campaigned against (Russell 2020). These analyses all imply that developments in the 2017-2019 Parliament constituted a revolutionary moment, in which the Westminster Model was dismantled all at once. The continuing absence of a historical synthesis between this literature and that examining long-term trends at Westminster provides the point of departure for the rest of this article.

Backbench Opposition

To understand changes and continuities in executive-legislative relationships during the Brexit process, it is useful to start with the relationship between the governments of the period and their backbenchers. In this section, I critically assess the Westminster Model account of this ‘intra-party’ relationship against the available evidence from the 2017-2019 period. By taking a historical approach, I connect the existing literature on Parliament and Brexit to studies

of the intra-party relationship at Westminster before 2017 (for example Russell and Cowley 2015, 124-126). I contend that, while the Brexit referendum and minority government created particular challenges for the intra-party relationship, the methods and aims of backbenchers seeking to influence the governments of the period were broadly consistent with those of preceding Parliaments. Thus, government-backbench relationships during Brexit are best understood as constituting a high watermark in a longer-term narrative of growing backbench independence.

Traditional appraisals of executive-legislative relations at Westminster assign particular importance to the intra-party relationship. King (1976, 16) noted that, while they can resist attacks from the Opposition, governments rely on their backbenchers to provide their voices and votes in support of key legislation. While this relationship gives government backbenchers a unique degree of leverage over the executive, it has been suggested that they are reluctant to use it: for example, government backbenchers have tended to express their dissent ‘behind locked doors’ before agreeing a collective line to take in the Commons to avoid perceptions of disunity (Hill and Whichelow 1964, 50-51). Moreover, government defeats caused by rebellions by their own backbenchers have been relatively rare at Westminster for a long time: as Dunleavy points out, the Blair government only suffered its first Commons defeat after eight years (2006, 325). In this respect, traditional accounts of government backbenchers’ limited influence draw on familiar declinist assumptions about the weakness of Parliament in relation to the executive in the UK.

Such assumptions of backbench meekness are not consistent with evidence from the 2017-2019 Parliament. Data compiled using the website The Public Whip show that, in total, Conservative MPs rebelled in one-hundred and thirty-one Commons divisions during the 2017-2019 session—twenty-nine percent of all divisions.²⁹ This, in turn, contributed to thirty-three Commons defeats, including the largest government defeat in the democratic era over the May government’s withdrawal agreement (Edgington 2019). Likewise, government backbenchers during the Brexit process frequently embarrassed ministers by offering up intense public rebukes. From early in the session, government backbenchers accused their frontbench of using the referendum to ‘steamroller’ Brexit bills through Parliament.³⁰ As the session progressed,

²⁹ Instances of rebellion declined in the short 2019 session under the Johnson ministry after it took the controversial decision to remove the whip from twenty-one rebels in September 2019 (Mikhailova 2019).

³⁰ Grieve in HC Debates 13 December 2017, c441

relations between the two sides deteriorated to such a point that government backbenchers sought to depose May as leader of the Conservative Party,³¹ and declared that ‘changing the general’ was necessary to deliver Brexit.³²

In part, divergences from the Westminster Model in the intra-party relationship in the 2017-2019 period reflected the inevitable short-term challenges posed by Brexit and minority government. The 2016 referendum result bound the May government to negotiate the UK’s withdrawal from the EU; however, converting the result into substantive policy was problematic. From the outset, Conservative MPs divided into two camps over whether the government should seek a close or distant future relationship with the EU after Brexit. Working relationships between the two sides swiftly broke down,³³ while the proliferation of end-to-end encrypted private messaging platforms like WhatsApp enabled each side to establish organisational networks that displaced traditional party whipping arrangements (Herasimenka and Kavada 2020). In the absence of a stable governing majority after the 2017 general election, and having rejected a cross-party approach to negotiating Brexit, May was forced to straddle this divide rather than resolve it in favour of either faction. The conjunction of Brexit and minority government was also problematic for another reason: government backbenchers who campaigned to leave the EU in 2016 claimed they possessed the right to determine the substance of Brexit-as-policy rather than the Prime Minister, who had campaigned to remain in the EU in 2016 (Paterson 2019). After the Conservatives lost their parliamentary majority in the 2017 general election, these backbenchers could additionally claim (at least to their own satisfaction) that their vision of Brexit had won a national campaign, whereas May’s had not.

To focus entirely on short-term factors when explaining the intra-party relationship during the Brexit period is, however, myopic: I identify three key continuities with earlier Parliaments. Firstly, contrary to the Westminster Model, government backbenchers have played an active role in influencing government policy at the decision-making stage—that is, when bills are voted on in the House of Commons—since before 2016. Empirical research shows that, after a period of limited rebellion in the immediate post-war years, government backbench dissent has become an established feature of parliamentary politics at Westminster (Norton 1987; Cowley 2002; Norton 2019, 1002); indeed, since the premiership of Edward

³¹ <https://www.bbc.co.uk/news/uk-politics-46547246>

³² Chope in HC Debates 14 March 2019, c598

³³ Interview with Heidi Allen, 2020

Heath, no UK government has gone without at least one defeat in the Commons due to a backbench rebellion (Russell and Cowley 2015, 125). While the size of government backbench rebellions during the 2017-2019 Parliament was exceptional, the frequency of rebellion was in line with that of earlier parliamentary sessions: a quantitative study of voting patterns during the 2010-2015 period indicates that government backbench MPs rebelled in twenty-seven percent of divisions during the 2012-2013 parliamentary session, almost equivalent to the rate of rebellion during the Brexit process (Cowley 2013, 2). A plausible explanation for why government backbench dissent increased in the 2010s is that the Fixed-term Parliaments Act (2011) abolished the Prime Minister's power to use the threat of an early election to discipline recalcitrant backbenchers (Schleiter and Evans 2021, 131).

A second continuity concerns the enduring role of 'anticipated reactions' in shaping how governments formulate policy and present it to their backbenchers. While backbench influence is most visible at the decision-making stage, recent research has highlighted the greater importance of executive agents' assessments of what their backbenchers will or will not accept when determining the substance of policy (Gover and Russell 2017, 118). Heidi Allen, a former Conservative backbench MP, noted that her faction engaged in a 'constant dialogue' with the government during the Brexit process.³⁴ Clearly, such dialogue structured the government's Brexit approach. When interviewed by *The UK in a Changing Europe*, Julian Smith, May's Chief Whip during the 2017-2019 Parliament, stressed the importance of backbench opinion in leading to two decisions: to abandon a Commons vote on the May government's withdrawal agreement with the EU in December 2018; and to seek legal clarification from the EU about the Northern Ireland backstop prior to the second meaningful vote in March 2019 (Smith 2021). That the May government was unable to prevent successive defeats over its Brexit policy in the Commons should not be understood as reflecting its disregard for the views of its backbenchers; rather, these defeats underscore the inherent challenge of responding to the expectations of polarised backbenchers, especially in the context of an international negotiation and minority government.

The final continuity concerns the reasons why government backbenchers rebelled in the 2017-2019 Parliament. In their comparative study of legislators' behaviour, Müller and Strøm (1999, 27) ascribed a government backbencher's decision to rebel to three factors: ideological inclination, constituency preference, and career concerns. Their model's applicability to the

³⁴ Interview with Heidi Allen (2020)

Westminster Parliament is supported by pre-2017 studies, which show that the most likely rebels are ideologically extreme (Kirkland et al. 2018, 16), perceive their chances of recruitment into government as severely limited (Benedetto and Hix 2007), or are influenced on a given issue by the preferences of their local constituencies and party associations (Gaines and Garrett 1993; McKay 2020, 2). These factors continued to determine backbench rebelliousness during the Brexit process. The 2016 referendum revealed the preferences of MPs and their constituencies, and many government backbenchers made sense of the national vote by invoking the better-established principle of representing constituency preferences. For example, Leave-supporting backbench rebels from Leave-voting constituencies opposed May's withdrawal agreement to signal their ideological purity to their constituents.³⁵ Similarly, a recent quantitative analysis by Aidt et al. (2019, 15) indicates that backbenchers' ideological preferences were an especially important determinant of their support for the withdrawal agreement. Finally, the precarity of May's premiership following the 2017 general election influenced backbench office-seeking behaviour: once Boris Johnson emerged as May's likeliest successor, some government backbenchers judged whether to support the government's withdrawal agreement based on what would be likely to secure his favour, and voted for the withdrawal agreement only once Johnson announced his support (Aidt et al. 2019, 18).

To summarise, the intra-party relationship during the Brexit process deviated substantially from the Westminster Model. Rather than exerting their influence in a private and limited way, government backbenchers engaged in strident critique and rebellion against their executive. In part, this reflected the peculiar context created by 2016 referendum and minority government; however, I have shown that these factors did little to upset enduring continuities in backbench activity at Westminster. Overall, government backbenchers clearly retained a significant role in executive policy-formulation at both the pre-decision and decision-making stages; moreover, the incentive structure determining government backbench loyalty remained consistent between earlier parliaments and the 2017-2019 Parliament. Thus, focussing on the short-term challenges created for the intra-party relationship by Brexit and minority government obscures clear continuities in that relationship from before 2017.

³⁵ Patel in HC Debates 29 March 2019, c739

Opposition Parties

Beyond government backbenchers, the UK executive also has a highly visible relationship with MPs representing opposition parties. In this section, I compare the strategies adopted by opposition parties and backbenchers to influence government policy during the 2017-2019 Parliament with the expectations of the Westminster Model tradition. In doing so, I draw on empirical studies from previous Parliaments (for example Gover and Russell 2017, 87-115), and highlight continuities with earlier periods in UK politics. I show that, during the Brexit process, the scope of opposition influence over the governments of the period was more extensive than the Westminster Model suggests; however, the manner in which opposition MPs exercised their influence reaffirmed long-term continuities in UK parliamentary politics.

Within the Westminster Model tradition, the relationship between the government and opposition parties has generally been seen, despite its visibility, as relatively unimportant. As the UK executive typically possesses a disciplined majority in the House of Commons to support its key bills, opposition parties typically struggle to impose their will at the decision-making stage of the legislative process (Mezey 1990 [1979], 171). Moreover, unlike government backbenchers, opposition MPs are not relied on by the executive to pass legislation and thus possess far less leverage with which to bargain for policy concessions. Among opposition actors, the largest non-government party ('the Opposition') enjoys special advantages: a system of procedural conventions and 'understandings' between its whips and those of the governing party accord it limited control of the House of Commons agenda, as well as greater access to opportunities to contribute to debates (Potter 1968, 9-16; Hamilton and Hazarika 2018). By contrast, third parties and opposition backbenchers have long been treated as marginal actors at Westminster.

Yet this declinist analysis is inconsistent with government-opposition dynamics in the 2017-2019 Parliament. During the Brexit process, opposition parties reliably prevented the governments of the period from passing legislation in the Commons. Furthermore, by reviving the archaic procedure of the humble address, the Opposition successfully extracted unpublished documents from the government including sectoral analyses of the impact of Brexit on the UK economy (Walker 2017). Similarly, third parties and opposition backbenchers played an important role in the 2017-2019 Parliament. Following the Commons' third and final rejection of the May government's withdrawal agreement, two Labour MPs, Yvette Cooper and Hilary

Benn, cosponsored bills forcing the May and Johnson governments to seek an extension to Article 50 to prevent the UK from leaving the EU without a withdrawal agreement (a ‘no-deal Brexit’). Likewise, in Spring 2019, the Commons twice suspended Standing Order No. 14 (SO14), which grants government business precedence in the Commons, to enable a cross-party group of backbench MPs to hold a series of indicative votes. While the measure was ultimately unsuccessful, with MPs voting against all the available options in two rounds of voting (Gover 2020, 26), the initiative provides another example of the significant role played by opposition backbenchers during the Brexit process.

The enhanced role of opposition MPs in the 2017-2019 Parliament reflected in part the opportunities generated by the contingencies of the period. Clearly, the minority status of the governments of the period favoured their opponents, who required very few government backbenchers to rebel or abstain to inflict a Commons defeat: indeed, the Johnson government lost its working majority on its first sitting day in Parliament when a single Conservative MP, Philip Lee, defected to the Liberal Democrats (Togoh 2019). Similarly, opposition parties benefited from the bias of the then-Speaker of the House of Commons, John Bercow, in favour of facilitating parliamentary debate. In late 2019 the Speaker made his ‘most controversial’ decision (Simson Caird 2020, 29): to break with tradition by permitting an emergency debate on Brexit to suspend SO14, allowing Hilary Benn’s bill to be passed. When asked, Benn said Bercow’s decision rested on a ‘perfectly fair point: if precedent is always the guide to what you do, you never make any progress’.³⁶ Finally, ideological polarisation over Brexit facilitated cooperation between opposition parties, who were broadly opposed to a no-deal Brexit³⁷ and came together to form a ‘hugely co-ordinated group’.³⁸ This was integral to the success of the Cooper and Benn bills, which were both passed, with the assistance of a small number of government rebels, when the looming deadline of the Article 50 talks focussed the minds of opposition MPs.

While contingencies enhanced the leverage of opposition MPs against the UK executive during the Brexit process, the way that they utilised this leverage underscored three continuities with earlier Parliaments. Firstly, the Opposition proposed ‘information-seeking’ measures in the Commons in a manner broadly consistent with prior practice. As Gover and Russell (2017,

³⁶ Interview with Hilary Benn (2020)

³⁷ With the exception of a small cohort of Labour ‘Brexiters’ who regularly supported the governments of the period on Brexit motions.

³⁸ Interview with Heidi Allen (2020)

115) note, the Opposition has tended to use Commons debates and the tabling of amendments not to affect legislative change, but to tease out information from ministers. In part, this constitutes making a virtue of necessity—the Opposition lacks the strength in the Commons to implement substantive changes to legislation and, lacking the information-gathering resources available to government, relies on leveraging its own parliamentary resources to extract information about policy. However, the use of the humble address procedure by the Opposition during the Brexit process demonstrates the continued relevance of ‘information-seeking’ strategies to the executive-Opposition relationship at Westminster in the context of relative government weakness in Parliament. When using the humble address procedure for the first time, the Opposition stressed it did so for reasons of ‘transparency, accountability and ensuring that Parliament can do its job of scrutinising the Government properly’.³⁹ Thus, the Opposition’s use of parliamentary procedure during the Brexit process complemented, rather than replaced, its established methods of exercising influence.

Another continuity concerns the growing importance of ‘issue politicisation’ strategies by third parties and opposition backbenchers. Recent legislative studies work (Russell and Cowley 2018, 20-21; Thompson 2017) has highlighted the increased representation of third parties in the Commons since the 1970s, and their role in making management of the chamber ‘significantly more complex than it used to be’. As Figure 1 shows, while voters rallied to the two largest parties in the 2017 general election, their Commons representation still fell short of the post-war norm and was weakened further by the emergence of breakaway groupings throughout the Parliament. One beneficiary of this change was the Scottish National Party, which received enhanced opportunities to contribute and lead debates before Brexit, and led three of the twenty-two emergency debates called in the 2017-2019 Parliament (Priddy 2019). Similarly, the creation of the Backbench Business Committee in 2010 greatly enhanced the voice of backbenchers. While backbench MPs demonstrated during the Brexit period that the Commons can temporarily remove the government’s monopoly over its time by suspending SO14, the creation of this committee had already amended it to create reserved time for backbench MPs to discuss issues of their own choosing (Evans 2021). Thus, the premise that third parties and opposition backbenchers are marginal parliamentary actors at Westminster was being undermined before the Brexit process, as they have become increasingly able and willing to assert their independent voice in the Commons.

³⁹ Starmer in HC Debates 01 November 2017, c878

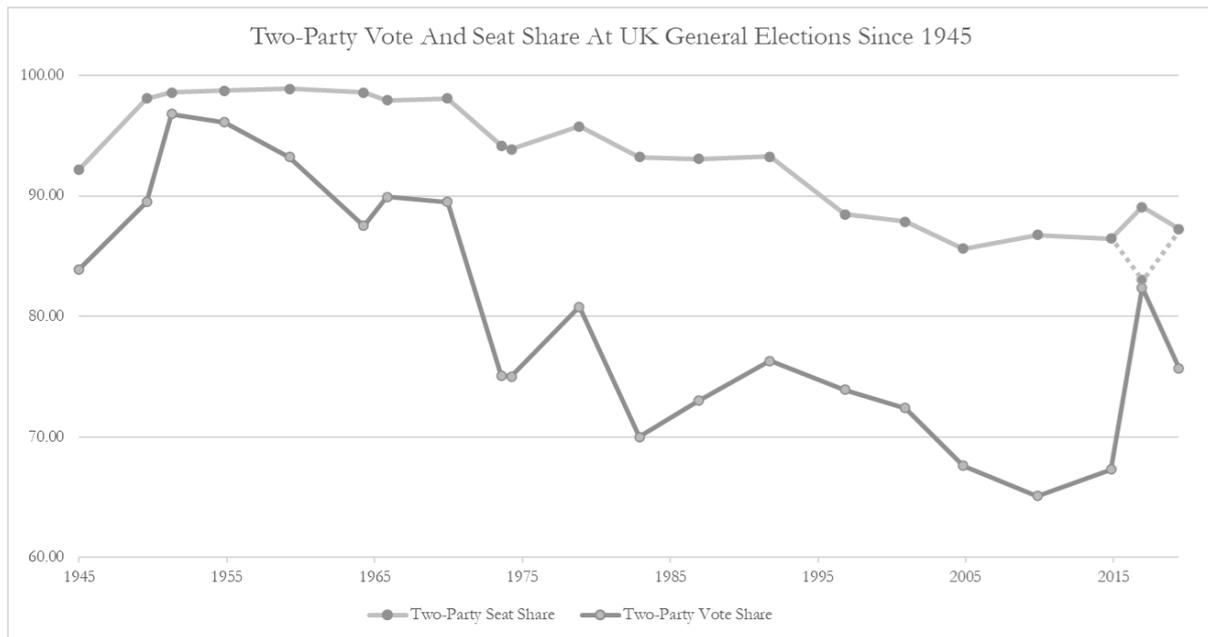


Figure 1: Two-Party Vote and Seat Share at UK General Elections Since 1945. The dotted line indicates two-party seat share at the dissolution of the 2017-2019 Parliament (Data from Audickas et al. 2020).

A final continuity between the 2017-2019 Parliament and its predecessors was the continuing absence of procedural incentives strong enough to generate reliable cooperation between opposition parties. Previous work on opposition at Westminster has indicated that (with the exception of the select committee system) the institutional basis for cross-party working is very weak, concerted cooperation ‘occurs on an entirely *ad hoc* basis’ (Gover and Russell 2017, 240). Even in a context of minority government and Brexit polarisation, activity among opposition parties in the 2017-2019 period reaffirmed this point. For example, having discussed forming a cross-party ‘government of national unity’ in the summer of 2019 to displace the Johnson government, opposition MPs divided over who should lead it and what it should do. Labour MPs were divided over the issue of a second referendum, and insisted that as Leader of the Opposition, their leader, Jeremy Corbyn, was the only constitutionally appropriate candidate to lead an alternative government (Walker 2019); conversely, the leaders of third parties and independent MPs generally favoured a second referendum, but did not see it as in their interests to support a Labour government (Allen 2020). Indeed, what opposition cooperation prevailed in the 2017-2019 Parliament—evidenced by the passing of backbench legislation against the wishes of the UK executive—required on the looming threat of an imminent no-deal Brexit to galvanise opposition MPs. Thus, the Brexit process in Parliament reaffirmed that ‘the incentives for opposition cooperation in the UK, at least beyond the very

short term, often prove weaker than the temptation to abandon co-operation and seek partisan advantage' (Bale 2020, 20).

As with the intra-party relationship discussed in the preceding section, the relationship between the UK executive and opposition parties in the Commons during the Brexit process was substantially different to what one might expect based on the Westminster Model. The Opposition was, due to the humble address, particularly successful at extracting private documents from the governments of the period; likewise, third parties and opposition backbench MPs played an important role in contributing to debates and facilitating parliamentary discussion. Opposition parties were helped by the contingencies of the 2017-2019 period, with Brexit, minority government, and the speakership of John Bercow each strengthening them and weakening the executive's position in Parliament. However, I have shown that the ways in which they leveraged their influence reflected underlying continuities in Commons procedure: above all, opposition actors continued to concern themselves principally with 'information-seeking strategies' during the Parliament and, absent the peril of a no-deal Brexit, struggled to coordinate effectively to impose their will on the executive. As such, the 2017-2019 Parliament affirmed the importance of long-term changes in shaping the relationship between opposition parties and the executive at Westminster.

Select Committees

The final key executive-legislative relationship in the House of Commons is between the government and select committees. In this section, I examine how this relationship changed during the Brexit process, and how this compares with the Westminster Model. To do so I use a combination of interviews with parliamentarians, empirical and interpretative studies of the select committee system at Westminster, and contemporary articles. I find that short-term factors, especially Brexit, had a significant but highly uneven impact on the select committee system during the 2017-2019 Parliament. Moreover, means and ends undertaken by select committees in influencing the executive during this period highlighted enduring continuities in the executive-select committee relationship at Westminster.

Since their introduction in their modern form in 1979, academic commentary about the select committee system at Westminster has been undergirded by traditionalist assumptions about their marginal status (for example Strøm 1990, 70). This may be the legacy of King's 1976 article, which was published as the discussions which led to the 1979 reforms were

underway and argued that their capacity to influence legislative outcomes was very limited (Russell and Cowley 2015, 22-23). He held that select committees are hampered in their dealings with the executive by being non-partisan, consensual entities in a legislature dominated by intense partisan conflict, which leads them to occupy themselves with ‘administrative, “instrumental” issues rather than large political ones’ (King 1976, 19). Subsequent academic analysis of the post-1979 system has echoed this point, arguing that select committees have little policy impact (Saalfeld 2004, 635).

This characterisation of select committee activity poorly reflects developments during the 2017-2019 Parliament, when certain committees made significant contributions to debates around government policy over Brexit and other areas. For example, the Environmental Audit Committee generated two reports during the Parliament, which recommended that the government impose a levy on disposable coffee cups (Marshall et al. 2020, 60-61). These reports coincided with greater public interest in environmental issues, such that although the government did not formally pick up either report, the Commons itself imposed a ‘latte levy’ on disposable cups at Westminster (Johnston and Tolhurst 2019). Likewise, the Commons’ Exiting the European Union Committee played an active role in leading procedural and policy debates around Brexit in the 2017-2019 period under the assertive chairmanship of Hilary Benn. To take just one instance, in instigating the process of holding indicative votes in the Commons following the rejection of the May government’s withdrawal agreement in March 2019, backbench MPs implemented a measure which Benn’s committee had recommended in an earlier report.⁴⁰ Benn’s committee was also exceptionally divided in comparison to others: despite the norm of consensus, and its use of unusually long meetings to reach a compromise,⁴¹ Lynch and Whitaker (2020, 9) note that it resorted to voting on its reports seventy-three times during the 2017-2019 Parliament, including eleven votes on approving final drafts. By the spring of 2019, working relationships on the committee had deteriorated significantly, such that members accused their colleagues of ‘simply want[ing] to frustrate’ the 2016 referendum (Mackinlay 2019), and Benn of being ‘biased’ against Brexit.⁴²

⁴⁰ SCEEU (2019) ‘Response to the 12 March 2019 vote on the Withdrawal Agreement and Political Declaration: next steps for Parliament’, *Parliamentary Publications*, March 13

⁴¹ Benn (2020) notes that the longest the committee spent in formal consideration of a draft report was eight hours.

⁴² Jenkyns in SCEEU (2019) ‘Oral evidence: The progress of the UK’s negotiations on EU withdrawal, HC 35’, *Parliamentary Publications*, October 16

Naturally, the peculiar context of the 2017-2019 period helps to explain why the relationship between the UK executive and select committees diverged from the traditional account. As Lynch and Whitaker (2019, 928) note, achieving consensus on Benn's committee was always likely to be difficult because of the inherently contentious nature of the Brexit process. The fault line between members who supported a relatively 'softer' or 'harder' Brexit was the principal cause for conflict, although the combination of minority government and factional divides within the Conservative Party meant the former were generally in the majority. Finding consensus was also made more difficult by the uncommon size of Benn's committee, which in the 2017-2019 Parliament comprised twenty-one members (rather than the usual eleven) representing six parties. By contrast, smaller committees that dealt with Brexit indirectly tended to operate in a consensual mode which more closely adhered to traditional expectations of how the select committee system operates at Westminster (Lynch and Whitaker 2020, 13-14). Compared to Brexit, minority government had a modest and general impact. Although select committee representation at Westminster is roughly proportional to the party balance in the Commons, the Conservative Party's minority status was less significant in the consensual environment which prevailed in most committees during the Brexit process. The most important contribution made by the government's weak control of Parliament was to make the relationship between MPs' decisions in the Commons and in committee take on greater significance: for example, the accusation of bias mentioned above was levelled after Benn sponsored a bill which forced the Johnson government to seek an extension to Article 50.

However, focusing exclusively on short-term developments in the select committee-executive relationship is unhelpful, since, to a large degree, their increased influence during the Brexit period was due to changes in motion prior to 2016. One such change was the increased potency of the 'deterrent effect' which select committees exercise against members of the executive. As chief scrutinisers of the government, select committees have the power to generate public embarrassment for ministers by posing them difficult questions: as one official commented to Russell and Cowley (2015, 132), their greatest source of influence over the government is 'the fear of having to appear in front of them'. This was demonstrated in the 2017-2019 Parliament when David Davis, then-Secretary of State for Exiting the EU, was criticised after admitting that his government department had not compiled assessments of the economic impact of Brexit which he had alluded to in a prior appearance before Benn's committee (Allegritti 2017). This power of deterrence has been augmented by two factors which predated Brexit. Firstly, the 2010 Wright Committee report led to the introduction of

Commons elections for select committee chairs, which hitherto had been appointed. This has changed parliamentary perceptions of select committee chairs, previously seen as ‘creatures of the whips’,⁴³ and has encouraged them to take a more assertive approach when probing the government (Geddes 2020, 141). Secondly, preliminary empirical research indicates that most select committees—especially those which, like the Environmental Audit Committee in 2017, produce reports whose publication coincides with intense public interest—have attracted increasing media attention, magnifying the risk of potential embarrassment for ministers called to give evidence (Gaines et al. 2019, 425).

Another significant continuity in the executive-select committee relationship concerns the significance of ‘debate-shaping’ strategies as a means of influencing government policy. Compared to committees in other legislatures (notably the US Congress), those in Westminster wield only limited ‘agenda-setting’ power and are mostly concerned with scrutinising government policy (White 2015, 3). Contrary to the assumptions of the Westminster Model, this role has given select committees considerable indirect influence over government policy by determining in what light it is presented to Parliament. Detailed quantitative analysis of twelve bills presented to Parliament between 2005 and 2012 shows that select committees and their reports were cited in parliamentary debates 1,723 times, indicating that parliamentarians have long been more concerned by select committee findings than their detractors have tended to suggest (Gover and Russell 2017, 218). Indeed, much as the Exiting the EU Committee’s recommendation that indicative votes be held over Brexit informed the actions of backbench MPs in 2019, the Health Committee’s criticism of the 2005-2010 Labour government’s proposed partial ban on smoking in public places galvanised government backbenchers, who in turn pressurised the executive to implement a full ban (Rutter et al. 2012, 105-107). In this respect, suggesting that select committee influence over parliamentary debates over government policy during the 2017-2019 period was exceptional obscures what is a point of significant continuity with earlier periods.

As well as leveraging support from other parliamentary agents to influence the government, another continuity in select committee influence between the 2017-2019 Parliament and its predecessors concerns their effectiveness in promoting policy recommendations to the executive themselves. As noted above, traditional scholarship on Westminster has typically noted the weakness of select committees in this area due to the highly

⁴³ Interview with Hilary Benn (2020)

partisan nature of its legislative process; however, recent empirical studies suggest that, due to their capacity to provide expert knowledge, they have generally been quite successful at contributing to policy formulation even if their capacity to propose substantial changes remains limited. In their detailed study of the reports produced by seven Commons select committees between 1997 and 2010, Russell and Cowley (2015, 132) show that the governments of the period fully or partially accepted forty percent of all the committees' recommendations. While impressive, similar research has highlighted that the success of select committee recommendations has long been related to the degree of change proposed, with more modest recommendations being more likely to be accepted than those calling for large changes (Benton and Russell 2013, 782). This situation in fact remained remarkably consistent during the 2017-2019 Parliament (Lynch and Whitaker 2019, 933-936): Benn's committee had a degree of success securing modest changes to government policy towards Brexit (for example, convincing the May government to publish a white paper on its negotiating strategy), but failed to secure the adoption of most of its more substantial recommendations.

In summary, the relationship between select committees and the UK executive in the 2017-2019 period differed significantly from the account provided by the Westminster Model. Rather than being marginal entities, they played a significant role in suggesting amendments to and structuring the parliamentary debate around government policy in a variety of areas. Explaining this divergence in terms of short-term factors is unhelpful—indeed, I have shown that the impact of the more notable contingencies of the period on the select committee system was either significant but uneven (Brexit) or general and indirect (minority government). A longer-term perspective suggests that, in fact, substantial select committee influence over the government has developed over time, even as the means by which committees have sought to influence the executive have remained broadly consistent. While reform in 2010 has been seen as a 'transformational moment' by parliamentarians,⁴⁴ I have shown that even before this point select committees exerted more influence than their critics have tended to suggest. In this respect, the 2017-2019 Parliament demonstrated important continuities in how Westminster's select committee system operates.

⁴⁴ Interview with Hilary Benn (2020)

House of Lords

In this final section, I assess the relationship between the UK executive and the House of Lords during the 2017-2019 Parliament and compare it with the Westminster Model. To do so, I use contributions from parliamentarians during the period, contemporary media reporting, and quantitative data about House of Lords votes. Moreover, to situate the relationship during the period in its proper historical context, I draw on recent empirical investigations into the executive-House of Lords relationship published shortly before 2016. I show that, overall, the House of Lords was much more assertive in its relationship with the government during the Brexit process than the traditional account suggests; however, the principal reason for this assertiveness was not the peculiar political context of the 2017-2019 period, but the legacies of prior episodes of reform that have fundamentally changed how the chamber and the executive interact.

Unlike those of the other executive-legislative relationships at Westminster examined in this discussion, traditional understandings of the Lords-executive relationship have long been marked by the absence—rather than presence—of substantial academic analysis. This is because, after the 1911 and 1949 Parliament Acts confirmed the supremacy of the Commons over the Lords in the legislative process, many legislative scholars ceased to regard the second chamber as a significant political actor. For instance, in his seminal 1976 article, King regularly used ‘Parliament’ and ‘the House of Commons’ synonymously. This tradition has continued to shape academic treatment of the Lords in the twenty-first century: Kingdom (2003, 347) claimed the Lords remained part of ‘the living dead’ of the UK’s constitution, while Dryzek and Dunleavy (2009, 174) suggested the Lords ‘still lacks any democratic legitimacy, and plays little role in policy-making’. Such perceptions of weakness have informed how even peers themselves understand their role, with one Liberal Democrat peer describing the chamber as ‘the best day care centre for the elderly in London’ in a recent BBC documentary.⁴⁵

This understanding of the House of Lords’ legislative role (or lack thereof) came under substantial pressure during the 2017-2019 Parliament. A recurring theme in contemporary appraisals of the chamber in right-wing media outlets was anxiety about its capacity to frustrate Brexit, with the *Daily Mail* branding it ‘THE HOUSE OF UNELECTED WRECKERS’ in 2018 (see also Mitchell 2018; Martin 2018). This anxiety echoed government rhetoric: a year

⁴⁵ Lord Tyler quoted in BBC News <https://www.bbc.com/news/uk-politics-39038927.amp>

prior, Theresa May cited the obstructiveness of ‘unelected members of the House of Lords [who] have vowed to fight us every step of the way’ as a reason for an early general election.⁴⁶ It also reflected the genuine significance of activity in the second chamber during the Brexit process. Summary tables from University College London’s Constitution Unit show that the House of Lords dealt the executive sixty-three defeats in the 2017-2019 parliamentary session, with twenty-nine of these defeats being over matters related to Brexit.⁴⁷ Moreover, the Lords undertook rapid procedural reform to better express its will to the government. For instance, in 2019 the Lords twice expedited the passage of backbench legislation sent from the Commons aimed at preventing a no-deal Brexit. This required the partial suspension of the chamber’s Standing Orders, which typically prevent a bill from completing its Lords stages in a single day, as well as the unprecedented use of ‘closure motions’ to force an end to debates. These reforms were controversial even among peers, since the chamber conventionally operates on the basis of unlimited debate.⁴⁸ Thus, the activity of the Lords, and the cadence of the discussion around it, diverged significantly from the Westminster Model during the 2017-2019 Parliament.

In part, this divergence can be understood by looking at the disruptive effects of Brexit and minority government on the Lords-executive relationship. As was widely noted in contemporary commentary by academics and in the popular press, the Brexit referendum generated fresh questions about the effectiveness of representative democracy in the UK: while the public as a whole voted narrowly to leave the EU, the parliamentarians to whom they entrusted their mandate overwhelmingly supported Remain (Runciman 2019). Combined with the parliamentary gridlock engendered by unexpected minority government and divisions within the parliamentary Conservative Party, this provided fertile ground for a populist challenge which set Parliament against the people (Russell 2020, 14-15). The Lords was the most vulnerable parliamentary institution to such a challenge because it is both entirely unelected and contains peers who were unapologetic critics of the referendum result during the 2017-2019 period.⁴⁹ While minority government created risks for the second chamber, it also generated significant opportunities to shape legislation. In normal circumstances, the

⁴⁶ May quoted in BBC News <https://www.bbc.co.uk/news/uk-politics-39630009>

⁴⁷ Constitution Unit (2020) ‘Government Defeats in the House of Lords’, University College London, <https://www.ucl.ac.uk/constitution-unit/research/parliament/changing-role-house-lords/government-defeats-house-lords>

⁴⁸ Lord Ashton in HL Debates 03 September 2019, c925

⁴⁹ For example, the Conservative peer Viscount Hailsham referred to Brexit as ‘a national calamity’ (HL Debates 18 June 2018, c1886).

executive's access to a reliable Commons majority means it can strip out unwanted Lords amendments from its key bills; however, the minority governments of the 2017-2019 period were forced to compromise more often. For example, during the passage of the EU Withdrawal Act (2018), a co-ordinated rebellion by government backbenchers in the Commons and Lords forced the May government to concede to Parliament a meaningful vote on its withdrawal agreement with the EU to avoid a defeat (Perkins 2018).

However, I contend that to explain the Lords-executive relationship during the 2017-2019 period with reference solely to short-term contingencies obscures important long-term continuities in how and why the former has influenced the latter. Firstly, evidence of Lords activity before 2016 indicates that the chamber's willingness to amend government policy had increased prior to Brexit. The same University College London (UCL) dataset cited above indicates that controversial legislation in earlier parliamentary sessions generated similar levels of dissent in the Lords to that witnessed during the 2017-2019 period: for instance, during the 2005-2006 session the Labour government, which sought to pass contentious identity card and counter-terrorism bills, was defeated sixty-two times in the Lords.⁵⁰ In addition, empirical studies of the second chamber indicate that it has long had a much more substantial role in amending government policy than traditional accounts suggest. In their study of the policy impact of government defeats in the Lords, Russell and Sciara (2008, 574-575) indicate that, far from being routinely reversed in the Commons, many Lords defeats are substantially accepted by governments, with a third of a total of two-hundred and seventy-four government defeats in the Lords between 1999 and 2006 being resolved in favour of the latter. Therefore, government defeats in the chamber during the 2017-2019 Parliament over Brexit policy were unexceptional and represented a substantial continuity in the Lords-executive relationship rather than an unprecedented counter-mobilisation driven by opposition to Brexit.

A second continuity in the Lords-executive relationship concerns how the second chamber leveraged government weakness in the Commons to exert influence over the government. As noted above, this was a key theme of Lords-executive interaction in the 2017-2019 Parliament—had the executive possessed a reliable Commons majority, it is inconceivable that it would have been forced to either concede a meaningful vote or implement backbench legislation constraining it to seek extensions to Article 50. However, a long-term view suggests that such intercameral cooperation against the executive occurred before Brexit. For example,

⁵⁰ Constitution Unit (2020)

during the passage of the Prevention of Terrorism Bill (2004-2005), sixty-two Labour MPs rebelled against the government on the degree of judicial discretion over control orders; when it arrived in the Lords, peers passed amendments which picked up on the concerns of these backbench MPs, leading to the government making various compromises before the bill became law. Similarly, the government was humiliated during the passage of the Racial and Religious Hatred Bill (2005-2006) when, having been defeated numerous times in the Lords by peers anxious about potential compromises to freedom of speech contained in the legislation, its own MPs sided with the second chamber (Russell 2013, 156-157). While the drama surrounding the government's Brexit legislation raised the stakes of such co-operation against the executive substantially during the 2017-2019 Parliament, to regard it as an aberration that emerged due to the peculiar political context of the period is thus mistaken.

Both of these continuities underscore a final point on the Lords-executive relationship: the enduring importance of the House of Lords Act (1999). This legislation reformed the second chamber by removing all but ninety-two of the hereditary peers who had hitherto constituted most of its membership. This had a transformative effect on the behaviour of the chamber, whose mostly appointed membership is now much more evenly distributed among the major parties (Russell and Cowley 2015, 24). Most peers before 1999 obtained their office via accident of birth and a general awareness of their lack of legitimacy in a democratic age tempered their contribution to the legislative process (Saunders 2020). Conversely, the appointed peers who now occupy the majority of seats have typically been 'professionally high achievers' (Russell 2013, 287-288) chosen for their policy expertise. This seems to have encouraged them to take a much more active parliamentary role, with a 2004 survey of peers indicating that seventy-eight percent of them considered the reformed chamber 'more legitimate' than its predecessor (Russell 2013, 240). Thus, the assertiveness of the Lords in the 2017-2019 Parliament is best understood as part of a longer-term revival of partial bicameralism in the UK political system rather than a freak accident arising from peers' ideological opposition to Brexit.

To summarise, the Lords-executive relationship during the 2017-2019 Parliament was substantially different to what one might have expected based on the Westminster Model. Having long regarded the second chamber as something of a constitutional irrelevance, commentary about its proceedings changed drastically as peers became major actors in the broader conflict between the government and Parliament over Brexit. Such renewed focus on

the Lords during this period, while a welcome corrective to earlier mainstream and scholarly neglect, was generally misinformed and—in particular—placed far too much emphasis on the alleged partisan bias of peers against Brexit. I have shown here that the House of Lords has long been a more influential legislative arena than is broadly recognised, and that the key factors and mechanisms of the Lords-executive relationship during the 2017-2019 Parliament had been demonstrated well before Brexit. While the political context surrounding its interactions with the executive changed drastically during the Brexit period, the substance of these interactions remained broadly in line with the trajectory set by earlier reform of the chamber. In this respect, it could be said that the crucial date for understanding the House of Lords during the Brexit process is 1999, rather than 2017.

Conclusion

The return of single-party majority government to Westminster following the 2019 general election was a pivotal moment in UK politics which significantly altered the interaction between the executive, Parliament, and Brexit. As I noted in the introduction, less than a month after returning to power the Johnson government passed legislation enacting its withdrawal agreement with the EU, and Brexit practically disappeared from regular parliamentary debate. This changed parliamentary context generated a sense of relief among many parliamentarians, who eagerly anticipated the return of a more traditional relationship between the executive and the legislature (Fowler 2020, 42). This mood was encapsulated by the election for the vacant position of Speaker of the House of Commons, in which candidates self-consciously distanced themselves from the perceived excesses of John Bercow's speakership: the successful candidate, Lindsay Hoyle, declared that he wanted to 'get back to normality' (Allegretti 2021) as regards the operation of the House.

In this article, I problematised the narrative underpinning this view. Scholarship of nostalgia notes that individuals and societies frequently hark back to an idealised conception of the past when faced with disjunctive moments (for example Boym 2001): in a similar way, commentators who bemoaned the abnormalities of executive-legislative interactions during the 2017-2019 period, and anticipated a return to 'normal' after the 2019 general election, frequently possessed an understanding of the usual functioning of the Westminster Parliament that was out-of-date well before the start of the Brexit process. Even prior to 2016, scholarship on Westminster (for example Russell and Cowley 2015) argued compellingly that traditional

assumptions of the British legislature's powerlessness compared to those in other developed democracies need revising to reflect the impact of long-term changes initiated in the late-twentieth century; I have expanded this discussion further by showing how these changes continued to structure executive-legislative relations in the 2017-2019 Parliament, even as the drama generated by short-term factors—Brexit and minority government especially—obscured them.

To directly address the research question I posed in the introduction, contingent factors clearly contributed to the 2017-2019 Parliament's divergence from the Westminster Model. The absence of a number of short-term factors—for example minority government, the polarising effect of the 2016 referendum, or John Bercow's speakership of the House of Commons—would have made it substantially easier for the executive to control Parliament during the Brexit process. However, I have shown that focussing exclusively on these contingencies neglects the vital importance of long-term trends at Westminster, which have empowered parliamentary actors and undermined the executive dominance that is so integral to the Westminster Model tradition. As I have shown in the preceding four sections, each of the core relationships between the executive and legislative agents at Westminster was influenced to a great extent by these trends, which have structured both the means by and ends for which the latter influenced the former.

With this conclusion in mind, the 2017-2019 Parliament has left an ambiguous legacy to its immediate successor. On the one hand, the Johnson government is poised to revise the balance of influence between the executive and Parliament in favour the former, having both pledged to repeal the Fixed-term Parliaments Act (Fenwick 2021) and continued the May government's practice of boycotting Opposition Day debates (Rodgers 2021). On the other hand, government MPs in the 2019-2021 parliamentary session have continued their predecessors' practice of using coordination through private messaging platforms and open rebellion to influence the government (Le Conte 2020). In December 2020, the Johnson government faced a major rebellion when fifty-five Conservative MPs voted against imposing tiered restrictions on retail establishments, restaurants, and members of the public to manage the spread of coronavirus (Sparrow 2020). The balance of influence between the executive and parliamentary actors is thus likely to remain more unsettled and contested than is recognised in traditional accounts of politics at Westminster.

In closing, it is worth noting that, more than those in any other field of political or historical research, studies that involve engagement with the recent past provide conclusions which are necessarily provisional. As I write, new interviews with the protagonists of the 2017-2019 Parliament are being undertaken and published. As many prominent government backbench rebels during the Brexit process hold senior positions in the current executive, it remains for the time being especially difficult to get their account of the period. Moreover, as the consequences of Brexit unfold, it is likely that perceptions of the legacy of the 2017-2019 Parliament will remain strongly influenced by perceptions of the success or failure of that project. Finally, the coronavirus pandemic has forced both chambers of Parliament to adopt systems of remote working that have drastically changed how legislators at Westminster interact with the executive, as well as each other (Lilly 2020). Thus, the field for further discussion about the Westminster Parliament's contribution to Brexit, and for the study of executive-legislative relations in the UK more generally, remains fertile.

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Felix Parsons: Civil Rights and American Television c. 1957 – 1970.

Author

Felix Parsons is a recent History & Politics graduate from Hughes Hall College.

Abstract

Customarily, television is heralded for broadcasting African-American suffering in the south to the rest of the nation. But not enough attention is paid to the necessary sacrifices to attract such coverage. Broadcasters had their own set of consistent interests: they supported the civil rights movement because the campaign increased ratings for TV news. Increased ratings depended on (1) entertaining the viewer and (2) limited confrontation towards the viewer. In order to make the movement palatable for TV networks, civil rights activists had to cater to their audiences. Television was not a tool available for activists to use but a component part of the movement, moulding it to match the needs of networks.

Keywords: Civil rights, technology, television, media, American politics, history

Introduction

Print culture and television produced conflicting media accounts of the 1963 March on Washington for Jobs and Freedom. Written by Cleveland Robinson and Bayard Rustin, the *Final Plan for the March on Washington for Jobs and Freedom* was a pamphlet distributed to attendees. It contained a clear enumeration of the March's ten demands, including: 'Withholding of federal funds from all programs in which discrimination exists', 'A new executive order banning discrimination in all housing supported by federal funds', and 'A national minimum wage act that will give all Americans a decent standard of living'. (Robinson and Rustin 1963) John Lewis, chairperson of the Student Nonviolent Coordinating Committee (SNCC), gave a speech at the March which reiterated these demands. He demanded 'legislation that will protect the Mississippi sharecropper' and 'a bill that will provide for the homeless and starving people of this nation'. (Lewis 1963) He argued that a 'social revolution' was required if these demands were to be met. (Lewis 1963) Historian Drew Hansen writes that John Lewis's speech was the 'emotional high point of the day' for those attending the March — but was omitted for CBS's special report. (Hansen 2003, 48; Bodroghkozy 2012, 107)

Three months after footage of dogs biting protestors in Alabama had shocked the nation, and two months after the drama of George Wallace standing in the doorway of the University of Alabama, the prospect of the March offered a potential windfall for television networks where the pamphlets had sought solely to inform. CBS scheduled round-the-clock coverage, providing pre-march coverage from 10:00-10:30am before uninterrupted live footage from 1:30-4:30pm and a news special commencing at 7:30pm. (Bodroghkozy 2012, 101) NBC offered special reports from 4:30-6:00pm and 11:15-midnight. (Bodroghkozy 2012, 101) The cameras were rolling when Lewis spoke, but the standout moment for the evening news was Martin Luther King Jr.'s 'I Have a Dream'. With humour and rhetorical flair, King quipped 'we refuse to believe that the bank of justice is bankrupt'. (King 1963) Conscious of white America watching on televisions at home, he also advised protestors that 'we must forever conduct our struggle on the high plane of dignity and discipline', while insisting that his dream was a 'dream deeply rooted in the American dream'. (King 1963) Where Lewis had advocated for radical economic demands, King was inclusive and charismatic.

This episode raises several questions which challenge the folklore of television cameras assisting civil rights by broadcasting pictures of attack dogs and firehoses across the country.

If Lewis's speech was silenced, what other civil rights movements can be unearthed when looking beyond televisual accounts? Did television report on the civil rights movement, or was it a participant with its own agenda? And, more broadly, are some media types inherently more compatible with certain kinds of politics?

Langdon Winner argues that different types of technology have inherent politics. Technological boundaries and features structure the world in which we operate; technology is never a neutral 'tool' which can be 'used'. (Winner 1989, 9). He also argues that among those who accept that technology has its own politics, there are two positions. (Winner 1989, 22) First, some argue that different technologies have intractable politics. (Winner, 1989, 22) This position holds that technological features contain inherent political biases. (Winner, 1989, 22) These biases are isolated from historical context. The other school of thought argues that the politics of technology is flexible. (Winner, 1989, 22) According to this account, technology does have some inherent technological biases, but the manifestation of these is conditioned by the context in which they operate.

The first wave of historiography examining the relationship between civil rights and American television argued that television had intractable politics which were uniquely compatible with civil rights.⁵¹ These panegyrics, usually written by journalists and screenwriters, offer different explanations for television's affinity towards civil rights. Donovan and Scherer attribute it to the fact that television news did not suffer from the racialised power structures of local, usually southern, newspapers. (Donovan and Schere 1992, 12-14) For Mankiewicz and Swerdlow, television's capacity to broadcast live images made it the 'perfect tool for organising a revolution'. (Mankiewicz and Swerdlow 1978, 104) Historian and political scientist Daniel J. Boorstin makes a similar argument, situating civil rights in what he sees as television's broader democratising effects. (Boorstin 1978, 7) They all agree that television's technological features made it inherently sympathetic towards civil rights. While self-congratulatory at times, this historiography did successfully draw attention to the importance of television in accounts of civil rights.

A second wave of historiography has sought to complicate the notion that television was uniformly sympathetic to civil rights by arguing that television did not have any inherent technological biases.⁵² They point out that television cannot have had any biases towards civil

⁵¹ See Donovan and Schere 1992, 16; Mankiewicz and Swerdlow 1978, 104; Boyer 1988, 229.

⁵² See Bodroghkozy 2012, 4; Classen 2004, 11; Torres 2003, 11-12; Spigel and Curtin 1997, 9.

rights activists because networks occasionally helped segregationists too. Stephen Classen highlights this in a case study of the avowedly racist stations WJTV and WLBT in Jackson, Mississippi, while Aniko Bodroghkozy points out that both segregationists and civil rights activists competed for ‘equal time’ in network coverage. (Classen 2004, 3; Bodroghkozy 2012, 62) Rather than television having any inherent technological ‘politics’, the second wave characterises television as the product of social and cultural context. This historiography has provided a more balanced account of the relationship between civil rights and television, but still sees the relationship as a broadly productive one on occasions when activists’ and networks’ interests overlapped.

This dissertation builds on the second wave’s problematisation of television by arguing that television did have inherent technological biases from 1957-1970, but that these biases were flexible, not intractable. Media specialists have long discussed how media characteristics frame the boundaries of possible discourse. Neil Postman recognises that everyone has their own definitions of what constitutes important ‘news’. For some, domestic news is more important than international, for others economic updates are preferable to coverage on recent changes in the arts or sport. But Postman argues that, for television, the most important content is the most entertaining. (Postman 2006, 27) Henry Hampton, the producer of documentary series about the civil rights movement *Eyes on the Prize*, points out that a camera facing police officers from the perspective of protesters sends a very different message to a camera facing protesters from behind a line of police officers. (Hampton, 1995) Seemingly technical decisions such as this were, and are, infused with television’s imperative to entertain an audience. But historical context also mattered in television’s engagement with civil rights. Where audiences rejected the very presence of African-Americans on screen in 1957, they accepted them under certain conditions from 1961. As audience tastes changed, so did the ways in which television accommodated them. It is understandable that the second wave are wary of the notion that television had biases after they were treated simplistically by the first wave. But television was biased, not towards segregationists or civil rights activists, but towards ratings. This cannot be described as uniformly ‘positive’ or ‘negative’ for the movement, but did profoundly shape how civil rights was defined to both contemporaries and modern onlookers.

In arguing this, the dissertation contributes to the call to de-provincialise media in political history. Schulman and Zelizer have called for media to be afforded a central role in political history, not simply as a ‘factor’. (Schulman and Zelizer 2017, 9) Marshall McLuhan’s dictum ‘the medium is the message’ captures the degree to which television had certain

parameters to which civil rights arguments needed to adapt if they wanted to communicate through television. (McLuhan 1966, 13) But television was not just a medium, it was an actor with its own set of interests. It was in television's interest to broadcast the civil rights movement because it was entertaining and because civil rights picked up momentum at a moment when current affairs coverage was being demanded by contemporaries and commentators. After the quiz shows scandals in 1958, when networks gave quiz show contestants correct answers in order to manufacture more exciting shows, television was labelled a 'vast wasteland' by the Chair of the Federal Communications Commission (FCC). In response, television moulded civil rights to its own needs by elevating King over Lewis to create a news story which could simultaneously achieve the ratings of quiz shows and serve the 'public interest'. In this sense, television was not a 'factor' that influenced civil rights success, or even a 'medium'. It was a constituent *part* of the movement.

This dissertation also seeks to put televisual histories of civil rights into conversation with advocates of a 'long' civil rights movement. Historians like Jacquelyn Dowd Hall call for a periodisation of civil rights beyond 1966. (Hall 2005, 1234; Joseph 2006, 3) They argue that confining civil rights to its most moderate years from 1954-1966 nullifies its significance and maligns its successors, leading to the caricature of black power as civil rights's 'evil twin'. Customarily, television historians like Bodroghkozy and Torres analyse television's coverage of the most famous civil rights flashpoints (the March on Washington and Selma), before ending their accounts with legislative success in 1965. Extending their periodisation reveals new realities in media analysis of the movement: when an argument that was closer to Lewis's Washington speech began to be made from 1966, television coverage changed dramatically.

In turn, this essay will provide the long movement with a sophisticated account of media in the civil rights movement. Glenda Elizabeth Gilmore writes that a key aim of the long movement is to challenge 'the simplified story broadcast across the nation on black-and-white television'. (Gilmore 2008, 1) But the televisual story, while objectionable at times, was not 'simple'. By drawing out its complexities and contradictions, particularly in changing coverage after 1966, this essay supplements the long movement's critique of temporally conventional accounts of the civil rights movement by challenging orthodox media stories. More radical strands of civil rights survived in the local black press and pamphlets such as the *Final Plan* during the early 1960s, they were just amended on television.

This will be achieved by tracing two strands across three chapters: one of immutability and one of variation. Technological imperatives were consistent, but how they affected TV's engagement with race was shaped by changing historical circumstances. Television had politics, but they were flexible. In order to demonstrate the way in which television's own set of politics and interests shaped civil rights, the dissertation will view events from the perspective of television networks.

Chapter One will expand on what is meant by the 'politics' of television. It will present the racialised character of the television industry starting in 1957 and explore how networks sought to entertain their audiences. After the quiz show scandals, television networks were instructed to provide programming in the 'public interest'. What was meant by the 'public interest' was ambiguous, but ideal 'public interest' programming constituted television news and documentaries.

Chapter Two will argue that from 1961-1966, the civil rights movement emerged as the perfect television news story, both deemed to serve the 'public interest' and entertaining. It allowed news divisions to fill the vacuum left by quiz show scandals. But civil rights could only fulfil this role if it also avoided confrontation with television's white audience. Civil rights coverage was tailored for the kind of white Americans who wanted racial harmony but were not willing to sacrifice their racially exclusive neighbourhoods for it. Therefore, television networks favoured a moderate, entertaining civil rights movement over the more radical movement that operated through local black press and periodicals.

Chapter Three points out that from 1966-1970, coverage of civil rights activists changed dramatically. The imperatives of television certainly did not change in 1966: a market dominated by the ABC, NBC, and CBS competing for viewer attention crystallised during the late 60s. But, as long movement scholars point out, there were no dramatic changes in activists' demands during the transition from 'civil rights' to 'black power'. If television had not changed and the movement had not changed as much as television suggested, why did coverage transform? A shift of focus by civil rights activists to the North and attempts to enforce legislative progress through schemes such as busing unsettled suburban audiences. In response, networks retained the entertainment value of civil rights activism by centralising conflict, while maligning them as extremists to discredit their arguments. The same technological imperatives were at play, but had adapted to a new historical context.

1. Televisual Politics c.1957-1961

Historiographical debate on the role of television in the 1950s agrees that the politics of television was intractable. Responding to the notion that television helped foster a suspicious and oppressive Cold War atmosphere, Thomas Doherty argues that television made America a more open and tolerant place. (Doherty 2003, 3) 'Dependent for sustenance on the very freedoms that McCarthyism restricted, the medium was preprogrammed for resistance.' (Doherty 2003, 17) In opposition to Doherty, Anna McCarthy argues that television was used by elites as a form of social control. (McCarthy 2010, 6) In a Cold War atmosphere suspicious of federal intervention, television took up the governmental task of 'seeing to people's hearts and minds' by helping to condition the moderate and individualistic Cold War citizen. (McCarthy 2010, 4) Doherty and McCarthy clearly disagree on the content of television's politics, but they agree that its politics were intractable. Doherty claims that television was innately opposed to the principles of McCarthyism while McCarthy argues that 'combining mass outreach with the potential for deep individual engagement, TV was a structural and conceptual model for benign, remote governance'. (McCarthy 2010, 8) For television historians of the 1950s, television's technological features explain the ways in which it acted.

Opposing the notion that it had intractable politics is the argument that television did not have any technologically specific politics at all. Michael Schudson argues that the uniqueness of television as a media type is overstated. (Schudson 1982, 99) Instead, he suggests that it fitted into a set of preexisting media norms which also applied to newspapers and radio. (Schudson 1982, 99) The emergence of an image-based politics based on personalities emerged in the early twentieth century when the Progressive era saw a professionalisation of journalism. (Schudson 1982, 110) Rather than introducing this style of politics, television inherited it. This position denies the existence of a set of politics specific to technology, be they intractable or flexible. Instead, for Schudson, television is characterised by its historical context.

This chapter seeks a middle ground between the position that television's politics was intractable and that it had no politics at all by arguing that the politics of television was flexible. Television networks needed good ratings in order to secure advertising funding; this was an intractable technological requirement. But the postwar zeitgeist conditioned the kind of programming that would draw in viewers. This flexible politics was racialised. The need to entertain viewers had to accommodate the racial politics of television's audience in 1950s

America. A combination of technological politics and historical contingency thus explains television's racist actions.

The content of television's flexible politics will first be probed by examining networks' understandings of their audiences. It will be argued that they constructed a whitewashed 'imagined audience' to whom they tailored their coverage. The chapter will then move on to point out that networks wanted to entertain this constituency in order to maintain good ratings. While there was no prescribed format for making television 'entertaining', quiz shows proved popular with postwar Americans who prized affluence and aspiration. But when the quiz show scandals emerged in 1958, a resurgent FCC called for programming in the 'public interest'. The chapter will end by analysing what 'public interest' programming involved, and concluding that television's politics needed to balance a conspicuous commitment to serving the 'public interest' with continuing to entertain its imagined audience by 1961.

The source base used for piecing together the interests and imperatives of the television industry comprises a combination of trade journals and newspaper commentary. The main trade journal deployed here is the *Journal of Broadcasting*, which received contributions from both media academics and influential broadcasters. This portrays the issues that broadcasters were themselves concerned about, while newspaper commentary outlines the kind of public discussions television networks were responding to.

1.1 Imagined Audience

Television networks needed to understand their audience in order to tailor their content. Gary Edgerton explains that 'success or failure in television was determined in very simple black-and-white terms: the networks (or station) that had the largest audiences could charge the highest advertising rates and make the most money'. (Edgerton 2007, 243) Understanding the composition of audiences was therefore key to gaining a competitive advantage. Trade journals like the *Journal of Broadcasting* frequently debated the most effective way to record audience composition. A 1961 article, for example, advised broadcasters to focus on qualitative, rather than quantitative, information on audience composition and demographics. (Summers 1961, 148) It recommended the 'big four' ratings organisations (ARB, Nielsen, Pulse, and Trendex) who provided 'a wealth of information concerning the types of families and equally, the types of individuals included in the audiences of network programs'. (Summer 1961, 152) The need to understand their audience was not specific to television: newspapers and radio also

wanted as large a viewership or listenership as possible, but the nature of networks' relationship with their audiences was unique.

The imagined audience was a generalised body constructed through surveys. Sarah Igo traces the popularity of empirical social measurement in postwar America. (Igo 2007, 6) The findings produced by surveys wielded scientific credibility and, Igo argues, helped construct the idea of a 'mass public' comprising 'average' American citizens. (Igo 2007, 21) Broadcasters were particularly enthusiastic proponents of social surveys because their findings demonstrated the strength of audiences to advertisers. An advert placed by New York station WCBS-TV in the August 26, 1959 edition of *Variety* magazine boasted to advertisers that 'a new depth study of "breakthrough" significance shows that channel 2 delivers also the best, most responsive audiences'.⁵³ But, as Igo points out, surveys included an inbuilt bias towards seeking out a median, and white, American citizen. (Igo 2007, 18-19) An article in the 1961 edition of the *Journal of Broadcasting* exemplifies this tendency by asking 'housewives' whether 'housewives, husbands, children, or others' dominated the remote control. (Smith 1962, 36) Presupposing categories of viewers as members of a nuclear family consolidated the notion that the imagined audience constituted a mass society organised by family units. As well as making it easier to sell advertising slots, a quantifiable imagined audience provided television networks with a coherent constituency to represent.

The desire to construct a massified 'imagined audience' was specific to the television industry. As Julia Guarneri points out, the syndication of newspapers in the early twentieth century meant that local and diverse publications were replaced with nationally mass-produced stories. (Guarneri 2017, 195) But, unlike television in the late 1950s, the newspaper industry did retain some diversity. While local language publications were nearly wiped out like the German press in Milwaukee, the black press survived syndication. (Guarneri 2017, 216-217) This meant that, come the 1950s, some local newspapers were able to operate as centres of activism. In his case study of South Carolina, Sid Bedingfield illustrates that both black and white local papers were local political actors. (Bedingfield 2017, 15) Television's birth, on the other hand, took place during the homogenisation of consumer culture in the 1950s. (Boorstin 1973, 370-393) The pattern of television's history was similar to that of newspapers: its early character in the 1940s was distinctly local before it became nationalised in the 1950s. But while

⁵³ Variety Archives, Variety Magazine, <https://www.varietyultimate.com/> (1959, 35-36)

newspapers enjoyed some residual locality and diversity after syndication, successful television was the child of mass culture and suburbanisation.

As well as surveys, broadcasters used newspaper write-ins to ascertain their audiences. Robert Adams, director of WTOP TV, messaged the Washington D.C Evening Star's 'TeleVue Mailbag' himself on occasion. (Harrison 1957, 4) The picture that directors like Adams saw here was typically suburban. Writing into the Evening Star on June 2nd 1957, one viewer voiced their distaste for an ABC interviewer asking 'Would it not be possible for Mr. Mike Wallace to locate a more respectable way of earning a living? May I suggest a job as truck driver; that is far more refined than his inter-viewing program and highly less offensive to the viewing public'. (Harrison 1957, 5) Earlier in the year 'J.W.W' had messaged in to point out that 'The Metropolitan Opera Company put on a scene from "Madame Butterfly" on Ed Sullivan's show recently. Although this opera is laid in the 19th century, Lt. Pinkerton was clad in a 1957 style naval uniform'. (Harrison 1957, 4) Bernie Harrison, the host of the TeleVue Mailbag, responded that 'Other people caught the slip and remarked about it. Are these mistakes so disconcerting as to spoil the story or the lovely music?'. (Harrison 1957, 4) When reading audience feedback in newspaper write-ins, broadcasters were met with quintessentially suburban sensibilities.

Implicitly, the suburban imagined audience was a white imagined audience. As Thomas Sugrue argues, the rise of the suburban family ideal in the late 1950s was a racialised phenomenon. (Sugrue 2014, 213) Contemporary sociologists such as Gunnar Myrdal explained economic inequality between black and white America as a consequence of African-American family breakdown. (Myrdal 1962) When middle-class African-Americans did start buying homes in non-black neighbourhoods in the 1950s, white residents mobilised to 'defend' their communities and families from African-American incursions by directing violence at their property, erecting colour lines through hostile graffiti, and harassing black residents with phone calls and placards. (Sugrue 2014, 247-254) Indeed, Lynn Spigel and Michael Curtin argue that television was an active participant in constructing the suburban landscape in order to build a 'TV nation'. (Spigel and Curtin 1997, 3) The *Journal of Broadcasting* was not envisioning African-American families when it investigated which family member had most control over the television remote.

An imagined audience of suburban families was also explicitly white. A young James W. Carey, who went on to become an influential communications scholar, wrote in the Summer

1966 edition of the *Journal of Broadcasting* that while audience tastes across television were broadly standardising, variation persisted in the viewing preferences of black and white audiences. (Carey 1966, 199) He identified five differences between the two. One of these was that ‘Negroes do not identify with and thus reject programs in which the action is centered in the family or family-like organizations’. (Carey 1966, 209) This was because ‘One finds entertaining that which falls within the orbit of his own experience’. (Carey 1966, 206) Myrdal-style social pathologies conditioned the way in which television networks engaged with their audience. The suburban, family-oriented imagined audience constructed by television through a combination of historically specific research methods and cultural influences was racialised.

1.2 The Ambiguity of Entertainment

To get large audiences and profits, networks needed to entertain their viewers. Reuben Mehling, a media scholar writing for the *Journal of Broadcasting*, investigated why consumers chose particular media types. A true postwar academic, Mehling conducted a survey. The survey found that ‘television and radio were both chosen primarily as entertainment media’. (Mehling 1960, 311) 53% respondents had said they chose to watch television for ‘entertainment’, while 31% chose radio for entertainment. (Mehling 1960, 311) Only 1% said they chose to watch television because it was more informative than other media and 2% because it offered ‘complete coverage’. (Mehling 1960, 311) ‘Newspapers, on the other hand, were predominantly chosen for their “complete coverage of the news”.’ (Mehling 1960, 312) 60% respondents said they chose to read a newspaper because it offered ‘complete coverage’ while only 8% said they bought newspapers to be entertained. (Mehling 1960, 311) This was at odds with a general perception held by contributors to the *Journal of Broadcasting* like John R. Thayer, who suggested that news and public affairs on television ‘tended to attract the more sophisticated viewer, in terms of educational background’. (Thayer 1963, 222) Viewers were understood to choose television over alternative media types because it was entertaining, not because they wanted to watch more ‘sophisticated’ genres of broadcasting.

Broadcasters knew that they needed to entertain their viewers, but how to entertain them was unclear. One thing audiences did like was crime shows. In TV critic John Crosby’s article ‘Deification of Devils’ he lamented viewers’ taste for criminals on cinema and television screens. (Crosby 1960, 2) As well as programmes about Al Capone, the Purple Gang, and Jack the Ripper, ‘audience surveys prove that westerns are sure fire’. (*The Petal Paper* 1960, 4) But these categories were not cut-and-dry. As Leon C. Fletcher wrote in the *Journal of*

broadcasting, entertainment often bled into supposedly ‘factual’ programming. ‘To illustrate, "Navy Log," a program of dramatic stories of naval experiences based upon facts, was classified as entertainment, although often much educational material concerning naval operations was included.’ (Fletcher 1957, 36) Entertainment’s Janus-faced character was explained by Crosby. ‘More and more the idea is not so much to entertain us as to distract us from enjoying somebody else’ ... ‘The idea is now so much to get a rating as to destroy someone else’s rating.’ (Crosby 1957, 2) Ultimately, entertainment was a means to achieving good ratings. Entertainment did not refer to a self-enclosed or even definiable category of programming, but an amorphous set of requirements specific to the tastes of an audience. A programme was ‘entertaining’ if it attracted lots of viewers.

However important the need to entertain viewers was to broadcasters, it was sometimes compromised by industry racism. As Bob Pondillo relates, ‘The Nat King Cole Show was the number one variety show in New York City. In Los Angeles it had landed in the top ten and pulled within three Trendex rating points of CBS-TV’s \$64,000 Dollar Question, a show that ranked fourth among all programs of the 1956–57 season’. (Pondillo 2005, 11-12, in Freidwald 2020, 365) Despite heavy backing from NBC chairman David Sarnoff, no sponsors could be found because Cole was black. NBC reached out to ‘a cosmetics manufacturer’ who declined to sponsor the show because ‘Negroes can’t sell cosmetics’. (Friedwald 2020, 366) The show was subsequently discontinued. Meanwhile, screenwriter Rod Serling approached ABC to dramatise the events of Emmett Till’s murder. (Nadel 2005, 34) While *Jet* magazine disseminated images of Till’s deformed features at his open-casket funeral, Serling was met with resistance by television commissioners. His series was eventually commissioned, but edited to the point that Till was neither black nor a southerner. (Nadel 2005, 34) The technological need to entertain drove the direction of television content but sometimes it failed to overcome the historically specific character of the imagined audience’s tastes.

1.3 Quiz Show Scandals

One of the most entertaining genres of television to 1950s audiences was quiz shows. From 1956-1957, *The \$64,000 Question* was the fourth most viewed show on television, racking up an estimated audience of 14,159,600 people.⁵⁴ Revlon, a cosmetics manufacturer, paid CBS \$80,000 per show. (Edgerton 2007, 153) Quiz shows quickly proliferated, with *The*

⁵⁴ ‘TV Ratings: 1956-1957’, TV ratings index, <http://www.classictvhits.com/tvratings/1956.htm>

Big Game, Dotto, The Price Is Right, Twenty One, Tic Tac Dough, and many others replicating the format of *The \$64,000 Question*.

Quiz shows' success can be partially attributed to a technically astute understanding of audience tastes. Patrick E. Welch identified two main reasons for quiz shows' success in the *Journal of Broadcasting*: (1) honing a regular format and (2) depicting unpredictable human behaviour. First, Welch wrote that 'the program itself is the star attraction. Today's quiz programs rely on a format, not on a master of ceremonies. As a matter of fact, they are a triumph of format'. (Welch 1958, 315) This format was 'built on the level of a pinball machine; the mechanism of each program, its dynamics, speed, energy, become supremely significant—how often contestants are changed, how often they return week after week, how often questions are missed, how often questions are answered correctly, how large the prize is.' (Welch 1958, 315) Like pinball machines, the appeal of quiz shows lay in their frothy vitality and fast-paced action.

Second, the varied and fast-paced format of quiz shows enabled broadcasters to produce a compelling exploration of the human condition. Welch quoted Gilbert Seldes, a contemporary TV critic, in pointing out that 'people are interested in people'. (Seldes 1951, 186, in Welch 1958, 312) Shows were centered around real humans under pressure to perform and so 'the producers take a chance on the decency of ordinary people. They run the risk of dullness; but if dullness comes, it at least comes naturally and spontaneously'. (Welch 1958, 317) Welch concluded that 'the future of the quiz program is comparable to the future of any form of entertainment. The good, solid, well-structured programs will last, and the poorly presented imitations (of which there are too many today) will fall by the wayside'. (Welch 1958, 318) While there was no prescribed list of features which made a show 'entertaining', quiz shows proved that networks could employ some identifiable techniques to enhance the entertainment value of a programme.

As well as a successful format, quiz shows enjoyed cultural relevance in the context of 1950s America. Sally Smith writes that the 'quiz show meshed perfectly with the materialism of the times. The postwar economy was booming, and wages were rising rapidly. Consumers bought homes, cars, household appliances, novelties, and luxury items. And television advertising both celebrated and fanned the buying image. When quiz show winners marched off with their loot, they were fulfilling an American Dream—a dream defined by television'. (Smith 1990, 377-378) Quiz shows were 'entertaining' because of a combination of technically astute formatting and contemporary relevance.

When the quiz show scandals unexpectedly arrived in the summer of 1958, they ravaged the television industry. Starting with *Dotto*, it emerged that producers had been giving contestants correct answers to encourage more exciting outcomes. (Edgerton 2007, 199) Twenty quiz shows left the air within days, removing a major source of income for the big three networks (NBC, CBS, and ABC). (Edgerton 2007, 199) The scandals were also disastrous for television's reputation amongst the imagined audience. If quiz shows had celebrated the opportunities afforded by the American dream, the realisation that they were fixed belaboured the self-belief of successful, suburban Americans. It also revealed that the pursuit of ratings was not always innocent but that networks could be duplicitous. Both materially and reputationally, the scandals were a crisis for television networks. At the same moment as the Supreme Court decided the fate of the Little Rock nine and other young African-Americans in Arkansas wanting to attend school in *Cooper vs Aaron*, the television industry was wracked with introspection and controversy.

The scandals added fire to a general critique of 'trash TV'. Two months after the cancellation of *Dotto* in August, veteran broadcaster Ed Murrow gave a speech to the 1958 Radio Television Digital News Association convention in which he bemoaned the 'intellectual ghetto' epitomised by Sunday afternoon television. (Murrow 1958) He told the audience 'You will forgive me for not telling you that instruments with which you work are miraculous, that your responsibility is unprecedented or that your aspirations are frequently frustrated', but that 'sometimes there is a clash between the public interest and the corporate interest'. (Murrow 1958) This made it 'very hard to prove the magnitude of the benefit accruing to the corporation which gave up one night of a variety or quiz show in order that the network might marshal its skills to do a thorough-going job on the present status of NATO, or plans for controlling nuclear tests'. (Murrow 1958) To do so would rid television of its intellectually backwards, 'ghettoised' status. This popular critique of television achieved institutional support when Newton N. Minow was appointed Chairman of the Federal Communications Commission in 1961. In his famous acceptance speech, Minow agreed with Murrow's belief in the potential of television arguing that 'when television is good, nothing — not the theater, not the magazines or newspapers — nothing is better'. (Minow 1961) But in its current state television failed to live up to its promise, instead it was a 'vast wasteland' comprising 'a procession of game shows, formula comedies about totally unbelievable families, blood and thunder, mayhem, violence, sadism, murder, western bad men, western good men, private eyes, gangsters, more violence, and cartoons'. (Minow 1961) Television had always faced the accusation that it degraded the

population with ‘trash’. But in 1961, general critique was converted into institutional might when television was compelled by the FCC to switch from quiz shows to ‘public interest’ broadcasting.



Two contestants compete on rigged quiz show ‘Twenty One’. (NBC 1957)

1.4 What was the ‘Public Interest’?

Seen as the antithesis to westerns and quiz shows, coverage of current affairs was deemed to be in the public interest. A piece in the Mississippian *Petal Paper* called for television to ‘shift away from the pervading Entertainers Ethic and toward the traditions of journalism’. (*The Petal Paper* 1960) Minow, meanwhile, compared the plight of the television industry with newspapers, pointing out that ‘newspaper publishers take popularity ratings too. And the answers are pretty clear: It is almost always the comics, followed by advice to the lovelorn columns. But, ladies and gentlemen, the news is still on the front page of all newspapers; the editorials are not replaced by more comics; and the newspapers have not become one long collection of advice to the lovelorn.’ (Minow 1961) Instead of the ‘Entertainers Ethic’, a hard diet of news and current affairs was in the public’s real interest.

To serve the public interest, current affairs coverage on television had to protect a fundamental consensus. Contemporary political scientists like Robert Dahl and David Truman challenged the idea that there was a universal ‘public interest’. (Purcell 1973, 261) Instead, in

a pluralistic democracy like the United States there were many different interests for different publics. This conception of the public interest clearly resonated with Minow, who insisted ‘I believe that the public interest is made up of many interests’. (Minow 1961) But as historian Edward A. Purcell points out, relativists like Dahl and Truman accredited the maintenance of stability in such a diverse society to an underpinning cultural consensus. (Purcell 1973, 255) This analysis was normative: it was good that American democracy allowed for debate and it was healthy for cultural consensus to prevent disagreement from spiraling into anarchy. The commitment to a stable consensus was echoed by broadcasters such as Harold Essex, President of the Triangle Broadcasting Corporation of Winston-Salem, North Carolina. Writing in the *Journal of Broadcasting*, he argued that broadcasters must serve the public interest by following a code of conduct centred around ‘respectability’. (Essex 1965, 286) Essex associated ‘respectability’ with being ‘worthy of note’, ‘worthy of esteem’, ‘decent in behavior’, and ‘correct in conduct’. (Essex 1965, 286) Current affairs offered a genre of programming which could be deemed in the ‘public interest’, but only if its content preserved a respectable and well-behaved consensus.

Television needed to balance catering to the FCC’s guidelines with serving an even more demanding master: the imagined audience. A *Journal of Broadcasting* article explained that ‘agencies seek, through enormous research, to isolate the target audience who are potential customers for their sponsor-client's product or service and to devise a combination of programs and commercials which will hit that target.’ (Bryant 1961, 11) Hence Paul Klein, the vice-president for audience interaction at NBC, devised the Least Objectionable Programme (LOP) theory. (Brown 1992, 300) LOP theory was pretty self-explanatory: it averred that offending the audience should be avoided at all costs. (Brown 1992, 300) Not only did offending the viewer make them less likely to watch that programme or channel again, it tarnished the reputation of the advertiser associated with controversial material.

Moreover, while the post-quiz show landscape changed *how* networks could attract viewers, it did not change the intractable need *to* attract viewers. News divisions had filled the quiz show scandal-shaped void—by 1960 NBC and CBS were spending \$20 million per year on news and public affairs. (Ponce de Leon 2016, 45) In 1966 NBC News entered into the war for ratings when it advertised in *Variety* that ‘at a time when the other networks were broadcasting their regular daytime entertainment fare, their combined audience again did not equal the total audience tuned to NBC News, which was carrying the Gemini story’. (NBC 1966, 32) While current affairs coverage was acceptable to networks’ critics because it was not

labelled as ‘entertainment’, it still needed to be entertaining. Hence when Medgar Evers pleaded for more news coverage of the civil rights movement in the late 50s, he was told by networks that African-American suffering was ‘an old story... unless there were some twist to make it newsworthy’.(Evers-Williams and Peters 1996, 211)

2. Television Turns to Civil Rights c.1961-1966

The second wave of television historians examining the civil rights movement reject the notion that television had any inherent biases between 1961 and 1966. To this extent they agree with Michael Schudson that there was no technological politics inherent to television. These historians offer different accounts of the social practices influencing television: for Stephen Classen, television was ‘something people do’ and was thus bound up in contemporary social practices; Aniko Bodroghkozy, meanwhile, locates television in a longer history of the South’s engagement with ‘mass culture, market capitalism, and urban modernity’. (Classen 2004, 195; Bodroghkozy 2012, 7) But they are united in opposition to the argument proposed by the first wave of television historians that television was inherently biased towards helping the civil rights movement.

The second wave also agree that when civil rights and television’s interests overlapped, television served as an effective means of communication for the civil rights movement. According to Sasha Torres, the Southern Christian Leadership Conference (SCLC), SNCC, and the Congress of Racial Equality (CORE) ‘all understood the importance of television in placing Southern violence and intransigence on the national agenda’, leading them to pursue an ‘alliance’ with television networks. (Torres 2003, 23) Bodroghkozy extends the group of interests seeking to use television, pointing out that ‘both civil rights activists and Southern segregationists understood the political power of television’. (Bodroghkozy 2012, 5) As does Classen, characterising television and popular entertainment as ‘crucial sites of political and racial struggle’. (Classen 2004, 5) Recognising that segregationists also sought to harness the ‘power of television’ has further challenged the notion that television uniformly ‘helped’ the civil rights movement. But, for the second wave, when activists did gain access, television is deemed to have been helpful.

The work of second wave television historians can be built on through engagement with the ‘long movement’. As well as advocating an extended periodisation of civil rights, long movement scholars highlight that more radical arguments for racial equality coexisted with the

more moderate SCLC from 1961-1966. Jacquelyn Dowd Hall points out that alongside Martin Luther King Jr.'s moderate brand of civil rights, radical demands for fair housing and equal pay did persist from earlier movements. (Hall 2005, 1243) Timothy B. Tyson argues that the roots of more radical black power demands stretched way back into civil rights years through the story of activist Robert F. Williams. (Tyson 1999, 2) The dichotomy between 'civil rights activists' and 'segregationists', while productive in rebuking the first wave of television historians, fails, therefore, to capture the diversity of civil rights activism.

Taking these lessons from long movement scholars, this chapter will argue that television did have biases towards particularly telegenic strands of the civil rights movement. It is true that there was no bias towards a homogenous 'civil rights movement', but within the movement there was a bias towards the strands that would satisfy television's imagined audience. After the quiz show scandals, networks needed a big news story to provide television serving the 'public interest'. But they also still needed to cater to the same imagined audience that had delighted in quiz shows. The more conservative strands of the movement represented by the National Association for the Advancement of Colored People (NAACP), Martin Luther King Jr., and the SCLC were less threatening to the imagined audience than were more radical strands identified by Dowd Hall and Tyson. They were also more willing to choreograph protests and interviews to entertain television viewers. The second wave of historians are right in arguing that there was no political bias in the sense that powerful people in networks agreed with the NAACP and SCLC's arguments and therefore wanted to help them out. But this bias was political in a technological sense: television's technological imperatives predisposed it to telegenic arguments.

In return for their contributions, a televisual history of civil rights provides long movement scholars with a more nuanced media account. A key argument of this chapter is that the media type through which social movements articulate themselves profoundly shape how they are defined both by themselves and by others. While long movement scholars like Dowd-Hall identify a temporal change from more radical earlier black liberation struggles to the moderate civil rights movement from 1961-1966, they may also profit from examining changes in the movement according to media type. The kinds of arguments traced by Dowd Hall and Tyson flourished in local black press, while King and the SCLC preferred communicating through television.

This chapter will start by arguing that from 1961-1966, television was more than a ‘set of social practices’ or a passive medium of communication. It was an actor, seeking to align historical events with its own pursuit of ratings. This will be argued by identifying two ways in which television exercised agency: (1) by requiring activists to change their behaviour and arguments in order to fit in with television’s needs and (2) by advancing the most telegenic civil rights arguments as representative of a totalised movement. The rest of the chapter will be devoted to analysing what this ‘pursuit of ratings’ actually looked like. Sections two and three will trace an ongoing dialectic between two key imperatives of television news: to entertain viewers and to avoid offending its imagined audience. At times entertainment and moderation were complementary, at times they were in tension, but attempts to reconcile these two imperatives shaped television’s coverage of civil rights. Section two will focus on ways in which television attempted to package civil rights as an entertaining movement by applying quiz show techniques to television news, enhancing the spectacle of protests, and simplifying the arguments put forward by different activists. Section three will turn attention to the ways in which television favoured moderate civil rights arguments. While audiences could now tolerate seeing black people on their television screens, networks deployed Least Objectionable Programme (LOP) theory by presenting civil rights activists as ‘civil rights subjects’, patriotic, and primarily concerned with virulent Southern racism rather than challenging racial structures in the North.

This will be achieved by analysing both television news and documentaries. This is because a combination of the two constituted networks’ response to Murrow’s demand for more current affairs coverage. While the documentaries are mainly from national networks, news coverage is from local CBS and NBC affiliates based in Roanoke, Virginia. These were called WDBJ and WSLS respectively. The selection of news coverage from local affiliates is partly due to research constraints.⁵⁵ But it also accrues some benefits: tracing similar themes across both local and national coverage affords a comprehensive account of television in 1960s America. Moreover, despite operating south of the Mason-Dixon line, WDBJ and WSLS were not avowedly segregationist stations like WJTV and WLBT in Jackson, Mississippi. Unlike local newspapers which were controlled by segregationist Governor Byrd, WDBJ and WSLS were independent and therefore subject to similar imperatives to their parent networks. (Thomas 2004)

⁵⁵ This was due to the impact of COVID-19.

2.1 Television as an Actor

Television's prioritisation of an entertaining and moderate civil rights redefined the movement in two ways. First, as activists consciously altered their behaviour and goals to fit in with television's need to entertain its imagined audience. A suited, articulate King appeared on an episode of the New York discussion show 'The Open Mind' entitled 'The New Negro'.⁵⁶ He thanked the audience for the 'tremendous response and sympathy from many many white persons of goodwill all over the nation who have given moral support and a great deal of encouragement'.⁵⁷ Then, he reassured viewers that while 'there was a time that the negro used duplicity and deception as survival techniques', the 'new negro is a new person with a sense of dignity and destiny, with a new self-respect'.⁵⁸ Conversely, the SNCC's advocacy film 'We'll Never Turn Back' made no attempt to portray themselves as a new breed of honest and respectable activists. (Richards 1963, 28:50) Shot in Mississippi, the film was produced to prepare Freedom Summer participants for interacting with poor, African-American farmers. One such farmer was Mrs Mildred Evans, who informed the viewer that she lived on 'Mr. W.D Field's plantation for 11 years' and had 8 children who did not attend school regularly due to a lack of food, clothing, and money. (Richards 1963) The narrator, Charles McDew, observed 'the pain and heartfelt assumption that we are not in an island of perfection but in fact a land of imperfection in an imperfect world'. (Richards 1963) Where King was debonair and in control, Evans was ragged and upset. Where King offered a vision of optimism and faith in the good people of America, McDew lamented the ubiquity of 'imperfection'. The plight of Evans did not qualify for commercial television. Undoubtedly, King did care about the plight of people like Evans. But the set of biases and needs held by early 1960s television necessitated a tactical performance from him where he spoke about different issues.

Second, television networks exercised agency by elevating the most telegenic strands of the civil rights movement. As a 1960 *Journal of Broadcasting* editorial recognised that 'Broadcasting's need to present exciting and entertaining programs has caused it to change in part from "reporter" to "participant" in politics.' (*Journal of Broadcasting* Spring 1960, 95) Because television was a participant, not a reporter, activists' power to control how television would cover them was limited. Before a documentary on WLBT entitled 'The American

⁵⁶ CUNY TV, 'The New Negro', episode of 'The Open Mind', 10 February 1957, *Internet Archive*, posted by 'The Open Mind', 21 October 2003

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

Revolution of 1963', the host, Frank McGhee, stated that 'the immediate goal [of civil rights activism] is equal entrance to, and service by, places doing business with the public'. (Classen 2004, 53) This was at odds with Ella Baker's proclamation that 'the current sit-in and other demonstrations are concerned with something bigger than a hamburger'. (Sitkoff 1993, 86, in Classen 2004, 53) By intervening to select their favoured civil rights activists, television networks conferred celebrity status upon them. This gave them direct access to the legislative process. Politicians like Lyndon Johnson were keen to rub shoulders conspicuously with figures in the public eye. By privileging what television wanted civil rights to mean over what activists themselves were saying, networks had a say in which parts of the movement were successful. Televisual agency empowered networks to directly influence historical phenomena according to their need for ratings.



Farmer interviewed in SNCC advocacy film 'We'll Never Turn Back'. (Richards 1963)

2.2 Creating an Entertaining 'Civil Rights'

Broadcasters balanced the need for 'public interest' programming with the need to entertain by applying the techniques of quiz shows to coverage of civil rights protests. They borrowed two techniques in particular: (1) honing a regular format and (2) recording unpredictable human behaviour. The regular format adopted by television news has been termed 'now...this' news by Neil Postman. (Postman 2006, 116) Like Welch's 'pinball machine', Postman argues that in order to reach vast audiences, news divisions put together short clips about a wide variety of subjects in order to continuously stimulate viewers' attention. The brevity and superficiality of

these clips determines what kind of topics can be feasibly covered. (Postman 2006, 124) One of WDBJ's favourite ways to implement 'now...this' news programming was to interview students on the topic of school segregation. In a series of newscasts, ranging from 30 seconds to 1 minute 29 seconds, students were asked by journalists whether they thought schools should be segregated or not.⁵⁹ Some said yes, some said no. But in their role as school students, all became regular characters in the drama of school desegregation despite individual anonymity. The compatibility of interviewing laconic students with a 'now...this' news format ensured that school desegregation remained at the top of the news agenda, as opposed to poverty faced by Mildred Evans.

The second way in which television news applied the entertainment methods of quiz shows was to accentuate the unpredictability of human behaviour. Coverage of civil rights protests provided a similarly compelling exploration of the human condition: the behaviour of large, angry crowds offered high-stakes unpredictability. The chance that these protests could turn violent was held aloft in front of the viewer, just like the jackpot prize. At a sit-in in Danville, SNCC member Bob Zellner was anxious to stress that sit-ins were non-violent protest methods seeking to achieve 'the type of society that we all basically want'.⁶⁰ In another report on the 1963 Danville demonstrations, Mayor Stinson reported that police had found weapons such as 'guns, knives, ice picks' in the possession of demonstrators, claiming that this 'made a mockery' of a commitment to non-violence.⁶¹ Segregationists and protestors conspired to keep violence on the agenda because conspicuous non-violence enhanced the legitimacy of protestors. Networks like WDBJ did not need to take a side on the veracity of either sides' claims. They were happy to report claims from both sides because, as long as violence remained the subject of discussion, the possibility of it appearing on screen kept the viewer watching.

⁵⁹ WDBJ, 'Three White Lane High School Students Interview', WDBJ, Summer or Fall 1958a, *University of Virginia - Television News of the Civil Rights Era 1950-1970* 00:29; WDBJ, 'White Female Students Talk About Integration at Lane High, Private Education, and Postsecondary Options', Summer or Fall 1958b, *University of Virginia - Television News of the Civil Rights Era 1950-1970* 01:33; WDBJ, 'Prince Edward County, Bus Stop Interview', September 10, 1963b, *University of Virginia - Television News of the Civil Rights Era* 00:31

⁶⁰ WDBJ, 'Danville Demonstrations, Sit-In at Howard Johnson's Restaurant', Summer 1963a, *University of Virginia - Television News of the Civil Rights Era* 00:31

⁶¹ WDBJ, 'Mayor Stinson, Danville Law and Order', WDBJ, Summer 1963c, *University of Virginia - Television News of the Civil Rights Era* 02:07

Civil rights protests also met networks' need to entertain because they were spectacles. By 1965, George Schattler, a producer of variety shows, could still tell *Variety* magazine that 'I would do [an 'all-negro show'] not to further civil rights, but just for pure entertainment'.⁶² Indeed, in a particularly brazen display of televisual hubris, Schattler characterised the reduction of African-Americans on screen to their entertainment value as progress when he hoped that 'Five years from now we will be at a point where to present a Negro is not to present a side in an argument'. (*Variety*, 1965) Clearly audience tastes had changed since Nat King Cole and Emmett Till could not make it onto television in the late 1950s. Networks added to the inherent spectacle of black people on television by ramping up the drama of box office 'civil rights' moments. Like many others, NBC documentary *Civil Rights Movement: The South* devoted screen time to George Wallace's attempt to block the admission of students to the University of Alabama.⁶³ The scene was set by showing footage of the state national guard training, interspersed with clips of rioting at Ole' Miss after James Meredith's admission nearly a year before.⁶⁴ Then, the famous confrontation between General Henry V. Graham 'wearing the beret of special forces' and Wallace was shown along with a speech of defiance from the governor.⁶⁵ Perhaps this moment would not have been so politically powerful if not for the dramatic footage afforded by television cameras. But at the same time, coverage of the most spectacular moments made television a storyteller. Events such as the doorway confrontation earned their place in civil rights folklore not just because they were important or reflective of racial strife in 1960s America, but because they were entertaining as well.

Broadcasters further enhanced the entertainment yield of civil rights activists by simplifying them. Independent documentary maker Jerry Fairbanks explained to a *Variety* journalist that 'the public wants to learn, if it can do so painlessly and palatably'. (Broady 1969, 100) CBS heeded this advice in its production of *Ku Klux Klan: The Invisible Empire*. The KKK was dismissed by the reporter as a 'joke' that started off with men 'donning bedsheets and going out for a romp'. (CBS, Lowe and Kurait 1965) As the reporter explained the responsibilities of the 'Klan Klud' and the 'nighthawk' against a backdrop of bizarre rituals, the audience was left with a distinct impression that the KKK were not to be taken seriously.⁶⁶

⁶² Variety Archives, *Variety Magazine*, <https://www.varietyultimate.com/> (1965, 16)

⁶³ NBC, 'Civil Rights Movement: The South', episode of 'American Revolution of 1963', 1963a, Internet Archive, posted by 'National Broadcasting Company', 01 December 2015, 27:09

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ CBS, David Lowe and Charles Kurait, 'Ku Klux Klan: The Invisible Empire', episode of CBS Reports, CBS, 1965, *Internet Archive*, posted by 'Carousel Films', 30 May 2015

They would be shocked to learn that the KKK were considered a very real threat by organisers of marches in the South: Deacons for Defence and Justice were founded in 1964 to protect CORE volunteers from KKK attacks. (Wendt 2006, 147) The portrayal of the fight for racial equality as a manichean battle against a minority of white supremacists did not confine itself to commercial television. *Five Cities of June* was sponsored by the United States Information Agency (USIA) and returned to Wallace's standoff with federalised national guard officials. The narrator introduced the affair by informing the viewer that 'though the vast majority of the United States was in sympathy with the negro, some of them were not'.⁶⁷ Just like the KKK, Wallace was portrayed as a pantomime villain with minimal support. The fact that he won 9,901,118 popular votes in the 1968 election would come as another shock to viewers. The common denominator between commercial and USIA television was that their scripts were not under activists' control. By intentionally antagonising arch-segregationists like Bull Connor, the SCLC were choreographing displays for television. King reportedly called off marches if no mob turned up to attack marchers or if no television cameras were present. (Donovan and Schere 1992, 16) But they were also fitting into a role that they had limited capacity to define. Television's script for civil rights was a simplified drama in which the KKK, Bull Connor, and George Wallace were all arch-villains battling it out against a homogenised 'civil rights' led by King. The 'twist' that Evers had been instructed to look for had been found; civil rights had become 'newsworthy'.

2.3 Moderating 'Civil Rights'

Television moderated civil rights for its imagined audience by portraying protesters as middle-class, respectable 'civil rights subjects'. Herman Gray argues that television portrays the 'civil rights subject' as the quintessential civil rights activist. (Gray 1997, 353) Often male and donning suits and glasses, civil rights subjects are portrayed as 'exemplars of citizenship' who embody 'success, mobility, hard work, sacrifice, and individualism'. (Gray 1997, 353) Gray writes about 1970s and 1980s programming, but Bodroghkozy points out that this trope also existed in the 1960s. (Bodroghkozy 2012, 50) WDBJ's coverage of the Danville demonstrations consistently sought out footage of suited men praying at protests. One news segment included a classic civil rights subject in Reverend I. A. Dunlap leading a public prayer

⁶⁷ USIA, George Stevens Jr. and Bruce Herschensohn, 'Five Cities of June', 1963, Internet Archive, posted by 'United States Information Agency', 23 November 2013, 27:11

for the Police Chief Eugene McCain whose force beat demonstrators on June 10, 1963.⁶⁸ But Bodroghkozy does not note that networks' propensity for civil rights subjects also led to a bias towards particular aims and strands of the movement. The SCLC and NAACP were always happy to offer a suited and articulate spokesperson for the evening report. It is no coincidence that the segment of Dunlap also recorded him praying for the respectable goals of equal opportunity and access to educational institutions, as opposed to the socio-economic strife of people like Mildred Evans. There was, though, a tension between the desirability of civil rights subjects and the cultivation of unpredictable behaviour on screen. Modest, relatable men like Dunlap were certainly less striking to the imagined audience than the demonstrators wielding 'guns, knives, and ice picks'. The imperatives towards moderation and entertainment were thus in occasional tension.



A classic 'civil rights subject'. Very different to the farmers interviewed for 'We'll Never Turn Back'.⁶⁹

Another way in which television moderated the civil rights movement was by portraying it as pro-American. Glenda Elizabeth Gilmore criticises 'stories that the media told

⁶⁸ WDBJ, 'Danville Demonstrations, Prayer on Court Steps', WDBJ, Summer 1963d, *University of Virginia - Television News of the Civil Rights Era 1950-1970* 00:49

⁶⁹ North Carolina Film Board, 'A Knocking at the Gate', episode of 'Minority Report, 1964, Internet Archive, posted by 'University of North Carolina at Chapel Hill', May 28 2015 27:24

of the movement' for reducing civil rights to 'school integration, access to public accommodation, and voting rights'. (Gilmore 2008, 9) For Gilmore, this supplanted an argument stretching back to the Popular Front in the 1930s that racial inequality was endemic to the United States. The patriotic stories that Gilmore associates with 'the media' were certainly prominent on television. Reverend Lawrence Campbell insisted to a WDBJ interviewer at the Danville demonstrations that protesters would fight for freedom because 'we love America and we love Danville'.⁷⁰ King offered a similar point of view in his performance on 'The New Negro' by admitting that 'in the South the lines are more closely drawn' before expressing his faith in the American people by claiming that a majority of Southerners expressed a 'silent sympathy' for civil rights.⁷¹ But if attention is shifted to different media types, a different tone prevails. In an article exploring 'The Workers' Front and Challenges', The *Indianapolis Recorder* quoted union leader Philip Randolph asserting that "'The central struggle of the Negro today . . . is to sweep away all of the vestiges, remnants and survivals of the old slave order.'" ⁷² Calling for an extended periodisation of the civil rights movement, Gilmore identifies temporal change as the key indicator of civil rights moderation. But the long school could be deepened by appreciating that the radicalism of civil rights does not only depend on which decade the historian examines, but which media type. A television viewer would understand the movement to be more patriotic than would a reader of a local black newspaper.

Finally, television coverage compartmentalised racism as a Southern problem. Sprague Vonier pointed out in the *Journal of Broadcasting* that 'Most television programs are created for and consumed by the city dwellers of North America and this set of folk standards constitutes the only major premise acceptable to them for the telling of stories'. (Vonier 1966, 5) He termed this set of 'folk standards' the 'North American urban outlook'. (Vonier 1966, 5) Conformity to the 'North American urban outlook' is clear to see in a comparison of two documentaries produced by NBC in the 'American Revolution' series called *Civil Rights Movement: The South* and *Civil rights movement: The North. The South* acclaimed non-violent protest as a noble American technique with the narrator commenting that 'there is remarkable unanimity on the philosophy shaping the revolution's methods. It did not originate with a frail

⁷⁰ WDBJ, 'WDBJ Interview with Reverend Lawrence Campbell', Summer 1963e, *University of Virginia - Television News of the Civil Rights Era 1950-1970* 00:33

⁷¹ CUNY TV, 'The New Negro', episode of 'The Open Mind', 10 February 1957, *Internet Archive*, posted by 'The Open Mind', 21 October 2003

⁷² The Indianapolis Recorder, Hoosier State Chronicles
<https://newspapers.library.in.gov/?a=cl&cl=CL1&sp=INR&> 4 March 1961

and loin-clothed Gandhi in India but with a fiercely independent American recluse', referring to Henry Thoreau.⁷³ On the other hand, the movement in *The North* was said to be orchestrated by 'black muslims', following Elijah Mohammed in believing that 'the white man is the devil, the source of all evil'.⁷⁴ Television historians like Bodroghkozy and Torres usually focus on television coverage of the Southern civil rights movement. This is understandable: given that television networks were also preoccupied with the struggle in the South, source material is far more abundant on events like the 1963 March on Washington and Selma in 1965. But when juxtaposed with coverage of the Northern civil rights movement, the message of networks is clear. Peacefully protesting against de jure racism in the South was noble and American, but confronting de facto racism in the North was extremist. Unlike the civil rights subject trope, this instance of moderation reinforced the ambitions of entertainment. A focus on the South encouraged coverage of arch-villains like Wallace and the KKK while simultaneously undermining the more radical demands made in the North.

3. Black Power c.1966-1970

Television historians of the civil rights movement often end their analysis in 1966. Sasha Torres and Aniko Bodroghkozy both do so because this is when the supposed 'alliance' between television networks and civil rights terminated. This periodisation is accurate to some extent—television explicitly turned on the movement after 1966—but the long school teaches TV historians that the notion of rupture in 1966 has been exaggerated. This raises an important question for TV historians which warrants extending their purview: if differences between civil rights and black power have been exaggerated, why did television coverage change so drastically? Meanwhile, by drawing attention to media techniques in enhancing audience satisfaction when covering racial politics, a televisual history of black power provides an origin story for the myth of a break between civil rights and black power.

Television coverage of civil rights changed post-1966 because television's politics had not. Networks still sought to entertain their imagined audience without confrontation. But unlike the NAACP and SCLC, black power would not offer interviewees to preach solidarity with their white brethren. So television news found a new role for activists opposing racial

⁷³ NBC, 'Civil Rights Movement: The South', episode of 'American Revolution of 1963', 1963a, Internet Archive, posted by 'National Broadcasting Company', 01 December 2015

⁷⁴ NBC, 'Civil Rights Movement: The North', episode of 'American Revolution of 1963', NBC, 02 July 1963b, Internet Archive, posted by 'National Broadcasting Company', 02 February 2015 23:09

equality. They went from the good guys opposing arch-villains like the KKK and George Wallace to fulfilling the role of arch-villains themselves. Black power was portrayed as a violent and extreme movement but one that did not enjoy much support and so, while an interesting phenomenon, did not pose a serious threat to suburbanites. Television was acting to further its own interest; not being ‘used’ as a medium of communication.

This will be argued by first returning to television’s needs, pointing out that networks still needed to entertain their imagined audience. Second, it will be pointed out that while there were some differences between civil rights and black power, they were minimal. This serves to problematise the differences that television alleged between ‘civil rights’ and black power. The rest of the chapter will analyse television coverage and compare it to other media sources to illustrate how focussing on protests rather than content, mobilising the ‘black militant trope’ siding with law and order, expressing nostalgia for the civil rights years, characterising race as a problem of individual attitudes, and tactically deploying region in news coverage of black power served to satisfy television’s own needs. Towards the end of the chapter commercial television’s treatment of race will be compared with *Black Journal*, a publically funded show ‘by blacks, for blacks’. This comparison concludes the dissertation by illustrating the differences between a social movement speaking for itself, and a social movement being spoken on behalf of.

3.1 Television’s Needs

The technological requirement to entertain its imagined audience continued to shape television coverage from 1966-1970. A 1969 article in the *Journal of Broadcasting* wrote that ‘when broadcasting diminishes the number of persons who are able to attend to it as members of audiences, or when it diminishes their abilities to attend, it reduces its own possible productivity. *Repulsive* programs or *boring* ones are not in the interest of increased productivity’ (my italicisation). (Harwood 1970, 8) Meanwhile, Carey McWilliams, editor of *The Nation*, told a 1969 conference on Mass Media and Race that television’s interest in the civil rights movement was waning for two reasons. First, because when ‘the civil rights movement moved North, it was getting too close to home’: it was becoming too confrontational, or ‘repulsive’ in the words of the *Journal*.⁷⁵ Second, because television was tuned to ‘action’ but ‘in the past two years the civil rights movement has become more complex and not as action oriented’.⁷⁶

⁷⁵ Variety Archives, Variety Magazine <https://www.varietyultimate.com/> (16 April 1969, 39)

⁷⁶ Variety Archives, Variety Magazine <https://www.varietyultimate.com/> (16 April, 1969)

It was becoming 'boring'. Both points were encapsulated by a manager at NET complaining to William Kobin, NET's program director, that in commissioning *Black Journal* the station was 'going too fast for our primarily white middle-class audience. After all, TV is still largely an escapist medium. They don't want to be reminded of all that stuff'. (Heitner 2013, 84)

It was harder to conceal the 'repulsive' elements of black power than it was with the civil rights movement. Where moderate strands of the civil rights movement had been happy to offer spokespersons for television interviews, black power were more reluctant. Black power was born in periodicals circulated throughout the 1960s such as *Muhammad Speaks*, *The Baltimore Afro-American*, *Soulbook*, *Freedomways*, and *Liberator*. (Joseph 2006, 12) Accompanying the proliferation of periodicals were black-owned bookstores which Joshua C. Davis labels 'anchors of the black power movement'. (Davis 2017) These local, self-run, print based media were the antithesis of television news. Black power also articulated itself through local arts scenes emerging in cities like New York, Chicago, and Los Angeles to the extent that James Smethurst, a scholar of African American literature, argues that rather than seeing black arts as the 'cultural wing of black power', black power could be seen as 'the political wing of Black arts'. (Smethurst 2005, 14) Suspicious of television's capitalistic and compromising tendencies, black power found alternative media through which to communicate. They were less likely to pose as civil rights subjects for the benefit of networks.

Therefore, television coverage of black power sought to accentuate the 'action' of black power activists without confronting the viewer. If black power were not willing to cooperate with television in the same way as the SCLC and Martin Luther King Jr. had been, television needed an alternative strategy to make black power newsworthy. As an advert for American International Television boasted, 'fast paced action' was 'the ingredient for MUST television viewing and 'top' ratings' in 1967.⁷⁷ By broadcasting the most exciting strands of black power, news channels could preserve the civil rights struggle as an entertaining current affairs topic. Moreover, by exaggerating the militancy and extremism of black power activists led by Stokely Carmichael, or 'Stoke the joke' as networks branded him, television suggested that black power's demands were so unreasonable they deserved very little support. If entertainment and moderation had existed in dialectical tension from 1961-1966, no synthesis had been reached. Because black power was not as accommodating as the SCLC, it became a source of pure entertainment.

⁷⁷ Variety Archives, Variety Magazine <https://www.varietyultimate.com/> (1966, 41)

3.2 From Civil Rights to Black Power

There were some substantive differences between the televised civil rights movement and black power. Sundiata Keita Cha-Jua and Clarence Lang argue that in collapsing temporal and conceptual distinctions between civil rights and black power, the long movement totalises the civil rights movement, locating it outside of time and thus draining it of historical relevance. (Cha-jua and Lang 2007, 269) Black power advocated African-American nationalism, nurturing it through movements like the 'Black Convention Movement', in which 1966, 1968, and 1969 black power conferences promoted a fight against a white American identity. (Woodard 1999, 2) This differed from a commitment to integration predominant in the SCLC and NAACP.

However, the change in television coverage from the civil rights movement to black power was not commensurate to the substantive differences between the two movements. Many differences between the civil rights movement and black power were stylistic. As Simon Hall highlights, John A. Morsell, the vice-president of the NAACP, claimed that black power was essentially repeating the arguments of the NAACP but more aggressively. (Hall 2007, 61-62) Substantive similarities in positions on self-defence, voting power, and economic pride outstripped rhetorical differences. (Hall 2007, 52) This argument is reinforced by Tom Adam Davies who suggests that the trope of black power activists as revolutionaries has been romanticised. (Davies 2017, 9) Instead, the black power impulse was exercised through a utilisation of mainstream welfare programmes like Robert Kennedy's Community Defence Corporations (CDCs) and the offer of localised economic self-determination in Nixon's 'black capitalism' policy platform. (Davies 2017, 15, 60) As a medium that sought primarily to entertain through the dissemination of images, it was profitable for television to confuse style with substance. In doing so, networks erected a false dichotomy between 'civil rights' and 'black power'.

3.3 Focussing on Protests Instead of Topics

The first technique through which networks exaggerated the differences between civil rights and black power was to consistently focus on protests themselves rather than the issues that activists were protesting against. Neil Postman's 'now...this' news, in which entertaining the viewer is prioritised over informing them, dominated coverage of black power. On August

8th 1968, NBC evening news reported on ‘the first racial disturbance’ experienced in Miami.⁷⁸ Thirty seconds was allocated to explain that ‘Negro mobs’ were voicing ‘concerns on housing, jobs and general community conditions’ before the rest of the report went to detail the protests themselves.⁷⁹ Footage showed large angry groups, houses on fire, and injured citizens, all cut to descriptions by the reporter of ‘stores being smashed, vandalism, and looting’ with ‘one crowd throwing bottles and chunks of concrete’. (NBC Evening News 1968) This was jammed between an advert for dog food and a report on Prchlik being nominated for a position in the Czech communist party. As they had done when keeping the potentiality of violence at the forefront of viewers’ minds from 1961-1966, networks distracted from the issues black power mobilised to oppose by devoting attention to *forms* of protest.

News programming’s attempt to seek out ‘action’ in protests did not always nullify black power. Coverage of Tommie Smith and John Carlos’s decision to raise their black gloved fists at the awards ceremony of the 1968 Olympics followed the television news playbook. In an interview, Smith was asked to explain each item of clothing he had donned on the awards podium.⁸⁰ The gloved right hand combined with Carlos’s gloved left hand to symbolise black unity; ‘blackness’ was symbolised by the scarf; and the socks without shoes drew attention to black poverty.⁸¹ Once again, news chose to focus on the form of protest rather than the issues that Smith and Carlos were protesting against. But, in a sense, they did not need to. The United States had been publicly embarrassed on the world stage by two athletes the nation itself had elevated as champions. On this occasion, television’s hunger for spectacle and a complex, radical critique of race in America had overlapped. This is significant because it reveals that entertainment and protest were not mutually exclusive: the ‘shock factor’ *could* override Least Objectionable Programme (LOP) theory. It also serves as a reminder that television, while an actor, was not an omnipotent puppet master. The globality and magnitude of victory at the Olympics meant that Smith and Carlos’s stunt would have been conspicuous in its absence. Television was, to some extent, constrained by external expectations of what constituted ‘headline news’. But while telling, this overlap was rare amidst reports of ‘Negro mobs’.

⁷⁸ NBC Evening News, ‘Racial Unrest / Miami #441765’, 08 August 1968, *Vanderbilt Television News Archive*. 02:40

⁷⁹ *Ibid.*

⁸⁰ ABC Evening News, ‘Olympics / Black Power #129’, 17 October 1968a, *Vanderbilt Television News Archive*. 03:40

⁸¹ *Ibid.*



Tommie Smith and John Carlos's black power salute at the 1968 Olympics.⁸² An important caveat.

3.4 Black Militant vs Law and Order

Television news coverage also moved from depicting a 'civil rights subject' to the trope of 'black militant'. On ABC News's October 29th 1968 show, the regular anchor, Howard K. Smith, condemned what he termed 'black militancy'.⁸³ He complained that 'Since Dr Martin Luther King's death the Negro rights movement has been drifting aimlessly. There is a void of leadership and a confusion of purpose and some small-board Negro demagogues have tried to move into the vacuum with shouts and curses and threats to murder the police, and even lesser white honkies'.⁸⁴ Smith then went on to cite confrontational demands and pride in African-American identity as indications that activists were 'Ku Klux Klan types with a different pigment'.⁸⁵ For television networks, the Black Panther Party (BPP) were the quintessential black militants. When ABC Evening News covered BPP protesters calling for the release of Huey Newton on 5th January 1969, the viewer was reminded that Black Panthers 'are militant

⁸² 'Olympic Medallists giving Black Power', Bettmann Archive <https://photos.com/featured/olympic-medalists-giving-black-power-bettmann.html>

⁸³ ABC Evening News, 'Commentary (Black militancy) #308', 29 October 1968b, *Vanderbilt Television News Archive*. 01:40

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

blacks—they carry arms’ before the 1 minute 50 seconds report centred itself around footage of an American flag burning and a red flag being waved, while the narrator reported that quotes from Mao’s little red book were being read.⁸⁶ These choices of content were political choices. In making them, television communicated an historical break from the ‘civil rights’ era to radical and violent ‘black militants’.

The black militant trope also penetrated behind the cameras into television industry perspectives. An article in the Fall 1969 edition of *Journal of Broadcasting* tried to distance television from the accusations that it was adding fire to black power protests. The author conducted an audience survey paying particular attention to how ‘black militants’ engaged with footage of civic unrest on television. (Shosteck 1969, 377) Participants qualified for the ‘black militant’ category if they expressed a preference to be referred to as ‘Black’ rather than ‘Negro’. (Shosteck 1969, 378) Categories constructed for their entertainment value were more than cheap tropes deployed for the gratification of viewers: they conditioned how the industry understood and engaged with its imagined audience.

Other forms of media did not see a need to characterise black power in this way. Admittedly, the white press would often repeat the black militant trope themselves. *Time* magazine called black power a ‘racist philosophy’ which was ‘inching dangerously towards a philosophy of black separatism’. (Carson 1981, 222) But because newspapers allowed individual journalists to express their opinions, a more varied and self-reflective discussion examined newspapers’ ongoing treatment of black power. A *Newsweek* article in August 1966 pondered that ‘like any rebel without a cause, Carmichael overstates his case, but there is little doubt that many U.S newspapers, perplexed by a slogan that was ambiguous and undefined, failed to examine [black power] closely and put it in perspective’. (Carson 1981, 222) Moreover, the residual diversity surviving in the newspaper industry meant that black voices were heard to a greater extent than they were on television. An article in the *Indianapolis Recorder* acclaimed the trend of wearing afros as ‘a symbol of pride and the highest example of black beauty’.⁸⁷ Diversity and (limited) individual autonomy in newspaper coverage of black power allowed for a more thoughtful account of the movement than was provided by television.

⁸⁶ ABC Evening News, ‘Hospital Strike / King #5015’, April 1969a, *Vanderbilt Television News Archive*. 01:50

⁸⁷ The Indianapolis Recorder, Hoosier State Chronicles, <https://newspapers.library.in.gov/?a=cl&cl=CL1&sp=INR&> August 17, 1968, 1

As opponents of black militants, enforcers of law and order enjoyed favourable coverage from television news programming. In CBS Evening News's propagandistic exploration of 'police role', the narrator celebrated the police officer as 'a public servant, a guardian of the law abiding citizen against the lawless'.⁸⁸ He then went on to lament that 'virulent attacks by militants make life unpleasant for the patrolman on the beat' after an interview in which the leader of the BPP's New York branch, Joudon Ford, defended hostility towards 'pigs'.⁸⁹ CBS coverage of a shootout between Black Panthers and the police in Illinois on July 31st 1969 was less explicit but equally supportive of law and order.⁹⁰ The Fairness Doctrine dictated that television news was legally compelled to offer balanced coverage law. It was often the complaint of conservative commentators that implicit signalling successfully circumvented this requirement for 'objectivity'. (Hemmer 2017, 128-129) Such was the case in coverage of the Black Panthers shootout in Illinois. After an interview with an officer who got shot in the leg, the reporter self-consciously emphasised the effort made to provide both sides of the story.⁹¹ He reported that 'Black Panther Barbara Sankey was not present at the time, but today was on hand to provide the Panthers' side of the story'.⁹² While Sankey claimed that the police were lying, the images undermined her account by showing posters of Chairman Mao in the BPP headquarters, combatants being arrested, and footage of guns found in the building.⁹³ The viewer was left with the unequivocal sense that the injured police officer was a more reputable source than Sankey.

Siding with law and order avoided upsetting television's imagined audience. Paul Klein's LOP theory influenced television coverage in the late 60s as much as it had in the late 50s. A 1970 *Variety* review heralded a documentary as 'the best national tv treatment of the Panthers' because, unusually, 'it just wasn't a sop to the prevailing beliefs of the audience'.⁹⁴ Sympathising with the militants would be objectionable to a white, middle class constituency of viewers. This would result in viewers switching to a rival network. The imperative for ratings

⁸⁸ CBS Evening News, 'Town Boycott / Alabama #199500', 06 August 1968a, *Vanderbilt Television News Archive*. 07:30

⁸⁹ CBS Evening News, 'Town Boycott / Alabama #199500', 06 August 1968a, *Vanderbilt Television News Archive*.

⁹⁰ CBS Evening News, 'Black Panthers / Illinois Shootout #204853', 31 July 1969, *Vanderbilt Television News Archive*. 02:10

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Variety Archives*, *Variety Magazine* <https://www.varietyultimate.com/> (15 April, 1970, 34)

therefore necessitated conspicuous sympathy for law and order which was then presented as objective reportage.

3.5 Civil Rights Nostalgia

Amidst condemnations of black militancy and support for their apparent opponents, the police, television networks also expressed nostalgia for the non-violent civil rights years. When white anti-segregationist journalist Ralph McGill died in February 1969, NBC Evening News gave a tribute to him.⁹⁵ The anchor, David Brinkley, explained that ‘back in the days when it was called civil rights’, ‘one of the voices of sense and reason in the South was that of Ralph McGill’.⁹⁶ NBC’s civil rights hero-elect had condemned black power in September 1966, when McGill described the SNCC as a ‘secret klan-type group which openly states its racial hatreds’. (McGill 1966) McGill was celebrated because he had agreed that black power was civil rights’s evil twin.

The civil rights nostalgia of television networks did not recover the movement articulated through local black newspapers and SNCC advocacy films, but, unsurprisingly, its more telegenic aspects personified by Martin Luther King Jr. and the SCLC. After King’s death, television news emphasised Coretta Scott King’s involvement in protests at every opportunity. On March 31st 1969, NBC Evening News reported on a shoot-out between the Republic of New Africa, a ‘Negro separatist group’ of ‘black militants’, and the police.⁹⁷ After the report, the programme panned back to the studio where Brinkley shared a quote from Coretta King condemning the incident and indicating that she was ‘more convinced than ever that her husband’s technique of non-violence is the only one that would ever work’.⁹⁸ On April 30th, ABC Evening News presented a story of striking hospital workers in Charleston, South Carolina, who were protesting against racial inequalities in pay. The report followed Coretta King’s involvement, heroically proclaiming that ‘Negroes here needed a national figure’ ‘and so Mrs King came’.⁹⁹ The camera constantly zoomed in on ‘Mrs Martin Luther King’ at the head of the march while the narrator commented on Coretta King’s security arrangements,

⁹⁵ NBC Evening News, ‘McGill Death #444481’, 04 February 1969a, *Vanderbilt Television News Archive*. 00:50

⁹⁶ *Ibid.*

⁹⁷ NBC Evening News, ‘Detroit Shoot-out / Racial Issue #444895’, 31 March 1969b, *Vanderbilt Television News Archive*. 04:20

⁹⁸ *Ibid.*

⁹⁹ ABC Evening News, ‘Hospital Strike / King #5015’, April 1969a, *Vanderbilt Television News Archive*. 02:30

footage of her speech, and a close up of her kneeling in prayer.¹⁰⁰ In the two-minute-long report there was little room for other information.

By constantly reviving the ghost of ‘civil rights’, television networks created an historical break from ‘civil rights’ to ‘black power’ that other forms of media did not. *Freedomways*, an African-American periodical, covered the Charleston hospital strike very differently from ABC News.¹⁰¹ J.H O’Dell’s piece complained that neither the South Carolina AFL-CIO nor the Central Trades and Labor Council in Charleston supported the strike, giving the ‘lame excuse that this was a “civil rights struggle” so they couldn’t support it!’. (O’Dell 1969, 209) He then went on to concede that ‘even if it were strictly a civil rights issue, labor should have supported the strike’. (O’Dell 1969, 209) There are two points of interest here. First, there was no sense in O’Dell’s writing that this strike against pay differed from the principles of ‘civil rights’. His outrage at the unions for their ‘lame excuse’ was grounded in the assumption that labour’s interests were aligned with civil rights rather than because the strike was part of a new movement lacking ‘sense or reason’. Second, Coretta King’s appearance was not mentioned once in the article. For O’Dell, the neglect of labour unions’ comradely responsibilities was more newsworthy than Coretta King’s security arrangements. It would make no sense for him to recapitulate symbolic civil rights figures from the early 1960s because the Charleston strike was a new contribution to a longer civil rights movement in which fighting for economic justice was the norm. While periodicals were underground and usually read by those deeply interested and involved, television was mass media. Therefore, it is unsurprising that television’s account of an acceptable ‘civil rights’ giving way to a radical and violent ‘black power’ has held historiographical sway.

3.6 Individual vs Institutional Racism

National television identified racism as a problem of individual attitudes. Networks did so by building their own spectrum of racial politics. Far on the right of this spectrum lay what Bodroghkozy labels the ‘deviant segregationist’. (Bodroghkozy 2012, 59) Deviant segregationists were white Southerners like Bull Connor and George Wallace who explicitly supported Jim Crow and regularly espoused racist attitudes. In the middle were civil rights subjects and their supporters, ‘civil rights heroes’, and on the opposite end of the spectrum to

¹⁰⁰ *Ibid.*

¹⁰¹ Freedomways, Independent Voices <https://voices.revealdigital.org/?a=cl&cl=CL1&sp=IBJBJF&ai=1&e=---en-20--1--txt-txIN-----1>

deviant segregationists but equally problematic were ‘black militants’. (Bodroghkozy 2012, 47) Across television news, interchange amongst these characters contributed to a drama in which deviant segregationists could, and should, be won over by a centrist appeal to hearts and minds rather than ‘militant’ confrontation. On August 6th 1968, CBS Evening News introduced the viewer to businessman and civil rights hero GT Miller.¹⁰² He had been ostracised by the residents of Leuverne, Alabama because he helped ‘Negroes find jobs by employing some at his feed and grist mill’ and worked ‘with civil rights leaders’.¹⁰³ Then, the camera cut to a lachrymose Miller wishing that ‘everybody could just get along with each other’, while the news reader reported that he was losing \$1500 per month as a result of his business being boycotted by deviant segregationists.¹⁰⁴ Miller’s brave fight to challenge the prejudice of his local community was in stark contrast to the undignified ‘racial violence’ taking place in Berea, Kentucky, where there had been a shootout between three cars of African-Americans and the segregationist States’ Rights Party (SRP). Berea was introduced by CBS Evening News as a ‘quiet little college town of 5000 people’ where integration was a ‘peaceful and completed process’.¹⁰⁵ Then, a series of interviews with the States’ Rights Party (SRP) and Mary Ferry, ‘a representative of the Negro community’, were shown in which the SRP attorney blamed the attack on a ‘bunch of black savages’ while Ferry accused the SRP of goading the shooters with loudspeakers.¹⁰⁶ The viewer was left not knowing who to believe: it was Ferry’s word against the attorney’s. The reporter provided some certainty, though, by concluding that Berea was the ‘victim of racial violence’.¹⁰⁷ If only individual ‘black militants’ and ‘deviant segregationists’ chose to grant Miller’s wish of getting along harmoniously by changing their attitudes, places like Berea would not be beset by such violence and heroes like Miller could live in peace.

In 1968, black programmes began to challenge white hegemony on television. After Martin Luther King was killed, the Kerner Commission recommended that black television programmes were commissioned in order to subdue potential riots.¹⁰⁸ While thus introduced as a method of control, African-Americans established black television as a centre of activism.

¹⁰² CBS Evening News, ‘Town Boycott / Alabama #199500’, 06 August 1968a, *Vanderbilt Television News Archive*. 05:00

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ CBS Evening News, ‘Racial Violence / Reaction / Kentucky #199944’, 04 September 1968c, *Vanderbilt Television News Archive* (5:40).

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ National Criminal Justice Reference Service, Office of Justice Programmes, online [available at: <https://www.ojp.gov/ncjrs/new-ojp-resources>]

One of the programmes emerging from the Kerner Commission's recommendations was *Black Journal*. In its early days, *Black Journal* was led by a white executive producer, Al Perlmutter, and had nine white and eleven black staff. (Heitner 2013, 87) In August 1968 the black staff went on strike, successfully demanding a black producer. (Heitner 2013, 98) By 1968, it clearly mattered that television programming existed which was truly by blacks, for blacks. Programming by whites, for blacks had failed: the realities of the television industry had driven activists to fight, rather than cultivate an 'alliance', with television networks.

When *Black Journal* did achieve independence, it explored the institutional, rather than attitudinal, manifestations of race in America. While the first four episodes, produced by Perlmutter, had focussed on 'balance' and interviewed white experts, episodes under black production probed the complex role of African-Americans in white American institutions. (Heitner 2013, 98) One episode, *The Black Cop*, interviewed an African-American police officer. He reported unease about being used by the police as a token black, saying 'I am careful. I feel I am being used as a shield'. (Heitner 2013, 101) He also suggested a divided loyalty between his race and his institution, admitting 'I don't feel completely together inside. I know I am caught in the middle'. (Heitner 2013, 101) Later episodes about the school system and the army also explored the conflicted agency and identity of African-Americans operating in white institutions. (Heitner 2013, 98) When African-Americans related their own experiences of race in America through television, they investigated institutions rather than attitudes.

3.7 Region

Finally, national television coverage of black power presented protest against Southern racial inequalities as noble, and Northern protest as extremist. An ABC Evening News report on 16th December 1969 covered a motion presented to the Senate which would have 'the effect of preventing busing to force school desegregation in the South'.¹⁰⁹ In standard reportage for the time, both a supporter and an opponent of the bill were interviewed, both of whom were Senators (respectively, Gordon Allott and Hugh Scott).¹¹⁰ Meanwhile, a January 2nd 1970 CBS Evening News report on Black Panther activities in the North and California emphasised their use of violence and revolutionary rhetoric.¹¹¹ The reporter announced that 'an undeclared war

¹⁰⁹ ABC Evening News, 'Integration / Busing / Senate #3395', 16 December 1969c, *Vanderbilt Television News Archive*. 02:00

¹¹⁰ *Ibid.*

¹¹¹ CBS Evening News, 'Black Panthers vs. Police #206040', 02 January 1970, *Vanderbilt Television News Archive*. 10:20

between the police and panthers has reached alarming proportions' against a backdrop of piled up guns.¹¹² Following this, the Denver chief of police, George Seaton, said in an interview that armed struggle was 'a prelude to the Black Panther party's ideological commitment to political revolution'.¹¹³ These sentiments were echoed by the ABC Evening News anchor, Howard K. Smith, who blamed black power for 'the spread of organised political bigotry from the rural South to the urban North'.¹¹⁴ When racial politics in the South was covered, the news showed bills being passed in the Senate, a familiar and institutionalised form of politics. Movements for change in the North, on the other hand, were portrayed as violent and revolutionary. This was a shift from coverage of civil rights, when the South was maligned as a land of racial violence. By shifting focus from the oppressors to the oppressed, networks transitioned the South into a repository of acceptable racial politics.

In contrast, *Black Journal* explored race as a national issue, self-consciously transcending notions of regional difference. Its first black producer, Kent Garrett, recalled that 'we had to get out of New York, we took that very seriously that we had to represent the nation and Blacks throughout the whole country'. (Heitner 2013, 85) In an episode on children's folklore games, footage of children playing and skipping with one another in the South blurred into children playing the same games in the North. (Heitner 2013, 86) The rural and dusty scenery of the South was juxtaposed with an urbane Northern setting, but the children looked and behaved the same. (Heitner 2013, 86) When African-Americans were given sole control over television, the end product was clearly very different from the broadcasts of national networks and their affiliates.

Conclusion

In 1968, the President of Paramount Television, John Reynolds, reflected on the progress made by television since Minow's demand that the 'vast wasteland' be oriented towards serving the 'public interest'. (Reynolds 1968, 187) Reynolds was effusive in praising his peers for successfully making television 'informative as well as entertaining'. (Reynolds 1968) Huge advances had been made in ratings and television's cultural significance while at the same time 'for the discerning citizen, the facilities of television to enlighten him are greater

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ ABC Evening News, 'Hospital Strike / King #5015', April 1969a, *Vanderbilt Television News Archive*. 02:30

than ever before'. (Reynolds 1968) Reynolds saw television's recovery from the quiz show scandals as a success story.

Reynolds was right that television had gone from crisis to success. As Chapter One demonstrated, the quiz show scandals inflicted severe material and reputational damage upon networks. When Minow was appointed Chairman of the FCC, public disapprobation was matched with institutional enforcement. Television had to achieve a careful balancing act between entertaining its imagined audience and broadcasting in the 'public interest'. But as Chapter Two explained, civil rights emerged as the perfect news story for achieving this. By presenting King and the SCLC as the representatives of a homogenous 'civil rights movement', television was able to provide entertaining and inoffensive current affairs coverage. Then, as highlighted in chapter three, black power started to confront the suburbanites that made up the imagined audience. Television's entertaining source of news seemed to be threatened, but they circumnavigated another challenge by enhancing the shock value of Black Power while discrediting activists as black militants. The story of American television from 1957-1970 is one of adaptability and success.

But this also had direct implications for television's subject matter. Some of these can be, and have been, argued to be positive. The fame of King and the SCLC made significant legislative change possible in the 1964 Civil Rights Act and 1965 Voting Rights Act. The nation devoted huge amounts of attention to segregation in the South as civil rights dominated the airwaves. As Reynolds would put it, the 'discerning citizen' had been 'enlightened'. But the form of 'enlightenment' was confined by the limits of television as an epistemic community. The economic plight of Mrs Mildred Evans and the visions of solidarity between race and class struggles articulated by O'Dell in *Freedomways* were not compatible with television's enduring need to entertain its imagined audience. Black power was maligned as civil rights' evil twin, a perception which persists outside of academic circles and which has only been challenged within academia in the past two decades. Whether television helped to tackle racial inequality in the United States can be debated, but one thing is clear: television was more than a 'medium', it was an historical actor with its own set of politics.

Because this dissertation outlined a set of flexible technological politics, the features identified such as the imagined audience and the vision of televisual agency are specific to television c.1957-1970. This means that many of the insights provided here cannot be generalised to other forms of media or even television's operation at later points in history.

Nonetheless, the application of flexible technological politics as a conceptual model for dealing with different media technologies' engagement with their subject matter could prove productive. Further work could be done on the inherent biases of newspapers, radio, and periodicals in their different historical iterations. Perhaps more pressing for successors of civil rights activists is serious engagement with how modern media types structure parameters of arguments. Black Lives Matter has communicated through social media, using its accessibility to disseminate instances of police brutality caught on phone cameras. But as Wael Ghonim, an Egyptian activist, reflected after the failure of Arab Spring protests in 2011, social media is designed to incite outrage against moral transgressions. (Stepanek 2016) As others have argued, this compromises the possibility of transitional justice in favour of reactions which sustain users' attention. (Williams 2018, 75) Black Lives Matter should look to their predecessors for a warning against the notion that social media is there to be 'used'; media have been known to use social movements in return.

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Lucian Morié: Lost in translation: French farmers & the spectre of environmentalism

Author

Lucian Morié is a recent Human, Social, and Political Sciences graduate from King's College, specialising in Social Anthropology.

Abstract

French conventional farming has been under a lot of pressure over the last decades which has culminated in the 'agribashing' controversy of 2018 to 2020. In this dissertation, I explore the ways conventional farmers are represented and represent themselves in media. Through this discursive analysis and by drawing on Timothy Choy's (2005, 2011) theory of articulation, I argue that conventional farmers are portrayed through an environmentalist moral framework which delegitimises them. This frame that I call the spectre of environmentalism problematises farmers' affective disposition towards 'nature' – whether and how they love 'nature'. I then explore two modalities of farmers' discourse and the way 'nature' is represented in them. I argue that when expressed in the moralised context of media, this discourse is a failed attempt at moral translation and political articulation. This forms the basis of my claim that environmentalism needs to be studied not only from within but from without as well if we are to understand the limits of environmentalist communication and political engagement.

Keywords: Environmentalism, Media, Farmers, Moralisation, Articulation

Introduction

‘Allô ? Oui bonjour ! Comment allez-vous ?’ Courteously and enthusiastically, so began the second call of my fieldwork with my first ever interlocutor. That interview would be the last I heard from him... This was quite an unexpected result, so much so that it made me thoroughly reconsider my methodology. I had set out to research how policy shaped farmers’ practices and perceptions of nature. Now I was without any contacts from the community I wished to observe and learn about. So, it was with a broader focus on French farmers, particularly in the Gers – a *département* (county) in the southwest of France – that I turned to virtual research. However brief they were, the conversations I held with my ephemeral interlocutor hinted at aspects of my approach which overlooked key topics. As I scoured local newspapers, radio, podcasts, and websites, I found myself being more attentive to my own environmentalist biases and to the political mobilisation of concepts like ‘nature’. Though I did not realise it at the time, my choice of resources would greatly change the direction of my dissertation. Following what is most likely a very common pattern among both amateur and experienced fieldworkers, it was not until I was able to look at the material I had gathered as a whole that the current subject of this dissertation revealed itself. What I had been researching was not so much agricultural policy as it was the public representations of farmers particularly in relation to ‘nature’.

As I started my research, I knew that I had to be careful not to project my own outlook shaped by university student activism. I started my research with a series of parallel dualisms in my mind. Anti-capitalist sentiment was coupled with agroecology, organic farming, environmentalism, and animal-rights. These were opposed to neo-liberal capitalism, chemical-industrial agriculture, and environmental degradation. However, as I delved deeper into the conventional farmers’ world and perspectives, I came to question this dichotomy. I started noticing specific kinds of people mobilising it whilst others ignored it. In trying to deconstruct my own biases, I came to align with the critique of those that lump together modernity, science, capitalism, detachment, and utilitarianism (M. Candea 2010; K. Weston 2016). I also came to understand how this dualism became so prominent in my specific French context. I realised that I was observing the result of a process spanning three decades wherein the place, role, and identity of farmers had been gradually changing (B. Hervieu et al 2010; I. Chupin and P. Mayance 2016).

The subject tackled here embeds itself within the genealogy of French rural sociology. On one hand, the political organisation of farmers and their unions has been of particular interest to French social scientists. The farmers' vote, the demographic and economic importance of farmers, and the political mobilisations around environmental controversies have all been carefully studied (B. Hervieu et al 2010). After the Second World War, the agricultural sector began industrialising encouraged by government incentives and policies¹¹⁵. The industrialisation of the *Trentes Glorieuses*¹¹⁶ had led to a decrease in the number of farmers and increasing indebtedness of those who remained. With the rise of neoliberalism, the 1980s saw the start of the break-up and segmentation of farmers' unions. A symbol of this new political-economic paradigm was the 1992 reform of the Common Agricultural Policy (G.P. Malpel 2019). By the mid-2010s, agriculture no longer had a central role in France's economic make-up¹¹⁷. Overall, the political, economic, and demographic relevance of agriculture had been steadily diminishing (I. Chupin and P. Mayance 2016). This culminated in what came to be called the *crise agricole* (agrarian crisis) in the 2010s. Unaddressed, the situation festered, and the concomitant frustrations contributed to a broader, less easily articulated form of discontent. Though statistics on the matter are difficult to come by, suicide rates in the farming community are almost four times as high as in the rest of the population¹¹⁸. The reasons often cited to explain such high numbers include the financial pressure of debt, low income, as well as societal, regulatory, and administrative pressures.

The *crise agricole* that had started in the 1980s was also fuelled by a rise in environmental concerns and health crises. This has been specifically studied by a branch in French rural sociology. The 198th issue of the *Etudes Rurales* (2016) journal set out to reinvigorate, with the help of ethnographic methods, the projects of mid-twentieth century sociologists. They had studied the media representations of farmers and agriculture during the transition towards an industrial and chemical model of production (H. Mendras & J. Fauvet 1958; H. Mendras 1967). This strand of literature focuses on the media portrayal of farmers in the face of various controversies, such as the ambiguous impacts of Genetically Modified Organisms (A. Bernard de Raymond 2010) or the 2009-2012 green algae controversy in

¹¹⁵ Some of this literature looks at the parallels that can be drawn between this twentieth century restructuring and what is happening currently in France as demands for a green transition grow.

¹¹⁶ From 1940 to 1970

¹¹⁷ Agriculture represented only half the proportion of GDP it did in the 1990s, France was now importing more meat than it was exporting, and it had been losing its European and Global market share (Graph Agri 2016).

¹¹⁸ CCMISA (2021) *La mortalité par suicide dans le Système national des données de santé (SNDS), approche méthodologique et résultats pour le régime agricole en 2015*. Etudes et Synthèses MSA

Brittany (A. Levain 2016). Sociologists have characterised this media interest as an opportunity for farmers to justify their practices and prove the legitimacy of farming more broadly (I. Chupin & P. Mayance 2016: 16). Water and soil pollution has been a long-standing issue since even before the 1980s¹¹⁹ (A. Levain 2016) whilst in recent years, the debate over the negative impacts of phytosanitary products has been the most prominent public health controversy facing farmers. All these analyses show the makings of a ‘communications arms race’ (ibid) from the 1980s onwards where the tensions between the allied environmental activists and journalists, on one side, and farmers and their unions on the other, grew into media crises forcing farmers into new relations with the public. The main farmers’ union, the *FNSEA*, made improving the ‘image of the farmer’ one of their core duties (I. Chupin & P. Mayance 2016: 15). Farmers I encountered in my virtual fieldwork also emphasised the need to ‘regild farming’s coat of arms’. This explicit recognition of an image deficit¹²⁰ and the discursive efforts put into solving it are part of what Ivan Chupin and Pierre Mayance (2016, 10) understand as the co-construction of the farmer’s image in French media. This is also true in my work, both farmers and media are *representing*.

What I call *representation*, then, is both the image produced in the act of representing and the act itself. It entails presenting oneself to others in an intentional and thus performative manner whilst being discursively constrained and limited in your expression. Furthermore, I only consider representation in the *public sphere*. That is, I am talking specifically about the virtual public sphere. I analyse the news reports, radio shows, and videos through which the ‘real’ practices and selves of farmers are ‘virtually’ represented to a national audience. However, as some have already argued, this division between ‘virtual’ and ‘real’ erases the materiality and intersubjectivity involved in virtual media (see Tom Boellstorff 2008). In this ‘virtual’ realm of communication, there is a ‘real’ politics of representation. Some actors have more influence over the moral framing and direction of the debate than others. Thus, it can be easier or harder for some to articulate their views and make themselves understood and be legitimated.

In this dissertation I analyse a new chapter in the French *crise agricole*: ‘agribashing’. In the second half of the 2010s this notion of ‘agribashing’ rose in popularity. It denotes the aggressive and unjustified criticism – or ‘bashing’ – of the agricultural industry in the eyes of

¹¹⁹ Though today, the climate crisis discourse has shifted the terms of the conversation slightly and has gained significant momentum.

¹²⁰ <www.fdsea32.fr>

those sympathetic to farmers. It is often seen as an attack on farmers themselves and their values rather than their methods. The term was institutionalised first through the *FNSEA* (Matalon, 2019) and then by the French state in the same year¹²¹. From 2018 to 2020 media took particular interest in farmers through this notion of ‘agribashing’. It was both a continuation of the media dynamics analysed by French rural sociologists and, as I will show, their culmination and transformation.

My first question then is to ask how the media shapes farmers’ representations in this context of ‘agribashing’. In chapter 2, I examine how media influence is put to use in representing farmers through an environmentalist lens. The image of a ‘farmer’ is produced in a controlled setting, characterised by particular interactions and assumptions. I call *invocation* the process by which farmers are represented within the confines of French media institutions. *Invoking* therefore implies both the act of summoning ‘real’ farmers onto TV and radio sets, and the production of a particular image of ‘farmers’.

I define the media’s environmentalist lens using Kay Milton’s work. Her book, *Loving Nature* (2002) helps us do two things. Firstly, the dualism she adopts, pitting person-based against resource-based discourse, provides a theoretical framework for the analysis of the moralised dichotomy within which ‘farmers’ are invoked. Through public media we come to understand that there are apparently ‘good farmers’ and ‘bad farmers’. Secondly, Milton’s (2002) definition of environmentalism as love for, and identification with, nature gives us an insight into how this moralising division of farmers unfolds. I argue that French public media problematise the affective disposition of farmers towards nature. Whether farmers love and identify with nature determines whether they should be deemed ‘good’. What I call the *spectre of environmentalism* is the frame and discourse which legitimates only those who represent this disposition. Farmers are almost always implicitly confronted with this spectre in representations in the public sphere.

I borrow the notion of articulation as well as translation from Timothy Choy’s (2005, 2011) work. Though I go in a slightly different direction from Choy¹²², I am still attached to the basics of his theory of articulation. Articulation indicates both enunciation and connecting two things into an articulated whole. So, on one hand it is the ability to express oneself. On the

¹²¹ <www.interieur.gouv.fr>

¹²² Choy (2005, 2011) looks much more closely than I do at knowledge production, how this knowledge is mobilised (T. Choy 2005: 10) as well as the linguistic intricacies of translation. My use of translation is closer to that of M. Callon (1984).

other, it evokes the idea of an articulated lorry: a tractor and trailer connected by a pivoted bar so that they move in accordance with one another. As a political metaphor, the lorry represents two groups working together. For Choy, the two meanings of the word come together to signify the discursive production of a political collectivity. Articulation is the way in which people express, organise around, and identify with ideas. Staying with our metaphor of the lorry, the pivot becomes a crucial liminal space where ideas must successfully translate from one group to the other for a political collectivity to form. So, articulation is an analytical tool that allows us to analyse political alliances between farmers, media, and the public through the discourses these actors mobilise. Translation allows us to analyse the ways in which these discourses overlap or contradict each other.

The second question I ask is how farmers conceptualise and relate to 'nature'. This term has been heavily theorised and deconstructed by anthropologists. Marilyn Strathern (1980) and Philippe Descola (2013 [2005]) have both challenged Claude Levi-Strauss' assertion of a universal dichotomy between 'nature' and 'culture'. This 'naturalism', as Descola calls it, is seen by both him and Strathern as a normative Euro-American belief which erases the deeply social, moral, and political aspects of 'nature'. This naturalist view of nature as a romanticised wilderness or as resources ready to be extracted (P. Descola 2013 [2005]) is indeed normative in French public discourse¹²³. Thus, I must take heed of anthropologists' critical insights whilst accurately representing my research subjects' perspectives. Furthermore, because translation between environmentalist media and conventional farmers is central to this analysis, my language needs to remain relatively neutral. In this way, I refer to 'nature' as an idea; or animals, plants, and soils as material objects empty of all moral or cultural connotations. Though this uncannily resembles a naturalist's definition, all that matters to me is the ease with which my readers will recognise the object I point to. So, if I mention a cow, my readers and I will tend to visualise the same object. However, I am not making any claims about its sentience, evolutionary history, or sacredness. I am simply referring to an entity which can take many shapes and carry different connotations. Through this relative neutrality, I can analyse how farmers talking about 'nature' are also talking about food and their relation to French consumers whilst media hosts might be talking of animals as persons with emotions and subjectivity. That

¹²³ Obviously, it would be difficult to sustain the argument that there is a unique French discourse on what 'nature' is. There is a multitude of ways to conceptualise 'nature' even within a naturalist framework, and outside of it. My analysis of environmentalist and conventional farmers' conceptions of 'nature' is a recognition of this heterogeneity.

is not to say that I claim to offer an exhaustive overview of what ‘nature’ means to all the actors I encounter¹²⁴.

In the next chapters I explore farmers’ discourse and whether it translates into the moralised dichotomy of the spectre of environmentalism. Chapter 3 considers whether and how farmers care for nature. I show that farmers’ practices can be caring from an anthropological perspective but that the moral frame within which they are represented defines them differently. Through this material, I engage in a critique of Kay Milton’s (2002) dichotomy between person-based and resource-based discourses. I argue that farmers have their own working relation with ‘nature’ which cannot fit an environmentalist moral dichotomy. This chapter relies more heavily on examples of animals than those of plants or soils. Part of the reason for this is that the spectre of environmentalism problematises affection as well as the recognition of personhood. As Kay Milton (2002) has shown, however, there is a much higher proportion of environmentalists who only see animals as persons than there are nature protectionists who see all natural entities in this way. There is, therefore, a tendency in French media for animals to be central to the debate. In chapter 4, I argue that farmers talking about ‘nature’ are also talking about food and the labour that goes into producing it. This ‘nature as food’ mediates the relationship between farmers and French consumers. These modalities of conventional farmers’ discourse, I will argue, fail to articulate farmers with the French public or as moral actors.

My main sources of virtual ethnographic material were France’s most popular radio station, *France Inter*; the county newspaper *Le Journal du Gers*; the television news channel *Public Sénat* and AgriYouTubeur (farmer-youtuber) Etienne Fourmont. I rely heavily on the latter’s media representations and YouTube videos because of the continuity this offers, but these examples do represent the broader array of farmers’ representations I encountered during my virtual fieldwork. He represents the family-model of conventional agriculture. This farming is industrialised but remains relatively small-scale. The large-scale industrial farmers who are more common in the US for example did not appear in these media. Nevertheless, it is important to remember that the conventional farmers I talk about do not represent the entirety of French conventional farming.

¹²⁴ For example, farmers were acutely aware of the climate crisis and environmental degradation as well as the sustainability discourse attached to them, and I unfortunately do not cover this topic.

Moreover, though I often refer to ‘public media’ or ‘French media’ more generally, that is not to say that all media are the same. Regional and national coverage is quite different, particularly in its environmentalist attitude towards farmers (B. Lambert 2003 in I. Chupin & P. Mayance 2016). Similarly, radio and television were also more staunchly opposed to conventional farming than newspapers were. Regional reporting tended to be more neutral in that it voiced the perspectives of all kinds of local actors. Written media was also more likely to be more nuanced and critical of both the farmers’ union’s ‘agribashing’ narrative and general media’s environmentalist inclination. Though I draw on material from all these sources, my argument is based on farmers’ representations more broadly, so I overlook the differences between media and focus on more ubiquitous discursive tensions.

Core research was undertaken from July to September of 2020 but dealt with information mostly from the end of 2019 to August of the next year. The drawback to this virtual research was the lack of live individuals to interact with. All the information I analyse in this dissertation is highly processed. Written pieces and YouTube videos will have been well thought-out and designed for public dissemination. Live debates and talk shows, though less predictable, are still guided by hosts and a team of audio-visual technicians. The conclusions I draw from this material are, I suspect, very different to those I could infer from conventional ethnographic interviews or conversations. For example, though I deal with people’s ethics, I only do so through representations and not through a deep knowledge of a farmer’s reflection, so it would be disingenuous of me to make claims on ethical subjectivation. The fact that I am dealing with publicly available information does simplify ethnographic ethical procedures, however. I have worked from the premise that individuals whose ideas and names have been intentionally and consensually publicised elsewhere can be mentioned here directly.

Unfortunately, I do not engage in any significant way with gender, class, race, or sexuality. Gender and class were explicitly discussed in my virtual fieldwork, but whiteness and heterosexuality were left uninterrogated. Though all of these vectors of analysis are intimately linked to the production of the image of ‘farmer’, I do not have the time or space to give them the attention they deserve. Despite this absence, I hope my contribution to the anthropological study of articulation around environmental issues (Moore, Kosek & Pandian 2003) poses interesting questions about the role of moralisation and communication in environmentalism.

Chapter 2: The Spectre of Environmentalism

On 13th July 2020, *France Inter* aired its usual midday live radio debate. The topic that day was ‘Farmers: saviours or polluters?’. The title captures quite well the moralising tone of the program and the clear opposition that was set up between two kinds of farmers. On one hand there was Benoit Biteau, an agroecological farmer who was also a Green party EU representative. On the other was Etienne Fourmont, the protagonist I follow across different media. He is the fifth head of his family’s conventional dairy farm. The conversation was concentrated around these two, the other guests were far more discreet.

We might at first glance consider that a debate is a perfectly acceptable way to judge the value and truthfulness of an argument. Though this is perhaps theoretically true, the interpersonal politics of this debate show otherwise. The host, Camille Crosnier, exerted a lot of influence over the direction of the debate. She paced the conversation, framed it through her questions and even designated who could speak and respond. Naturally, the reality of social interaction is quite fluid, and guests also influenced the conversation through interruptions or by coming back to previously discussed topics. Nevertheless, the host’s influence made her biases all the more visible. Her questioning was always quite aggressive and pressing when it came to Etienne Fourmont’s turn whilst it was friendly and complicit with Benoît Biteau. The pressure Etienne was under became evident when he lost his voice after the host had asked him five consecutive questions, challenging his statements and data each time. Inversely, Benoît Biteau went so far as to correct some of the hosts’ declarations only to be met with an apology. My point is not to prove that Etienne Fourmont was wrongfully treated in this debate, but to bring out the alliance between the general media and environmentalists in their opposition to conventional farming. As French sociologists have argued, this is not coincidental but actually a pattern dating back to the 1980s. The break-up of farmers as a political unit at the time was crucially a matter of divergence between sub-types of agricultural models (B. Hervieu et al 2010). A segment of French farmers, especially those engaged in organic farming, agroforestry and agroecology consider themselves, and are considered environmentalist (E. Michel-Guillou & G. Moser 2006, 2010). The example above shows how alliances and oppositions between certain farmers and media representatives take form in practice.

Though this is perhaps a blatant example of media’s environmentalist bias, most other hosts or interviewers betrayed such a preference more discreetly. A few months before the *France Inter* live debate, in February, the same radio had aired ‘Agribashing, incomprehension’.

This investigative programme was a highly processed, well-crafted, hour-long show which combined testimonies from many different stakeholders. Etienne Fourmont only made up a small snippet of the entire programme but that is what I want to consider here. This interaction was not exactly an interview. The journalists let the interlocutors speak on their own and intervened very little for the most part. Additionally, in Etienne's case, the exchange was also a tour. The excerpt started with the sound of a car stopping, doors opening, and crunching gravel as the journalists arrived at Etienne's farm. After some polite introductions Etienne asked the other two a question.

'So, regarding shoes... is this all you have?'

'Well, uhm, yes. Yet we put our shoes tha-, ' one tried to answer.

'When you come to a farm, you come in boots!' Etienne interrupted. There was a short pause followed by his laughter, and then one of the journalists joined in half-heartedly. 'No, but it's no big deal,' Etienne said finally.

Etienne's tone was ambiguous but tended towards derision. I could not help but be reminded of the tensions that exist in France between the cosmopolitan Parisians and the rest of the country, especially rural areas. It seems as though Etienne was reminding the journalists how out of place they were at the farm whilst simultaneously claiming that space for himself. This is a good indication of the power dynamics that were unfolding. Etienne was the host. He was the one showing them his farm and guiding the conversation. The dynamics from the live radio debate were radically flipped in this case. Etienne was largely in control of his representation.

The only time this assuredness faltered was when the journalists, in a rare and therefore significant intervention, asked him a particular question. The farm tour had taken the interview away from their first location towards the cattle pens. The sounds of ventilation and rustling hay filled the silences whilst the farmer and the journalists talked about the cows. 'Could we say that you love your animals? Or is that too strong?', asked the female journalist. This question was not open-ended by any means; 'How do you relate to, or feel towards, your cows?' would have been. The starting point for the question here though, the norm that is set, is loving your animals. Farmers are confronted with these environmentalist assumptions all the time in media, even in interactions like the one above where farmers hold a lot of influence. Why do you use pesticides? Do you care about the environment? Are you a polluter? The questions

were never ‘What are the benefits of pesticides?’. It may seem as though I am splitting hairs, but farmers often argue that pesticides are important for the health of plants and their well-being. So, a truly neutral position wouldn’t oppose farmers so blatantly. In other words, there was very often, if not always, a moral assumption that pesticides were bad and farmers who used them were as well. Farmers were expected to justify themselves and their practices in public media.

This inclination isn’t only born of individual biases on the part of interviewers or hosts though. The way farmers and farming are invoked through radio and TV programming also contributes to the overarching environmentalist orientation in public media. As the term ‘agribashing’ was popularised in 2019, many shows and programs would include it in their titles. However, this wasn’t an opportunity to question media representations of farmers at all. Shows would often merely use the concept as scaffolding to continue questioning and condemning the dominant French productivist farming model. That is not to say that all farmers were only ever invoked in a negative light. Indeed, *France Inter* has a recurring show on Saturdays, ‘The Sense of Humus’, which is predicated on promoting sustainability and ecologism in French agriculture. In this programme, farmers are often invited to highlight their ecological practices and the discussions are generally hopeful and positive. We come back to the dichotomy of the live debate, however. Farmers are invoked in one of two ways: as the ‘good sustainable farmer’ or the ‘bad conventional farmer’.

I can now explore the discursive mechanisms through which the ‘good farmers’ are distinguished from the ‘bad’ within public media. I argue that a moral boundary-making establishes a legitimating framework within which farmers are invoked. In my research I encountered many co-existing and intertwined values and moral frames. These were not necessarily consistent with one another but were not mutually exclusive either. It is also important to remember that, though in the public sphere farmers are defined by their profession and very often only invoked as such, they are full and complex persons in their own right. As Samuel Schielke (2009a, 2009b) has shown with his ethnography of young Muslim men in Egypt, people tend to act within certain frameworks in some aspects of their lives but act according to very different principles and motivations in others. We are never dealing with ‘pure farmers’. Within this maze of values, then, is one particular trajectory which I have called the spectre of environmentalism. This spectre is particularly important not only because it confronts farmers in public media but because they respond to it in their own discourse which I explore in the following chapters.

Though the political differences between the different actors in the live radio debate seemed obvious enough, something in the host's attitude hinted at something more visceral. The host was increasingly putting more pressure on Etienne to justify his farming practices. Then, Etienne declared that he would only change his practices 'according to what science permits [him] to do, what the consumer demands-'.

'And not because of ecological convictions for example? Doesn't the protection of the planet mean anything to you?' the radio host blurted out finally.

It all came down to convictions. However, this didn't sit well with me either. Convictions could just as well be rational conclusions come to by way of scientific knowledge on environmental degradation. The 'visceral' aspect was still missing. It was not until I started thinking of environmentalism not so much as a political ideology but as an affective disposition that it all came together. This was only possible because of the parallel I noticed between Kay Milton's analysis of environmentalist convictions in *Loving Nature* (2002) and French media. Milton argues that the environmentalist global discourse can be schematised along four dualisms. The one dualism I wish to focus on is that of the person-based discourse against the impersonal resource-based discourse. According to this schema, the former relies on emotive language and recognises intentionality and selfhood in 'nature'¹²⁵. Nature is an end in itself. This moral conceptualisation of nature, for Milton, is possible only because people are emotionally connected to it – they are 'loving nature' (K. Milton 2002). One of the ways this connection is established, she argues, is through identification. This is an entanglement with nature that goes beyond moral obligation, it is a natural inclination for empathising with nature (ibid). In other words, Milton is talking about something pre-conscious¹²⁶ that I would call an affective disposition¹²⁷. At the opposite end of her dualism, the impersonal discourse is a rationalistic and mechanistic reductionism encompassing science and capitalism. Here, nature is only a means to a different end. There is no moral obligation towards nature, it is only a resource to be exploited.

¹²⁵ This recognition encompasses anthropomorphism, animism and intersubjectivity. Milton (2002) doesn't tease out those differences in her book, but she does later argue that 'egomorphism' is a more accurate term to designate the relation between environmentalists and nature (K. Milton 2005).

¹²⁶ Though this is not explicit in Milton's book, it is implied in her looking to psychology to build a universal explanation for this visceral attachment to nature.

¹²⁷ Though I do not delve any deeper into anthropological takes on affect theory, my use of the notion of 'affect' draws on Rutherford's (2016) overview of affect theory in anthropology.

Milton's characterisation of environmentalism is problematic in multiple ways and I elaborate on this later, but importantly here, her approach to 'nature' is quite unreflexive. She acknowledges that she is environmentalist, but she doesn't critically engage with the romanticisation, exoticisation and depoliticisation of nature and all the political and historical implications this has had (J. Cruikshank 2010). The critical analysis of the semantic boundary around 'nature' pioneered by Marilyn Strathern (1980) and Philippe Descola (2013 [2005]) is absent here. Milton's (2002) dualism and her characterisation of the resource-based discourse is another iteration of the 'classic straw man, detached epistemology' (M. Candea 2010, 250) which is part and parcel of what Candea calls Euro-American discourse. Nevertheless, her analysis of emotion in environmentalism is illuminating especially in the context of this dissertation where it provides an insight into how environmentalist discourse is constructed. Indeed, I read *Loving Nature* both as an analysis of environmentalism and as an environmentalist text.

I was surprised to see that the hosts and guests that I have characterised as environmentalist so far actually very rarely made this emotional relation to nature explicit. Part of the reason for this is that, as I read Milton, this emotional connection pre-empts discourse. Another reason, and this is perhaps a more accurate reading of Milton, is that the impersonal discourse is more valued in decision-making circumstances, hence the existence of discourses of sustainability which can be compatible with capitalist logics. This explains why environmentalists mobilise both discursive forms in order to protect nature to the best of their abilities.

I encountered this in Benoît Biteau's interventions during the live *France Inter* debate. This agroecological farmer often relied on productivist language. He referred to the importance of yield and very often talked about 'nature' as a means instead of only an end. Coming from him, this caused no visceral reaction from the host or the other guests. The history of the political organisation of farmers around environmental issues (I. Chupin & P. Mayance 2016) explains how the label of 'agroecological farmer' positioned Benoît as environmentalist. His convictions and his affective relation to nature remained implicit. However, in the mouth of Etienne Fourmont, productivism, talk of yield or market-based references betray a lack of ecological convictions and beliefs. The absence of an environmentalist label means that he is required to prove his personal investment in nature. In other words, in Etienne's case, the environmentalist affective disposition is explicitly and morally brought out, it is

problematised¹²⁸. In James Laidlaw's terms, it becomes what I consider to be an ethical boundary which Etienne needs to pass to be legitimated in public media.

I argue that this is not only true in this specific example, but rather it is true of every case with an environmentalist framing. And as I have already discussed, this inclination is quasi-normative in French media's invocation of farmers. The spectre of environmentalism then, is the implicit problematisation of the existence of this affective relation between farmers and 'nature'. Its spectral aspects become evident when farmers continue to respond to its legitimating demands even when they are invoked in a different framework. When farmers were demonstrating against the declassification of the Gers department as a 'Disadvantaged Zone'¹²⁹ in 2018, which arguably doesn't have much to do with pollution, their representative emphasised that they were specifically burning manure and not tires, because in his words, 'we are not polluters'. Even without explicit provocation or discursive constraints usually set by media, farmers still converse with the spectre of environmentalism.

Farmers then have to rely on idioms of personalisation like expressions of love and care or commitment in response to this spectre. These discourses aim to legitimate farmers and re-establish a 'meaningful' relationship of trust with the public and consumers. Farmers are invoked within a particular framework and moral bottleneck, but they try to articulate their own legitimating discourse. As I will explore in the next chapters, it is not a discourse promoting ecologist convictions. It is a discourse that borrows environmentalist person-based characteristics whilst keeping well within a conventional farming ontology.

Chapter 3: Loving Nature?

France Inter's radio investigative report on agribashing sees us return to Etienne Fourmont once again. He explains that he keeps his cows inside because they would not be as safe outside. He doesn't feed his cows in the fields because they would be more vulnerable to changing temperatures and climates. However, he adds that in two to three years he will let them out, 'So that they can stretch their legs.' Like keeping his cows inside, this choice implies a form of caring. Etienne's father adds that it is because society demands it. One of the first difficulties farmers encounter when invoked by French media, then, is how to represent this multiplicity of care intelligibly. Another farmer added that 'animal well-being is practised on

¹²⁸ Here I draw on James Laidlaw's (2014, 2018) reading and theorisation of Foucault.

¹²⁹ These zones were eligible for a higher percentage of European Common Agricultural Policy subsidies.

a daily basis in our farms'. Here, he is putting his finger on less visible forms of care that were difficult to observe in a virtual field. I was fortunately able to witness these through Etienne Fourmont's videos and other anthropologists' accounts¹³⁰. Indeed, Vicki Singleton has argued that British farmers' daily routines of care are '*done* rather than known or told and they may be *silent and implicit* rather than explicit and verbal' (2008, 246). Another part of the problem for farmers, therefore, is how to represent these discreet practices in a context where they need to be made visible in order to be legitimated in the public sphere.

From my experience in the virtual field, it seems that Etienne was only able to represent his practices in depth through the visual medium of YouTube. In his videos, Etienne kept referring to the animals' stress levels and the visual and audible signs of stress to watch out for. He explained that the shine of a cow's coat, the amount of lowing in the stables, calmness and alertness levels, the cow's hooves, as well as the animal's sociability are all indicators of potential stress or ill-health. This caring watchfulness interestingly echoes John Law's (2008) piece on the caring practices of veterinarians in Devon during the 2001 foot and mouth disease outbreak. The vets, through their expert eye, are seen to know the animals, recognise their individuality and care for them accordingly. Despite this parallel, farmers in my ethnographic context were never recognised as animal experts whose major concern was care. This begs the question, why weren't farmers' caring practices recognised as such?

In Etienne's video on hoof-maintenance, the vets gathered all the information on a tablet so he could know which cow had had an infection or a plaster that he would have to take off at a later date. Similarly, Etienne often showed off his electronic tools and machines that provided him with data on the health of the cows and the quality of the food he was giving them. Etienne relied on technologically mediated data to care for his cows better. These monitoring and technological forms of care are what Vicki Singleton (2008) sees as an individualising and modern 'control dream'. In her analysis, she observes tensions between the then newly implemented nation-wide Cattle Tracing System and UK farmers. She opposes this 'control dream' to farmers' implicit, routine, collective and traditional caring. Kath Weston (2016) on the other hand provides an indirect critique of such a romanticised 'tale of face-to-face relations and lost intimacies'. She argues that intimacy persists through close knowledge mediated by technology. She refers to this as 'techno-intimacy'. Weston never quite equivocates care with

¹³⁰ These accounts are derived from European and American contexts. Though European ethnographies are more similar to my own ethnographic observations than American ones, in both cases I make sure to relate any other examples back to my own. In so doing, I avoid misleading comparisons.

the intimate and technologically-mediated engagements she traces in American food production. I have argued, however, that Etienne's reliance on technology is a form of care. The contradictions and tensions Singleton traces are indisputable, but this does not mean that one kind of practice is caring whilst the other is not. The concept of 'techno-intimacies' helps us understand that both traditional and modern practices are forms of care, even if they can be seen as contradictory. Vicki Singleton's (2008) dichotomy parallels the spectre of environmentalism. The 'control dream' is resource-based whilst the implicit traditional practice is person-based. I argue therefore that a similar characterisation of farmers' practices as uncaring takes place in media representations of farmers.

I now turn to the use of notions of 'love' and of naming animals, the medicalised argument for pesticides, and the mobilisation of 'life' as a morally positive concept in conventional farmers' discourse. I explore how these responses to the spectre of environmentalism represent farmers' affective disposition towards 'nature'.

During the early morning *France Inter* radio show, *Déjà debout*, Jean-Luc Huguet was being interviewed about his cow competing in the Paris International Agricultural Show pageant. The cow in question was called Nicoletta. The fact that it was named is already proof of its special status as a pageant cow, and during the interview the farmer explained how it was given exceptional treatment. It was kept apart from the others to avoid injuries and put in a field outside to grow its winter coat – '*un poil vivant*'¹³¹ as the farmer put it. Nicoletta is 'alive' and very person-like. We therefore start to hear strong similarities with the person-based environmentalist discourse which personifies and empathises with nature. However, the host was much more eager to fall back on this discourse than the farmer. At first, the host kept referring to the cow as Nicoletta and affectionately calling the latter 'her little nickname'. Jean-Luc Huguet on the other hand kept referring to her as '*une bête*' (an animal). This discrepancy was noticed by the farmer who tried to adapt his language when comparing Nicoletta to his other cow.

'She¹³² [Nicoletta] is like, um, her predecessor, I mean um... Historia, who was champion last year.'

¹³¹ A living coat, a livelier coat

¹³² Note that Jean-Luc used the pronoun '*elle*'. In French this feminine pronoun can stand for 'she', or 'it' in the case of a feminine noun. 'Cow' is such a noun in French, so we cannot imply personification from the use of '*elle*'.

Jean-Luc is trying to use the animals' names and meet the person-based demands of the spectre of environmentalism, but his hesitation is blatant. This example seems to suggest that conventional farmers find it difficult to attribute personhood to their animals, thus preventing them from truly adopting a personified discourse on 'nature'. During the radio investigative report, when Etienne Fourmont was asked whether he loved his animals or whether it was too strong a word, he was similarly hesitant.

'No, no, you could say, I suppose, that I love them, to a different degree than humans or something else, you know', Etienne said after some surprised and perhaps nervous laughter. Here, he makes a clear effort to differentiate various forms of 'love'. One could assume that the difference between loving his cows and loving humans is, like Jean-Luc, a question of personhood. However, Etienne adds that his 'love' for cows is even different to love for an ambiguous and object-like 'something else'. So, the issue doesn't seem to be the attribution of personhood but perhaps the very affective disposition 'love' implies.

A couple of days after the radio programme had aired, Etienne Fourmont appeared on the news channel *France 24*. When asked about animal abuse, he first made quite a utilitarian argument – but more on that later – and then rather genuinely said that hurting an animal like that would be very hard psychologically for a farmer (also see J. Porcher 2010).

'Our animals, we love them, we nurse them- we're with them every day, we nurse them every day.'

Though there is perhaps no hesitation here, Etienne did not seem to want to dwell on 'love'. He came back to nursing almost as though he were covering up his first phrases. He was much more comfortable with medical idioms. This seems quite fitting considering the expert-like and technologically mediated nature of some of farmers' caring practices presented earlier. Farmers' caring practices are not limited to animals but extend to soils and plants as well. Many farmers argued that pesticide use was a form of care. Glyphosate, the most controversial of phytosanitary products in metropolitan France, is said only to be used on weeds before any planting is done. It is a product used to kill invasive species and protect the crop. However, it has also been proven to be detrimental to human health and biodiversity which many

environmentalist farmers stand by¹³³. When challenged about the use of pesticides especially, conventional farmers often used the same argument.

‘When people are sick, they get treated, well when my plants or animals are ill, I treat them, and I’m not going to prohibit people from taking a Lemsip! Because they’re treating themselves and they’re sick. [. . .] I want to be able to use medicine to treat my cows and plants,’ argued Etienne Fourmont in the *France Inter* live radio debate.

Though this analogy does indeed mobilise a certain idea of care, it is not one that is personal and emotional, but rather it is detached and medicalised. Though veterinary and medicinal practice do involve emotional engagement, conventional farmers only focused on products and ‘treatment’ in their analogy. The kind of distance this creates is much more akin to a resource-based discourse than it is to a person-based one. In other words, despite representing their caring dispositions in public media, conventional farmers still do not meet the spectre’s legitimating standards – they have not proven that they ‘love nature’. This might explain why farmers mobilised the moralising notion of ‘life’ so awkwardly in these medical analogies and beyond.

The use of pesticides was made moral because it was about ‘saving’ the right kind of plants from the ‘scourge’ of invasive and bad ones. This argument was used to show how farmers ‘respect’ nature and worked to safeguard biodiversity just like environmentalists¹³⁴. Again however, this kind of attempt at legitimation focused too much on environmentalist goals instead of their premises. Conventional farmers were aligning with an environmentalist position, but without representing the ‘correct’ affective disposition expected of them.

Conventional farmers were awkwardly borrowing environmentalist stances and language which ended up representing a relatively impersonal disposition towards ‘nature’. Their discourse did not translate into the morally dichotomous frame in which they were invoked. It could only be read as utilitarian and thus illegitimate. This explains why from 2018 to 2020 there was no shift in the confrontational attitudes of public media. Therefore, the farmers’ discourse presented here was a failed attempt at articulation. One explanation for this

¹³³ It is important to note that glyphosate has also been proven to be benign to human health when regulatory doses are followed. Scientific inconsistencies are common, and consensus can often take time to achieve, especially with the rise of research centres specifically designed to disprove certain well-established scientific facts (Naomi Oreskes & Erik M. Conway 2010).

¹³⁴ This mobilisation of ‘life’ as a moralising notion isn’t proper to conventional farmers. Indeed, not using pesticides, not ploughing the land, and other agroforestry or agroecological practices are also about letting beings and organisms live and thrive (Hervieu B. et al 2010).

mistranslation is suggested by anthropologists who have critiqued this very moral dichotomy as unrepresentative of farmer-animal relationships. Similarly to the farmers I have observed, social scientists have argued that farmers do not relate to nature either as a resource or as a person, but as a mix of both.

In line with Candea's (2010) scale from anthropomorphic engagement to impersonal detachment for analysing relations between volunteers and meerkats on the South African Kalahari Meerkat Project, Dimitri Theodossopoulos (2005) also challenges a dichotomy, one opposing utilitarian, naturalist farming to non-modern, small-scale farming. Researching animal husbandry on the Greek island Zakynthos, he argues that animals are not loved for themselves but nor are they totally exploited as resources. Caring for their animals is crucial for these farmers to maintain their ideal of 'order' and to be honourable. In a similar vein, Jocelyne Porcher (2010) argues that farming has historically always been a juggling act between attachment and detachment. Farmers inevitably work through intersubjectivity even if this is discursively repressed. For her, farmers 'respect' nature, they love their animals 'but not too much'. This in-between-ness very closely echoes the French conventional farmers' language and attitudes I described above. Therefore, I argue that farmers were unable to translate their perspective into a moral person-based one, not because their 'true' utilitarian nature kept shining through, but because their relation to 'nature' cannot be represented in either environmentalist or utilitarian affective extremes.

However, throughout the different media where I encountered Etienne Fourmont, he would always first use this one argument in explaining the position of farmers in relation to nature.

'The better my animals' living conditions, the better my working conditions. The better my soil is, the better my yields.'

Here he had been asked about animal abuse on French farms:

'So, I have every incentive to offer the cows, the calves, the best living conditions if afterwards, I want to have good working conditions *and* a revenue. So, um, abusing your animals, for a French farmer, honestly, I wouldn't see any point.'

'The general scenario for French farmers is to take care of their animals properly because it's our source of revenue and that we have every incentive for them to be in good health.'

These statements are strikingly utilitarian in their formulation. The focus on incentives, on what the point is, and on his revenue is obviously utilitarian and anthropocentric, if not self-centred. It blatantly misses the point about the immorality of animal abuse. This clearly positions Etienne against an environmentalist ethic. It also reproduces stereotypes of farmers as greedy and only out to make a profit. But what happens if we look beyond this apparent utilitarianism? After all, I was able to see the care in farmers' previous idioms because I had prior knowledge of their practices, but what do we find when we reverse this logic and apply it to this idiom?

Even in the grammatical structure of his statement, Etienne draws a parallel and a causal link between the animals' living condition and his working conditions. This equates the cows' lives and good health to good work – not in an environmentalist moral sense but as a productive working relationship. This not only implies that animal well-being is central to effective farming but that these farm animals are primarily work-cows. In his YouTube videos, Etienne very often emphasised this fact. His cows are farm animals, specifically milk-producing cows, not pets. He explicitly warned his viewers against anthropomorphising. His species of cow had a very limited maternal instinct which is why they very easily left, and did not call for their calves. Here, Etienne recognises the different levels of subjectivity animals can have in their interactions with humans. For farmers however, the working relationship limits intersubjectivity (see J. Knight 2005). This disposition is very similar to what Jocelyne Porcher (2007 in Candea 2010) finds in her own research with French farmers. She argues farmers' relation with animals is qualitatively a working relationship. This indeed presents discursive aspects of engagement, detachment, utilitarianism, and love but goes beyond only being a mix of these. Perhaps then, conventional farmers' affective disposition isn't somewhere on the scale between the ethical ideal-types of utilitarianism and environmentalism. Could farmers' working relationship with 'nature' be its own ethical project just as Candea (2010) argued with detachment in human-animal relations¹³⁵? Unfortunately, I must leave this as an interrogation because my virtual ethnographic material cannot substantiate such an argument.

Nevertheless, I have argued that French conventional farmers fail to translate their caring relation with 'nature' into the moral dichotomy invoked in public media. On the one hand, the mix of person- and resource-based language stops farmers from meeting the

¹³⁵ Candea (2018) follows in the footsteps of Daston and Galison (2007) who argue that 'objectivity' is a particular scientific moral which individuals aim for through technologies of the self (Rabinow 1997).

legitimizing standard of the spectre of environmentalism. On the other, I have suggested that the underlying discourse causing this moral ambivalence is that of the working relationship farmers have with ‘nature’ and animals especially. In the next chapter, I explore another modality of French conventional farmers’ discourse connecting work, food and people.

Chapter 4: Work, Food, and Reconnecting

‘It is well and truly they [the farmers] who put food on our table. So, dig in everyone!’

These are the concluding sentences of the *Journal du Gers*’ article published on 17th May 2020. It might come as a surprise that this article is, for the most part, a description of how well Nolwenn is treated and how exceptional her baby is. Nolwenn is actually a cow, and the ‘food on our table’ refers to her calf. Though the calf is sometimes a ‘son’ or a ‘little darling’ it mostly remains nameless. It is clearly a different kind of animal to its mother. ‘*Il ne donne pas de la voix, lui, il donne du muscle*’ literally translates to ‘he doesn’t give voice, no, he gives muscle’. The first phrase is also an expression meaning ‘to try and make yourself heard with your voice’. This is quite an explicit statement then. The calf is not recognised as a person, it is only muscle, which will be made into meat and then food. This article perfectly encapsulates the interconnections between farmer, labour, animal, food, and consumers¹³⁶. It presents Max, his work and his animals.

What starts out as the celebration of an extraordinary calf ends as an invitation to eat. However, these events must be seen within the context of Max’s pride for the calf. In less than 300 words, this pride is pointed out four times. The key to understanding this sentiment is in the last paragraph of the article:

‘This little baby is a sign of long-standing exemplary work.’

The farmer’s pride is not in Nolwenn who actually birthed the calf, but in himself. The calf is a product of his own labour. This idea is very reminiscent of John Gray’s (1984) analysis of Scottish local hill farmers and their sheep. Indeed, he shows how sheep are quite literally an embodiment of their environment (J. Gray 1984, 60) but also of the shepherds’ skills in caring and managing the flock (ibid, 63). Unlike the Scottish hill sheep farmers, however, this French farmer relates, through his work, not with his animals as such but with the food made from of the calf’s muscle. Though this may seem contradictory to the farmers’ relation to animals as

¹³⁶ See Appendix.

co-workers, these two conceptualisations are not mutually exclusive. Farmers' idioms of care and their working relationship with 'nature' actually parallel Max's pride and identification with the food produced by his labour. Work and affective disposition are intimately entangled.

Beyond farmers' relation to 'nature' however, the *Journal du Gers*' article shows how through the calf as food-in-the-making Max is relating to French consumers. Max produces food that embodies his self and labour, it is then bought and eaten by French consumers who, in doing so, 'consummate' the relationship. This echoes a wider argument of French conventional farmers: 'We feed the people'. Through their production of food, farmers claim that they are providing a moral and essential service for humanity and the 'nation'. Not only is this a legitimating argument, but the very fact this relation needs emphasis seems to suggest that it is no longer recognised by French people.

The primacy of 'agribashing' as an idea is testament to how much farmers' relation to the French public is perceived to have deteriorated¹³⁷. For example, the people calling in during the *France Inter* live debate were extremely confrontational with Etienne Fourmont. This showed the lack of trust either side had in the other. Taking into account the historical development of agriculture is helpful to understanding this division. Farmers themselves quite uniformly argued that the neo-liberalisation of food markets had terrible consequences. Every French farmers' union stated that free markets, combined with internationally unequal regulations, had driven prices – and thus earnings – to extreme lows. It had doomed farming to a thirty-year long crisis. Another slightly less common argument claimed that industrialisation and ever longer circuits of production had led to a division of labour and a financialisation of agrarian business. From a classic Marxian perspective, then, it is only natural for this to lead to the commodification of food and the alienation of farmers (Marx 1867). Indeed, farmers and representatives of their two major unions especially asserted that they wanted to give meaning (back) to food and to agriculture. The human aspect that I have argued farmers imbue food with has been erased in the conventional model of agriculture.

Etienne Fourmont's YouTube channel and his appearances in media were explicitly about connecting with a new generation and making farmers' voices heard in new media spaces – spaces which he felt were dominated by distorted environmentalist views. For him, showing

¹³⁷ I talk of 'agribashing' as something that is perceived partly because I am dealing with a more or less imagined 'public' whose image is mediated by media. Indeed, the 'public' represented in media is not the heterogenous French population and certainly isn't a representation of the 93.9% share of France's food market conventional farming holds (INSEE 2020 in Agence BIO - AND-International 2020)

and explaining actual farm work would give meaning back to agriculture, because French consumers demanded knowledge of how their food was produced. So, Etienne was trying to do something quite different to what media was invoking him for. As a radio guest, he was expected to justify his practices and prove his affective disposition towards animals, but his aim was to *explain* his practices to reconnect with his consumers.

Another way farmers attempted to reconnect with their public was through the statements below.

‘We don’t do this job to become rich, we do it because it’s our passion!’

‘It’s a very engrossing job, I do it with passion, I live my job, I have it in my gut.’

‘It’s not easy, but I do it because I’m passionate.’

These farmers were not only attempting to distance themselves from connotations of greed and utilitarianism, but they are also expressing their vulnerability and humanity. Their explicit enthusiasm reminds the French public that farmers are *people*. The personal and emotive language stimulates empathy for their cause. What environmentalists do in trying to establish a healthy relationship between humans and ‘nature’ through person-based discourse (K. Milton 2002), farmers are doing to rekindle their relationship with the French public.

In all these attempts at reconnection, however, farmers completely disregarded the crucial discursive barrier between them and the public: the spectre of environmentalism’s legitimating standard. In these examples, farmers were articulating themselves around a very different boundary than the problematised ethical disposition towards ‘nature’. Conventional farmers were trying to reconnect with the French public which had broken away from them. Capitalist and neoliberal dynamics had alienated people and farmers from themselves and from food. To remedy this, farmers like Max emphasised how they identified with the product of their labour, food. Etienne believed that pedagogy and explaining the intricacies of farming practices would reconnect people to their food. Others reiterated the passion they had for their work. However, in all these instances ‘nature’ was represented as food-in-the-making. Crucially, this discourse unfolds in the discursive space of public media where the spectre and its strict moral dichotomy is normative. Therefore, for farmers to successfully re-articulate and engage with the public, they would first have to prove that they love ‘nature’. Quite to the contrary, in this modality of farmers’ discourse, ‘nature’ is equated to food and embodies human selves for the sake of human relationships. Even though conventional farmers mobilise

a person-based discourse, it is one which imbues ‘nature’ with their own personhood. In other words, here, ‘nature’ is a means to a very anthropocentric end, and it is certainly not treated as its own person. If, like me, you were surprised, even maybe slightly disturbed by the *Journal du Gers*’ contrast between Nolwenn, the personified cow, and her calf, ‘the food on our table’, you might have experienced the disjuncture of such a mistranslation. Following the same logic as previously, the continued confrontational invocation of conventional farmers in public media leads me to conclude that this discourse is also a failed articulation.

With the SARS-COV-2 crisis, however, as anxieties about – and experiences of – food shortages spread, farmers’ representation shifted almost completely towards the argument that they fed the ‘nation’. On their social media, farmers’ unions developed communication strategies to show farmers hard at work ‘to bring food to your table’. The *Jeunes Agriculteurs du Gers* for example posted daily facts about food production in France which received new kinds of comments thanking the farming community for their contribution to society at such a crucial time. With the breakdown of international production and distribution lines, there was also a media push for local consumption not only as a sustainable choice but a vital patriotic and economic one. The mending of farmers’ relationship to the French public truly became a re-articulation when new reciprocal relations between farmers and French people developed. As farmers brought to light the absence of seasonal labour due to international travel restrictions, local and national schemes like *#DesBrasPourTonAssiette*¹³⁸ were set up to encourage participation in farm-produce picking and collecting. Farmers were also shown to prove their solidarity with the student body when media across the country reported on farmers bringing food to students left in dire need of financial help. The emphasis of solidarity and cohesion in media during the 2020 spring and summer had clearly overshadowed the spectre of environmentalism. During this period, farmers were invoked as a whole and differences in production models and morals were put to the side. What became of paramount value was the farmers’ relationship with the French people through food. In 2021, on the most popular French radio, *RTL*, looking back at the beginning of the pandemic, Christine Lambert, the *FNSEA* president, and social scientists argued that farmers and the French people had been reconciled. Despite the great difficulties caused by the health crisis and continued environmental concerns, the image of farmers had greatly benefited from what I describe as a re-articulation.

¹³⁸ <desbraspourtonassiette.wizi.farm>

Conclusion

The notion of articulation (T. Choy 2005, 2011) has been a running thread throughout my analysis of farmers' representations in French media. This discursive form of political organisation is something I identified in chapter 2. Through the interpersonal and institutional politics of media, a moral boundary was established between 'good environmentalist' and 'bad conventional' farmers. I argued that the differentiating and legitimating factor between the two was the existence of an affective disposition towards 'nature' which was assumed in those already designated as environmentalists. For conventional farmers, this disposition was problematised and made into a moral necessity, or an ethical disposition, which could only be represented through a purely person-based discourse. This moral framework is the spectre of environmentalism.

In chapter 3, I argued that French farmers attempted to translate their own relation to 'nature' into the spectre's legitimating person-based discourse. Therefore, this discursive translation was also a moral one. Farmers' practices of care, which I argued they understood as a working relationship, could not be represented as 'good' in the strictly dichotomous moral framework of French media. Their idioms of 'love' and medical care were caught between person-based and resource-based discourses. Thus, farmers could not translate across media's moral boundary, so couldn't articulate themselves as 'good'.

Conventional farmers attempted to do this to politically re-articulate with the public. Indeed, over several decades, farmers' relation to French consumers shifted along with political-economic changes. Post-war industrialisation in the first half of the twentieth century, globalisation and neoliberal reforms from the 1980s onwards drastically changed farmers' relationship to society, especially because of media representations. Environmental and public health controversies multiplied around the same period which also marked French media's environmentalist turn. 'Agribashing' is the explicit problematisation of farmers' relationship to French society in media. Conventional farmers were attempting to cross the moral boundary of the spectre of environmentalism in order to reconnect with the French public.

In chapter 4, I analysed a second modality of conventional farmers' discourse targeted at rekindling their relationship with the public. I argued that 'nature' was seen as something to be transformed through human labour into food to be consumed by French people. However, farmers' identification with 'nature' as food-in-the-making could not connect them to French

consumers. On one hand, the neoliberal and productivist model of agriculture alienated farmers from the food they produced, thus preventing any connection with their consumers. On the other, this modality of farmers' discourse did not meet the legitimating standard of the spectre of environmentalism. Conventional farmers did not represent their loving disposition towards 'nature' as an end in itself. Here, 'nature' was loved as an expression of farmers' care for the French people and not for its personalised self. So, farmers could not articulate with the French public in this instance because they could not translate across the spectre of environmentalism's moral boundary.

It wasn't until the COVID-19 crisis caused a great disturbance in the fabric of French society that farmers were finally able to re-articulate with the French people as 'good' actors. The changing political-economic circumstance led to an adaptation of conventional farmers' discourse and the development of new practices of solidarity, care and exchange. This is a reminder that, though articulation is a discursive phenomenon, it is always embedded and dependent on material conditions. As I have shown, in this example, morality is also fundamental to articulation. This re-articulation was only possible, therefore, because moral boundaries also fluctuate. The extent to which the new moral and political image of 'farmers' will stand the test of time is unknown, only the future will tell.

Ultimately, through my analysis of farmers' representations I have departed from T. Choy and his colleagues' use of the notion of articulation. Like them, I use articulation to understand identities and 'emergent assemblages of institutions, apparatuses, practices, and discourses' in relation to 'collaborations and politicisations of environment' (T. Choy 2011, 94). However, whilst these authors study the growth and articulation of environmentalist movements, I do the reverse. In the context of my work conventional farmers are characterised in opposition to a well-established environmentalism in media¹³⁹. My aim in doing this was better to understand those people whom environmental activism targets. To grasp the effectiveness of environmentalism fully we must also place ourselves in opposition to it. In this way, I have been able to see where communication and articulation have failed. Indeed, considering failed attempts at articulation has allowed me better to understand the boundaries, particularly moral ones, across which actors organise and express themselves in relation to environmental politicisations. If we are truly to move together towards a greener future, then,

¹³⁹ That is not to say that French media is environmentalist everywhere all the time. My argument is only relevant to media invocations of farmers.

it is crucial for us to understand articulation and the ways in which communication can fail and inhibit political unity.

Appendix

Original version:

Le dernier bébé de Nolwenn (Charly Justaut, 17/05/2020)

Un beau petit

Le dernier fils de Nolwenn a 5 mois. Il n'est pas Breton mais Tarn-et-Garonnais. Il ne donne pas de la voix, lui, il donne du muscle. C'est un veau d'élevage sous la mère avec des principes bio qui fonctionnent bien. Max, son propriétaire, en est très fier. Difficile, aujourd'hui, de l'inscrire à un concours. Mais il le vaut bien ! Très calme et placide, il impose quand même ses 250 kg pour ses 5 mois ! Ce magnifique veau est resté confiné avec sa maman pendant les 5 mois et lui ne semble pas s'en plaindre. Nolwenn peut être fière mais sa sœur aussi car le petit bout de chou avait aussi besoin de sa tante pour téter. Le lait de sa mère ne suffisait pas à son appétit. C'est peut-être pour cela qu'il arrive à un tel record, un super résultat pour un croisé Blanc Bleu Belge. La coupe à l'iroquoise n'est pas du fait d'une coiffeuse puisqu'impossible.

Les veaux de Max ne touchent jamais l'herbe ni la paille (sauf pour la photo) Max en est fier et très heureux. D'ailleurs plusieurs bouchers se sont disputés pour être destinataires. Bon, ça ne rapporte pas plus mais ça fait plaisir. Maintenant, il sera disponible à Boé (47) car il n'y a pas eu d'acquisition locale, ce qui est dommage.

Nolwenn, la maman, a 17 ans. Ce sera son dernier petit, mais chez Max, elle vivra une retraite privilégiée. Car avec Annie ils veillent sur leurs animaux et sont attentifs.

Ce petit bébé est le signe d'un travail exemplaire de longue date. Nous pouvons adresser des félicitations aux éleveurs pour leur excellence. Ce sont bien eux qui remplissent nos assiettes.

Alors bon appétit à tous !

Translated version:

Nolwenn's latest baby (Charly Justaut, 17/05/2020)

A good-looking littley

Nolwenn's latest son is 5 months old. He/it isn't Breton but from the Tarn-et-Garonne. He doesn't give voice, no, he gives muscle. It's a farm calf brought up with its mother following organic principles that work well. Max, its owner, is very proud of it. It's difficult to sign up to pageants nowadays. But he's certainly worthy of it! Very calm and placid, he imposes his 250kg for his 5 months! This beautiful calf stayed confined with his mum during those 5 months and he doesn't seem to be complaining. Nolwenn can be proud but her sister too because the little darling needed his aunt for his milk. His mother's wasn't enough for his appetite. Maybe that's why he's reached such a record, an amazing result for a cross-bred

Belgian Blanc Bleu. The mohawk isn't the doing of a hairdresser because getting a haircut is impossible nowadays.

Max's calf never touches grass or straw (except for photos), Max is very proud and happy with it. Besides, quite a few butchers fought over who would get the calf. Well, it doesn't bring in more money but it's always nice. Now, he'll be available in Boé (47) because he wasn't acquired locally, which is a shame.

Nolwenn, the mother, is 17 years old. This'll be her last littley, but at Max's, she'll have a privileged retirement. Because with Annie they look after their animals attentively.

This little baby is a sign of long-standing exemplary work. We can send our congratulations to these farmers for their excellence. It is well and truly they who put food on our table.

So, dig in!

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Trey Taylor: The Struggle Over Forms of Life: On Power and Domination in Rahel Jaeggi's Critique of Forms of Life

Author

Trey Taylor is a recent Human, Social, and Political Sciences graduate from St John's College, specialising in Politics and Sociology.

Abstract

This paper provides a power-conflictual elaboration of Rahel Jaeggi's critical theory as put forth in her Critique of Forms of Life (2019), grounding it in a critique of domination and attendant defence of democracy. This addresses concerns in the literature that Jaeggi's pragmatist-dialectical critical theory - which examines societies as attempts to solve historically-situated problems such that they can be evaluated according to how effectively they overcome and learn in response to these problems - lacks a conceptualisation of power-conflict and thus is politically impotent. In response, I theorise how power-relations configure forms of life and inhibit learning, developing a critique of domination as inherently irrational through a reconstruction of Jaeggi's notion of blockages. This then opens up into a brief outline of a Jaeggian model of radical democracy whose rationality consists in its ability to dissolve such blockages.

Keywords: Frankfurt School Critical Theory, Rahel Jaeggi, Jurgen Habermas, Pragmatism, Democratic Theory

‘The reification of life results not from too much enlightenment, but from too little.’

- Theodor Adorno, *Cultural Criticism and Society*

Introduction

The critical theory of Rahel Jaeggi, most systematically developed in her magisterial *Critique of Forms of Life* (2018a, henceforth CFL), offers a highly persuasive reconstruction of the method of social critique peculiar to the Frankfurt School, ‘the special connection of an *immanent procedure with a context-transcending concept of rationality*,’ (Fazio, 2019: 5) capable of avoiding the pitfalls of both *internalist* and *externalist* approaches (CFL, ch.5 & 6). While the former, in which the critic operates from the values that exist in the present social order, contending that the reality has somehow fallen short, avoids the problems of justification and normative grounding that plague the latter, in which the critic imposes values from outside the social order in, it succumbs to the problem of relativism, whereby ‘ought’ is folded into ‘is’, and one can do nothing but affirm the existing principles. By contrast, the Frankfurt School’s *immanent* methodology enables one foot within the existing order while one foot points out, capturing both the motivational force of internal standards and the transformative potential of external critique, bridged by the Hegelian inheritance of a universal rationality. Here, historically-local phenomena can be evaluated as instantiations of a trans-historical rational capacity, with social dysfunction emerging from insufficient appropriations of this rationality (Honneth, 2006: 339). My proposition is that Jaeggi’s particular dialectical-pragmatist model - in which societies can be criticised as localised instances of historical problem-solving whose context-transcending rationality corresponds to how successfully they adapt to and learn from crisis - excels against its contemporaries. My intention in this paper is to ground her thesis in a critique of domination and an attendant epistemic defence of radical democracy.

There are two reasons why we might do so. First, numerous commentators have highlighted the political impotence of Jaeggi’s *Critique of Forms of Life*. They argue that the discourse of learning and problem-solving lacks a sufficient understanding of power conflict, of how the conflictual, structural interests of actors necessarily mediate processes of learning, thus undermining the plausibility of her central thesis. Moreover, this elision of antagonisms, and the highly formal nature of her argument, prohibits any kind of substantive political vision. Unlike Habermas’ lawyerly explication of the principles of dual-track deliberative democracy, or Honneth’s idiosyncratic reconstruction of market socialism in *Freedom’s Right* (2014),

Jaeggi seems trapped in a variation of Adorno and Horkheimer's political limpness (cf. Chambers, 2004). While it is no longer the fault of theoretical pessimism, as in the *Dialectic of Enlightenment* (1947) which wields a rationality it progressively cannibalises, it is nonetheless apparent in Jaeggi's theory. One is left unsure where the emancipatory component of critical theory - in which the development of rationality occurs against the dominance of groups in power - resides, and what a rational form of life may look like. If, as is my gambit here, a potent critique of domination and theory of democracy is in fact latent in Jaeggi's framework (once sufficiently explicated), these objections no longer stand.

The second reason why we might want to explicate this Jaeggian theory of democracy is that it contrasts very favourably with existing approaches. A critical theory of democracy is not unique in the Frankfurt tradition. Both Honneth and Habermas offer quite developed conceptions, both drawing on Dewey, whose concept of social learning is also integral to Jaeggi's main argument. Nonetheless, I think the virtues of Jaeggi's mode of critique, its formal, negativist, and practice-theoretical orientation, enables a defence of democracy with a more stable normative footing, and more radical purview, than that provided by Honneth or Habermas.

The structure of this paper is as follows. After relaying Jaeggi's central argument (section I), and drawing out its virtues of i) formalism and negativism, and ii) its practice-theoretical basis in relation to Honneth and Habermas (section II), we can then address the absence of power struggle. Moving through some of Jaeggi's critics, we can integrate Michael Thompson's thesis of 'constitutive power' so as to reconstruct her ontology as not only a matter of problem-solving and learning, but also a terrain of struggle and domination over the generation and reproduction of social practices (section III). This allows us to then advance a critique of domination as a fundamentally irrational configuration of social power, with Jaeggi's concept of blockages similarly reconstructed as the *partial* and *inflexible* constitution of relations of domination, through an account of capitalism and climate breakdown. From this critique, a Jaeggian model of radical democracy emerges, its rationality consisting in its comparative *pluralism* and *experimentalism*, and which differs from Habermas' insofar as it is not limited to what Chambers calls a 'discourse-theoretic reinterpretation of liberal constitutionalism' (2006: 231).

I - What is the Critique of Forms of Life?

In this section, I will relay the shape of Jaeggi's argument, which can then be situated in section II and problematised in section III. Here I shall explicate Jaeggi's concepts of i) social practice, which comprise ii) forms of life as problem-solving processes, which can succumb to iii) immanent crises, and iv) the learning-processes in which they're embedded.

i) At the very basis of Jaeggi's critique, and part of what makes it so distinctive in Frankfurt Critical Theory (Solinas & Testa, 2020), is a theory of practice. Her understanding of practices as constituted by ethical-functional norms is what enables her normative critique. Norms do not exist in some place outside the social formation, in some 'free-floating "value heaven"', nor are they a matter of discourse or 'lip-service,' but are materially rooted in the internal telos of social practices, the goal to which they are directed (CFL, 113). For instance, for a doctor to engage in the practice of caring for a patient, they must abide by (more or less implicit or codified) norms necessary to complete the practice. If a doctor refused to examine a patient thoroughly or attend to an emergency surgery, they would not only be a 'bad' doctor, but in some sense fail to be a doctor. They would not meet the problem-level inscribed in the practice - 'the recovery of the patient' - and thus fail against the 'criteria of goodness immanent in the practice' (CFL, 108). Normative expectations - like examining patients thoroughly - are functionally required for the effective performance of the practice, hence their ethical-functional status. 'There is no such thing as functioning *per se* but only always more or less *good* functioning' (CFL, 112); that is, functioning in accordance with the normative criterion of success.

ii) Practices then constitute the basis of Jaeggi's central concept of forms of life: an ontological conception of society as a nexus of social practices, an ensemble of 'attitudes and habitualised modes of conduct with a *normative character* that concern the *collective conduct of life*, although they are neither strictly codified nor institutionally binding' (CFL, 41). Such a nexus is more or less variable, dynamic, and integrated (see CFL, Ch.2.1) and just as practices are directed toward problems, so are forms of life. To speak of problems here indicates only that societies are directed toward 'historically specific and culturally shaped' tasks of social reproduction, rather than some putatively ahistorical universal set of 'needs' (CFL, 136). Forms of life emerge in response to prior problems, hence shaping their practical orientations, but in due course give rise to new, second-order problems. As is the case with practices, the problems they are directed to are both ethical and functional, thus when forms of life fail or enter into

dysfunctionality, this is not a raw dysfunction, but one that is normatively infused: it does not work, and does not work as it should, that is, according to the claims it raises with itself.

Jaeggi illustrates this through a reading of Hegel's notion of the 'rabble' as the 'crisis of the work-oriented society' (CFL, 159). The bourgeois labour market here arises in response to the failures of feudalism, but generates its own second-order problems which it cannot resolve. Such a society attempts to secure 'the livelihood and the social integration of individuals' through their participation in the labour market, but the problem of the 'rabble' is such that it 'cannot guarantee precisely this participation' because it is beset by the 'problem of structural unemployment' (CFL, 160). Structural unemployment is not (or not solely) a moral problem here in a Kantian sense, nor exactly a functionalist problem, in which the 'rage of the rabble [...] could destabilise society and jeopardize the social order' (CFL, 161). But rather it is an ethical-functional problem: ethical, 'because poverty should not exist according' to its 'self-understanding', and functional, because the practical task in question - to integrate individuals into society through the labour market, to meld the particular and the universal - is not met, and the practice fails (CFL, 162).

iii) Present in this sketch of failure as an inability to meet a historically shaped problem is the notion of *immanent crisis*, arising from within the 'internal shortcomings' (CFL, 165) of the form of life itself, and which cannot be solved within its existing practical-interpretive framework but requires a *crisis-driven transformation*. Jaeggi here distinguishes between contingent problems *for* a form of life - obstacles that arise accidentally from the world, as in the case of a year-long drought that has plunged an agrarian community into deep scarcity - and problems *with* a form of life. The latter are reflexive problems, emerging as a crisis only 'because it encounters the internal shortcomings' of its 'constitutive practices and institutions,' conflicting with the 'practical-normative interpretative framework' in operation (CFL, 165). To return to the 'rabble', what remains an 'aporetic' problem for Hegel (CFL, 160) is revealed in a Marxian account of structural unemployment as a *constitutive contradiction*, essential to the workings of capitalism as an industrial reserve army and driven by structural tendencies in the change of organic composition of capital. As constitutive of the practice-nexus, its resolution requires (but does not necessarily lead to in the absence of a naive historical determinism) a radical transformation in which, for instance, the 'relation of relationlessness' which plagues the competitive and exploitative organisation of labour under capitalism is resolved. This crisis-driven transformation is what enables Jaeggi to criticise a form of life in

terms immanent to it while nonetheless pointing beyond it, avoiding the problems of externalism and internalism which we discussed in the introduction.

iv) Such a crisis-driven transformation pushes us into the domain of *learning-processes*. Learning-processes indicate a dialectical-pragmatist account of social change. ‘When a crisis occurs,’ Jaeggi elucidates, ‘the (problem-solving) resources of the corresponding forms of life prove to be inadequate ... The supersession of such a situation now leads to modification or transformation, or even to the establishment of new practices, which in turn transform the structure of the ensemble of practices in terms of which the individuals understand themselves’ (CFL, 228). Learning-processes are crucially both an actual practical mode of development - that is, it describes the way practices fail and are superseded by others in response to those failures - and of ‘normative justification’ (CFL, 294). The normative criterion with which Jaeggi criticises forms of life is not just a matter of whether they solve problems, but whether they solve problems *well*; that is, whether or not they do so through a successful process of learning. She thus introduces a *metacriterion*: ‘successful learning processes are ones that extend and deepen the possibilities for experience’ (CFL, 282), that become ‘progressively richer and more differentiated while nevertheless remaining open’ (CFL, 311). Successful learning-processes are those ‘which are able to frame the reality of social changes with adequate concepts, so as to identify and determine the problem at play, to find an adequate solution, to articulate a narrative which can reflexively give a coherent account of the history of those transformations and their relation with the proposed solution’ (Fazio, 2019: 7), and can do so without closing off further paths of inquiry and possibilities for the integration of new and unforeseen knowledge. Deficient learning-processes, by contrast, are those best understood by *blockages* of experience - their fragmentation and petrification - that prohibit this integration. The adaptability and self-reflexivity of this process is thus the kernel of rationality that critique can leverage.

We can see the pernicious effects of blockages by applying Jaeggi’s framework to the case of capitalism and climate breakdown. Capitalism’s inability to solve the immanent contradiction of climate breakdown, emerging as it does from the internal shortcomings of its normatively defined practical-interpretative framework - the simultaneous dependency and disavowal on natural background conditions, the ‘need for cheap natures and the requirement of ecological sustainability’ (Fraser & Jaeggi, 2018: 140; Moore, 2015) - is ultimately located in the pathological nature of its learning-processes. The disavowal of natural background conditions, relegating their intrinsic use-values on which capital accumulation depends to

‘externalities’ beyond practical consideration, effectively ‘blocks the resources we need to experience our situation in a sufficiently rich way fully to grasp the problems we’re confronting’ (Fraser & Jaeggi, 2018: 158). Exxon, as early as 1977, understood the damage that was inflicted by the industrial scale extraction and combustion of fossil fuels. They equipped a tanker ‘with CO2 detectors to measure how fast the oceans could absorb excess carbon, and hired mathematicians to build sophisticated climate models’ (McKibben, 2018). Exxon’s leaders foresaw in careful data the catastrophic trajectory we’re on; but on they pushed, instead using the research to ‘figure out how low their drilling costs in the Arctic would eventually fall’ (McKibben, 2018). The implications of that knowledge for the stability of the delicate web of biogeophysical processes in which capitalism is embedded was utterly disregarded, *blocked*. The interpretive framework of profit-maximisation, capital’s practical epistemology, only saw augmented opportunities for accumulation. Such a social structure is then not just ‘bad’, or ‘unjust’; it is fundamentally *irrational*.

II - Situating Rahel Jaeggi

Accordingly, Jaeggi’s concept of learning-processes repositions Critical Theories rational universal as a meta-principle of the development of forms of life themselves, locating it within the reflexive capacity of forms of life and their ability to successfully learn from crisis. Such a rationality is, with Honneth, ‘anchored in the historical process itself’ (2006: 337), but it is very different from that provided by her contemporaries. Jaeggi dispenses entirely with the intersubjective premises that link Honneth and Habermas, rooting rationality instead in the shape of social practices, their problem-solving orientation, and processes of developmental learning. As I see it, this model has two core advantages, but before explicating them, we should first adumbrate the competing critical theories of Honneth and Habermas.

For Honneth, the measure of a social form’s rationality lies in how well it realises the demand for ‘mutual recognition’ which is located within the intersubjective structure of human consciousness. In a reconstruction of Hegel, he contends that the tripartite institutional structure of modernity - family, state, and civil society - is the necessary precondition for the full realization of these norms of mutual recognition, but which is hamstrung by the pathological ‘recognition order’ institutionalised under capitalism (Honneth, 1995). For Habermas, the rationality in question is of a communicative form, rooted in the implicit and universal structure of human language itself (Habermas, 1984). With the growth of a bourgeois public-sphere comes the ‘rationalisation of the lifeworld’, in which the rational-ethical precepts of language

- the force of the better argument - displace forms of economic and political power and religious mystification in public deliberation. Alongside this comes the familiar Weberian theme of bureaucratic rationalisation of the state and economy, whose development for Habermas is benign so long as it does not encroach on the communicatively-governed 'lifeworld'. But it is precisely this 'colonisation' of the public sphere that Habermas saw in late modernity, the emancipatory promise of communicative action smothered by commercialisation and propaganda (Habermas, 1962/1989). And it is in this boundary policing, targeting incursions by such 'system-logic' on the 'lifeworld', to which critique must be directed.

As for the advantages of Jaeggi's account, it is, first, decidedly more *formal* and *negativistic* than that offered by Honneth, who relies on quite a strong anthropological claim about the substance of ethics, a form of mutual recognition that respects the full individuality and equality of different agents (Honneth, 1995), across human societies (Zurn, 2000). When one is in the business of making universal claims - as the Frankfurt tradition is, in its own peculiar concept of context-transcending rationality - it seems to me better to make such claims as formal as possible to avoid the risk of projecting back features of contemporary society onto those which did not possess them. Jaeggi's concept of rationality as effective problem-solving avoids this problem. She is concerned not with the content of the 'successful solution formation itself' - the *what* - but the 'successful dynamics of solving a problem' - the *how* (CFL, 282-3). It is a comparatively highly plausible claim to suggest that all forms of life face their own particular, historically-local and culturally-shaped problems, and that forms of life are better, more rational, when they can successfully adapt in response to such problems. This brings us to its *negativism*. Jaeggi clearly offers a dialectical account of social change strongly influenced by Hegel, but with a pragmatist spin that allows her to avoid the mirage of a final *telos*. The criterion against which critique can orient itself is not derivative of some substantial goal, but is a negative criterion, of the failure of practices and an inability to adapt effectively to them, which enables Jaeggi to distinguish 'better' from 'worse' forms of life without relying on some putative endpoint to the process (CFL, 284). Following Dewey, problem-solving is thus a fundamentally open-ended and experimental process, motivated negativistically to overcome local problems, but capable of being evaluated with a context-transcending criterion (the formal quality of the social learning in play) that does not rely on ethical-substantialist or teleological assumptions.

The second advantage lies against Habermas and the reformist implications of his dual model of social action. The aforementioned split between 'system' and 'lifeworld' was

motivated by an attempt to escape the totalising pull of instrumental rationality that subsumed Adorno and Horkheimer's project, unable to specify an alternative, emancipatory rationality with which to ground their critique. For Habermas, rationality is rooted in the communicative action present in lifeworld contexts, spheres through which social meanings are negotiated and identity-formation takes place, which can then be leveraged against encroachment by systems-logics. So long as the instrumental-strategic system-logic is constrained to its appropriate realm, coordinating action 'within the economic and political spheres' and in relation to external nature (Cook, 2004: 151), it is of no concern. But Jaeggi is clear that this system/lifeworld distinction is inadequate, effectively removing the economic sphere from the realm of criticism, mystifying it as 'something autonomous, self-propelling, and non-normative, which must be accepted as more or less given' (Fraser & Jaeggi, 2018: 51). Habermas is then limited to a rear-guard, broadly social-democratic defence of certain spheres from economic logics. By contrast, Jaeggi's 'monistic social theory' considers the economy as an ensemble of problem-solving practices like any other, not "embedded" in a surrounding or enabling ethical form of life', but part and parcel of it, driving its essential dynamics. Critical attention is thus given not to the 'invasion of the economy into society', but 'defects in the shape and content of economic practices themselves' (Fraser & Jaeggi, 2018: 51). Thus, we can criticise capitalism on the basis of its internal contradictions, problematising precisely that instrumentalising relation to nature, for instance, that is encoded in exchange-relations, rather than reifying it as some kind of default orientation. And as we shall see in section IV, this methodological advantage enables a more radical version of democracy than Habermas' offers, more capable of disrupting existing asymmetries of power and subjecting social life to rational control.

Nevertheless, while Jaeggi avoids the pitfalls of teleology, ethical-substantialism, or reformism, she lacks an understanding of social power able to properly ground her account in relations of struggle, which undermines the political punch of her thesis. Her pragmatist motifs of learning and problem-solving are then too formal for their own good, eclipsing the real antagonistic shape of social life. This charge is one deeply connected to the original motifs of Critical Theory (Honneth, 2006: 347). In shifting away from Hegel's idealist account of reason, the Frankfurt School posed a 'detranscendentalised' dynamic of conflictual learning-process, re-routed through Marx and Weber. Reasons progress is thus gradually obtained not only 'by improved solutions to problems' - which Jaeggi carefully explicates - but also 'against the opposing groups in power' (Honneth, 2006: 347), which Jaeggi, by contrast, shies away from properly theorising. By filling in this concept of power in the next section, we can establish a

basis from which to develop a critique of domination and defence of democracy in section IV that addresses her apparent political limpness.

III - Learning and Power Struggle

Having relayed Jaeggi's thesis, I'd like to move towards a critical reconstruction. Two core objections can be identified. First, Jaeggi does not elucidate how structural relations of power constitute forms of life. Second, because she does not elucidate this, she is unable to say anything of value regarding the way social antagonisms necessarily mediate and complicate her discourse of learning and problem-solving. Some critics use this oversight to object to the usefulness of even speaking of problems or learning in reference to social phenomena that are, first and foremost, matters of power struggle. Nonetheless, this ultimately oversteps the mark, misunderstanding the non-reformist and conflictual understanding of social learning as Jaeggi theorises it. Instead, I propose that Jaeggi's inability to map the structural interests of antagonistic actors in relation to learning-processes means she misses a potent critique of relations of domination as constituted by irrational 'blockages' that is implicit in her work. By integrating Michael Thompson's notion of 'constitutive power' into her pragmatist ontology, we can reveal forms of social struggle over the configuring and reconfiguring of social practices, and introduce a concept of domination in which the capacity of a nexus to effectively reconfigure itself in response to its problems is blocked. This can be developed into a critique of domination and defence of democracy based on their divergent potentials for learning in section IV below.

Conflict and Learning

First, the basic explanatory problem with Jaeggi's social theory is that the practice field seems to exist independently of social relations of power. Antonio Vasquez-Arroyo (2020: 7) argues that she offers no account of how the 'normative ensembles' of forms of life are instantiated by hierarchical relations of force. She devotes many pages to explaining carefully the particular type of rule-following and endogenous normativity at play (CFL, ch.3), as well as the general topography of forms of life as a 'variable nexus of practices' (CFL, 72). Forms of life are punctuated with 'nodes' and 'clusters' (CFL, 72); institutions are theorized as sedimentations and partial autonomizations of practices that differ in their 'aggregate state' to 'softer' forms of life (CFL, 39-40); and so on. But this explanation occurs with a peculiar absence of power. Jaeggi's social ontology therefore displays the same ambivalence to power

struggles as Michael Thompson (2017a) identified in John Searle's work, wherein a thorough account of how shared agency is coordinated through 'deontic power' (i.e., the function ascribing and relational demarcating force of social norms) is advanced without any account of hierarchical structuration, providing no sense of how asymmetric forms of social power shape social relations.

Second, because Jaeggi does not theorise how power relations constitute forms of life, she does not grasp how they mediate and complicate processes of learning. If we think of capitalism and climate breakdown, the issue is not only that capitalism lacks the capacities to solve this problem, but, more importantly, that capital - as the dominant social class - *does not want to solve the problem*; that the dysfunction in question actually reproduces their structural interests (extraction of value from nature in service to capital accumulation). There are two implications from this observation for Jaeggi's thesis. The first, as advanced by various critics, is that it casts into doubt what it means to speak of problems or learning in this context; the second is my contention that it clips her account of blockages. As for the former, what one considers a problem then depends on where one is situated in the social formation and the interests one possesses therein, and potentials for learning - to trigger a 'change in moral consciousness' or illuminate 'more rational ways of solving problems' (Ceilkates, 2018: 151) - then come to fold what are ultimately matters of power struggle into a reformist faith in the gradual enlightenment of the powerful (Pensky, 2018). Antonio Vasquez-Arroyo thus objects that the dominance of pragmatist motifs in Jaeggi's work masks social antagonisms and 'reduces emancipation, its collective connotations, and its calls for abolition into' a 'modest progressive rationality' (Vasquez-Arroyo, 2020: 5).

These objections, while motivated by a real lacuna, are ultimately misplaced. First, while problems must be interpreted by actors, and thus can produce conflicting interpretations, they nevertheless exist for the form of life, not necessarily for the actors within it. Problems for Jaeggi are both objective and subjective, arising on the side of reality, from contradictions within practices and real breakdown or erosion, but must nevertheless also be interpreted and formulated *as* problems. Capital will therefore have a different interpretation of the climate crisis and possible solutions - evidenced in its faith in green capitalist or natural capital solutions - but the problem still exists, and there are 'better' or 'worse' solutions to it (see CFL, ch.4). Climate breakdown is a problem for the form of life because it arises immanently from its practical-interpretative framework, and whether or not capital recognises it as a problem for them is irrelevant in the sense Jaeggi is using the term.

Second, in the same way that problems do not depend on all agents recognising it as such, learning does not depend on convincing capital that they are wrong but is a property of the nexus itself. When Celikates suggests that learning depends upon triggering a ‘change in moral consciousness’ on the part of the powerful, this misses that learning for Jaeggi does not operate on the basis of ‘individual insights or individual moral betterment’ (Jaeggi, 2018b: 200), but refers to the practical level of the form of life itself. The form of life learns, then, when practices have ‘changed as a result of having faced problems and dealt with them in an accumulative manner,’ in a ‘complex mix of practical and reflective moments in an experimental process of trial and error’ (Jaeggi, 2018b: 200). Jaeggi (2018b: 200) considers learning in practice-theoretical terms more in ‘terms of emergence and resilience than in terms of intention and action (alone).’

Third, when critics (Pensky, 2018; Vasquez-Arroyo, 2020) further object that learning tends towards a reformism, they ignore the characters of crisis-driven transformations as Jaeggi understands them: fundamentally ‘conflictual and threatening’, they do not leave ‘the institutions and practices in question intact but might end up overcoming and destroying them’ (Jaeggi, 2018b: 205). Learning in the case of capitalism’s constitutive contradictions would necessitate going through the system of capital, an antagonistic and potentially revolutionary process. To say that something has been learned, rather than simply transformed, lies in a particular understanding of ‘continuity in discontinuity’ that Jaeggi adapts from Hegel’s notion of determinate negation, in which the new practices or institutions are ‘shaped by the character of the erosions’ they reacted to (Jaeggi, 2018b: 205). Thus, the shape of a potential postcapitalist system of work would in some sense be underdetermined by the failures of the capitalist labour-market.

Having made these clarifications, we can now consider the second implication of Jaeggi’s inability to illuminate how power relations mediate learning. To recognise this would not, contra her critics above, derail her putatively harmonialist pragmatist motifs; rather, it would reveal how blockages to learning are in fact *constitutive* of relations of domination, thus opening up a powerful epistemic critique that Jaeggi does not explore. To wit, insofar as capital’s system of social domination pertains, and they successfully crush, pacify, or neutralise attempts to overcome the dysfunction of climate breakdown, then the chance to learn - to reflexively integrate the experience of practical failure and advance beyond them in a process of (more or less conscious) social reconstruction - is blocked. What I am suggesting then is that social relations of domination are *inherently irrational*. When a form of life is configured

according to hierarchical social relations, it constitutively blocks experiences necessary to resolve problematic situations, precisely because to reflexively integrate that experience would liquidate the (dysfunctional) practice-nexus which reproduces dominance.

Power and Domination

In order to make this argument, I have to now elaborate how learning-processes are mediated by social power relations, which requires first engaging with an account of human praxis as a socio-generative capacity. This concept underlies Jaeggi's account of practices. In the first case, it is only insofar as they are 'made', that they are dependent upon human action for their existence, that critique is even possible; if it were not possible to change our practices, there would be no rational purpose in evaluating or objecting to them. (CFL, 73-74). In the second case, in Jaeggi's discussion of 'freedom as a principle, not a goal' of historical change, she contends that history itself attests to this capacity: 'human forms of life [...] are instantiations of freedom because they are always something that human beings could do in one way but also in a different way', and it is precisely in moments of crisis-induced change that this 'insight' into the character of human freedom comes into play (CFL, 296). She is careful to qualify that this does not mean forms of life can be 'straightforwardly "created" by active and conscious subjects' in 'complete transparency'. On the contrary, many of our practices are often hidden, implicit, or autonomized, and history often works behind the backs, as it were, of the agents involved, in a complex concatenation of unintended consequences and unconscious interconnections. Nonetheless, she concurs with Marx that 'subjects make their own history - but not under circumstances that they choose themselves' (CFL, 313).

I would agree with all of this, but there seems to be a point missing. It is not just the case that social practices are ultimately products of human action, with the human here an undifferentiated social agent. But more importantly that the capacities of different agents to shape the form of life vary: dominant or superordinate actors possess certain powers to set the agenda or establish the context for action in a way that subordinate actors do not. Here we come full circle, because the first critique of Jaeggi in this section was that she did not possess a concept of how differential power relations constitute forms of life, a concept which Michael Thompson, by contrast, does possess. Thompson offers an ontological account of how social practices - the constitutive rules and norms that generate social facts like basketball, education, or chattel slavery - are instantiated through forms of social and resource power, such that dominant actors can impose a 'hierarchical and extractive' relation 'into the norms and

institutional logics of the community itself' (Thompson, 2017b: 213). Thus, when Jaeggi only speaks of the practice nexus of forms of life and their normative obligations, she is identifying only half the story, effacing the constitutive power relations which establish, preserve, or challenge them; and when she speaks of forms of life as ultimately products of human praxis, she does not theorise how the capacity for this praxis might be *asymmetrically congealed* or dispersed depending on the configuration of power relations.

I take this notion of asymmetrical congealing from a definition of domination Foucault offered in passing. While Foucault's account of power is often criticised for being unable to differentiate between normal operations of power and critical concepts of domination, he does, in an interview some few months before his death in 1984, suggest an interesting form of the latter. Here, the power-field, 'instead of being variable and allowing different partners a strategy which alters them, finds themselves firmly set and congealed'. Such 'asymmetrical' congealing ensures that the capacity for a 'reversal of the situation' on the part of subordinates is 'block[ed]', rendering the power field 'impassive and invariable' (Foucault, 1984: 114). This physical vocabulary - blockings, congealing, asymmetry; as against reversal, fluidity, dispersion - is important, because I want to have an ontological account of how the generative or (re)constructive potentials of the power-field might be disabled depending on its configuration. My intention with this is to shift emphasis away from a normative ideal of freedom to a more epistemic or morphological understanding of domination as a power relation which undercuts its ability to effectively adapt in response to problems.

Having elaborated this, we are now in a position to state more clearly how learning-processes are mediated by constitutive power relations. In the first case, the dominant practice-nexus of the form of life is in some sense imposed and reproduced by dominant actors. While we must recognise with Jaeggi that there is never some Promethean model of creation, with forms of life emerging *ex nihilo* (indeed, it is precisely this which the Hegelian model of social change presumes at base) it is still nevertheless the case that power relations exist, and these mean that the capacities of agents to (re)construct the social world, to set or change the agenda, differs. Second, because dominant actors can (re)produce forms of life which serve their interests, there is an imperative on their part to resist its transformation. Which, third, ensures that social relations of domination - in which constitutive power relations are asymmetrically congealed - are constituted by blockages to learning, in which the experiences necessary to solve its form of life problems are rebuffed by the hierarchical forms of social power exerted by superordinate agents.

IV - The Irrationality of Domination

Having elaborated an understanding of forms of life as constituted by power relations, and tentatively introduced the thesis that systems of domination are inherently blocked processes of learning, I can now operationalise and deepen this in relation to capitalism and climate breakdown in four parts. First, I give an exposition of Jaeggi's concept of blockages to learning; second, a critique of capitalism as a system of domination; third, an elaboration of capitalism's blockages as preventing an effective apprehension and resolution of the climate crisis; fourth, a brief account of Jaeggian radical democracy as a rational learning-process, underdetermined by the prior critique of domination.

i) Jaeggi's concept of blockages denotes a structural breakdown in the recursive processes of reflection and adaptation between individuals and their context of action. Blockages exist when the form of life 'does not function as a context of reflection', when it does not possess 'any successful mechanisms of self-understanding' and 'self-transformation' (CFL, 229). If learning is fundamentally a matter of reflective adaptation, then blockages consist in two interlinked moments: first, they 'limit experiences or render it one-dimensional', preventing us 'from making connections' (CFL, 283). Second, they prohibit the 'reconstruction' and 'reorganization of experience'. She sums up the metacriterion of successful learning with reference to the pragmatist maxim 'don't block the path of further inquiry' (CFL, 282), indicating a certain reflective openness to experience and a capacity to adapt rooted in the provisional and open-ended character of historical problem-solving she derives from Dewey.

Such an account is plausible but exceedingly formal. In keeping with my power-conflictual elaboration of Jaeggi's framework - and her assertion that blockages are not accidental to the social formation, but systemically rooted in its 'categorical' and structural 'organisation of existing knowledge' (CFL, 285), - I'd like to propose, first, that 'one-dimensionality' has something to do with the asymmetrical organisation of the power field, with the *partial* experiences of the dominators imposed to the expense of conflicting experiences. Second, and since the 'reorganization of experience' cannot be a cognitive affair for Jaeggi, but instead refers to the material practices and orientations of the form of life itself, I suggest it should be considered as implying a form of structural plasticity, with a blockage of *inflexibility* occurring when asymmetrical power relations prohibit the revision of social practices in response to experiences of failure.

ii) To consider these in relation to capitalism and climate breakdown, we have to first explain how capitalism is a system of domination. Capitalism is a system of domination in which the master-servus relation between capital and labour within firms (Anderson, 2017) is embedded in a wider context of market domination wherein the crucial decisions over general material reproduction are determined by the imperative to accumulation (Fraser & Jaeggi, 2018; Robin & Gourevitch, 2020; W.C. Roberts, 2017). Such an imperative coincides with the material interests of capital as a class, whose control over economic resources provides them not just with a disproportionate share of social surplus, but also significant amounts of social power which they can exercise to defend their material interests. While it is true that the state is nominally able to circumscribe such control rights, the social power invested in capital by virtue of those rights in turn circumscribes the power of the state to limit it, visible in the outsized influence exercised through the media, campaign finance donations, lobbying, capital flight, etc., in comparison to ordinary citizens (Winters and Page, 2009; Dumhoff, 2005; Block, 1977).

iii) Both features of partiality and inflexibility prohibit capitalism from effectively solving the problem of climate breakdown. Consider the following: despite the fact that even the ‘committed emissions’ of existing carbon infrastructure is pushing us rapidly towards 1.5 degrees above pre-industrial levels, Shell and ExxonMobil have ‘planned for production to increase by 38 and 35 percent, respectively, until 2030’, and ‘the three largest asset managers in the world, together handling assets worth more than China’s entire GDP, continued to pour money into oil, gas, and coal at an accelerating pace’ (Malm, 2021: 27). First, then, the one-dimensional interpretative framework of capital accumulation systematically refuses to integrate the experiences of climate breakdown. Action is coordinated on the basis of market logic, in which decisions are taken depending on their respective opportunities for profit. In the present case, this is a partial framework insofar as the highly thin and monovalent type of information contained in prices is unable to capture the vast complexity, uncertainty, and value incommensurability essential to any reasonable cognition of biophysical systems (Akbulut and Adaman, 2020; Vatn, 2000). Instead of considering the implications of a given use of resources for local biodiversity, general emissions levels and so on, decisions are determined by a cost-cutting rationality driven toward the partial goal of the augmentation of capital. Insofar as our form of life is then governed by this framework of market rationality, it definitively cannot function as a context of reflection because it blocks all those experiences which do not immediately align with the one-dimensional imperative to accumulation.

Second, the dominance of exchange-logic also deforms our capacity to adapt our practices. Market coordination occurs behind the backs of atomised individuals, reduced to pursuing their private interests amidst the amorphous general power of the invisible hand, such that the capacity to apprehend and collectively make and remake the social world is concealed (Geuss, 2017). The market hardens into a ‘second nature’ unavailable to agency, actors split off from their (re)constructive capacity, in both an objective and subjective sense. For the former, market relations are explicitly designed so as to prohibit collaborative organisation over the material basis of social life. For the latter, the reproduction and routinization of these atomised market processes (Gunderson, 2021) then masks the ‘very idea that social facts are created by us, that the world we inhabit is essentially a human world,’ (Thompson, 2017: 223) ultimately dependent upon our actions. Human agency is then refracted through a fragmentary (dis)organisation of atomised market subjects disciplined by the reified imperative of accumulation, with our capacity to reorganize the practice-nexus in response to failure kneecapped. Moreover, when social actors do attempt to denaturalise and challenge this practice-nexus, the social power held by the superordinate agents who benefit from it is exercised more explicitly against them either through brute power via the state’s coercive monopoly, discursive delegitimation, or the disciplining of wayward governments through capital strikes, and so on.

With this elaboration of Jaeggi’s concept of blockages, we can defend her social philosophy from charges of political impotence (cf. Fazio. 2019), drawing out, in more detail than Jaeggi herself ever offers, what she means when she considers *Critique* an ‘exploration of conditions of [...] individual and collective *emancipation processes*’ (CFL, xi). A Jaeggian critique of domination thus contends that superordinate actors diffuse their partial interests through the social formation, constituting its practices so as to be internalised as the general context of action, while simultaneously debilitating the capacities of subordinates to challenge it. Through more or less explicit hierarchical relations, and through more or less internalised practices, dominant actors can then congeal, as it were, the practice-nexus that reproduces their dominance. The effect is then that when problems arise, the capacity of that practice-nexus to reflexively adapt in response to them is blocked, because the type of experiences that problematise it are rebuffed by the workings of its partial institutional structure, and the opportunity to reconstruct it is denied.

iv) Before we conclude, we can note here how the rationality of democratic learning-processes derives from their dissolution of these blockages; that is, their comparative *pluralism*

- in which the problematising experiences previously blocked are integrated into a process of shared decision making - and *experimentalism* - in which practices are always considered provisional answers to problems and thus subject to (potential) transformation. Such components are present in Dewey's epistemic defence of democracy, conceived as an experimental process of collective problem solving (Putnam, 1990). Democratic relations here subject social practices to the *cyclical affirmation* (or revision) of those imbricated in them. Where problems emerge, such experience can be folded back into the process through participatory governance, practices can be adapted, and the process can continue indefinitely. By contrast, the basis of domination is that the only actors capable of changing practices are the dominant, and it is exactly by virtue of their dominance that they do not want to adapt their practices if it contradicts their interests. Even if the failure of their practices is clearly present they will resist adapting to such experiences because it would threaten their power over subordinates. Domination thus institutes an over-determining structural interest in the maintenance of the present solution path that does not exist in relations of democracy, whose fluid, distributed power relations enable an experimental approach to problem-solving.

As I formulate it, then, Jaeggian democracy differs both from the hegemonic model of elitist electioneering, and the Habermasian deliberative public sphere, to extend participatory or co-governance mechanisms (Pateman, 2012) over the determining institutions of social life: government, urban planning, schools, hospitals, workplaces, resource allocation mechanisms, etc. With Habermas, democratisation is relegated to expanding informal processes of opinion formation, buttressing existing representative and administrative procedures (Habermas, 1996), with the radical democratic hope for the conscious collective direction of state and economy extinguished (Habermas, 1996; Cook, 2004). But the problem he faces here is roughly the same as that of his methodological split between 'system' and 'lifeworld', leaving existing asymmetries of power largely intact, and overestimating the emancipatory force of the public sphere. Since Jaeggi does not depart from the intersubjective premises of the lifeworld, but rather the problem-solving orientation of social practices *tout court*, the scope of her democratic learning processes is freed from these reformist tendencies. And with all respect to the complexities of concrete constitutional design, regulatory purview, and spatial jurisdiction, the intention is that, insofar as the form of life's constitutive institutions - its central nodes of constitutive power - are reflexive and experimental, their networking, nesting, and layering can generalise a rational learning-process across the form of life as its meta-structure. Herein, the emancipatory component of Frankfurt Critical Theory - a liberatory action-orientation that

distinguishes it in large part from putatively neutral ‘traditional’ or positivist theory (Horkheimer, 1937; Geuss, 1981) - is recovered from Jaeggi’s abstraction.

Conclusion

Rahel Jaeggi’s critical theory offers a way to criticise social formations in terms immanent to them while pointing towards their transformation. This methodology is unique to the Frankfurt tradition, and Jaeggi’s formal-negativist and practice-theoretical spin provided it with a well due revitalisation, liberating critical theory from strong teleological or substantialist foundations, and the reformist path that Habermas’ communicative turn set it on. Her key to doing so was to provide an innovative synthesis of Hegelian dialectics with Dewey’s formal account of problem-solving, such that forms of life which do not possess an ability to adequately reflect on its practices and revise them in accordance with experiences of failure can be said to be irrational. But Jaeggi’s own explanation failed to effectively map social conflicts within those processes of learning and avoided any exploration of struggles of domination and emancipation that is at the core of Frankfurt Critical Theory. My project herein was to amend these deficiencies by providing a concept of power and domination, exposing the latter as constituted by blockages to learning in which the partial perspectives of the powerful were imposed and insulated from challenge, freezing the practice-nexus by prohibiting its rational revision. This then underdetermined a model of radical democracy that was more adept at targeting existing asymmetries of power than the dominant Habermasian deliberative variant.

The particularly acute crisis of climate breakdown, recurrent throughout this piece, underlines the importance of Jaeggi’s project. It is a crisis of disconnect - with nature, yes - but perhaps more fundamentally with our capacity for human praxis: our ability to construct and reconstruct our ways of living together in response to problems. Relations of domination debilitate this capacity: superordinates pacify subordinates, they make the power-field impassive, fixed, congealed, attempting to embed their preferred structures so deeply into our forms of life that we then become unable to change them. The result is a horrific form of path-dependency, the costs of which will, as the 21st century charges on, continue to accumulate. The question remains whether we will retrieve quickly enough what the late David Graeber (2015: 89) once said was the ‘ultimate, hidden truth of the world’: that despite its distortions, despite the attempts by the powerful to dispose of us this fact, ‘that it is something that we make, and could just as easily make differently.’

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Olga Popinska: Why we do not need a global history of political thought: a case against further specialisation as the solution to the discipline's shortcomings

Author

Olga Popinska is a recent Human, Social, and Political Sciences graduate from St John's College.

Abstract

This article makes two interventions into contemporary debates about globalising the history of political thought. First, it argues against further specialization in the discipline, i.e., creating a new (sub)discipline of 'global history of political thought'. The motivations for establishing it, I argue, are effectively criticisms against the contemporary shape of the 'mother' discipline – history of political thought - and should be used as starting points for its reform rather than further specialisation. Relegating debates about the biases and inadequacies of history of political thought in its canonical form into a new discipline, while keeping the main one intact, is a deeply political act, which by saving the field from the necessity of critical historical reflection upon the conditions of its own formation, produces the material effect of cementing and further naturalising racial, gender, and geographical hierarchies within the field. A discipline that makes a claim to the universal, I argue, should by default include considerations raised through the framework of globality. Secondly, I introduce into the debate a new framework which could serve as a theoretical starting point for reform: the pluriverse. Conceptualising the world as a singular space, but one into which, nonetheless, many worlds fit, the pluriverse provides an epistemic counterpoint to the discipline's totalising universalism, while remaining attuned to certain shared conditions within which political theorising around the world has and continues to be conducted.

Keywords: history of political thought, global history of political thought

Introduction

‘To assert a human *need* for any sort of history, still more a history as intricate and uningratiating as a history of political thinking, sounds strained or hysterical; a bombastic rhetorical flourish, not a potentially valid argument’ writes John Dunn (2018). And yet, he goes on to argue, a pressing need to set up a global history of political thought is precisely what we – humanity as a whole – are facing today. At a time of political crises and shifting paradigms playing out at the supranational level, only a ‘global turn’ in the discipline could make the history of political thought a helpful tool for understanding the political dimension of the historical moment we are finding ourselves in. A tool, that at this point in time, we desperately need.

Dunn is not alone in this call. The topic of ‘globalising’ the discipline has been a hot one in recent years, as evidenced by a loud 2013 volume edited by Samuel Moyn and Andrew Sartori. In it, they invite leading historians and political scientists to debate what would it mean for intellectual history to become global, what would such a history be a history of, how to construct it, and what the rationale behind such a project would be in the first place. And the outcomes of such academic discussions can already be seen in practice - the first graduate modules (LSE, Harvard, Columbia), and even entire programmes in global history of political thought (St. Andrew’s) have been set up in universities around the world.

But while the main debate centres around the shape and content of the new, global intellectual history, what remains underexplored is the rationale behind its very establishment as well as the political consequences of setting it up as a new discipline. This article makes a case against further specialisation by arguing that what motivates it - an appeal to interconnected universality and to standpoint bias - should be treated as a criticism, and thus a starting point for reforming the ‘old’, canonical discipline of history of political thought, rather than a reason to uncritically establish a new field of study. Otherwise, if what is contained by the ‘global’ becomes relegated to a minor branch of the discipline while its canonical core remains largely unchanged, its old biases become cemented and naturalised further. What specialisation does is it saves the main discipline from the pressure to correct the biases that arise from the historical conditions of its own evolution.

To ground the argument, I start by defining the subject matter of the history of political thought itself, in order to provide a reference point for what it is that would become global.

After outlining the aims as well as the contemporary shape of the discipline, I move on to present two arguments for a ‘global turn’ in history of political thought and from them, define two ways of understanding the global.

The two following sections explore what a global history of political thought, based on each of these, would be. The first one considers ‘global’ as an antonym to ‘local’, as it comes out of the argument that with the scale of politics expanding beyond the national or contextual, the scope of political theory should adjust accordingly. A global history of political thought thus becomes a two-sided history of political universalism: first an intellectual history of how universality was articulated and second, a history of how certain ideas about politics became gradually universalised at the world scale. The next section sees the global as a response to the limited set of perspectives included in the canon of history of political thought. Global history of political thought becomes what I shall call a ‘pluriversal’ history of the variety of ways of thinking about politics to be found around the world, as well as a history of exclusion from theory production and its contestation.

Finally, the last section looks back to the subject matter of history of political thought, as discussed at the beginning of the essay, and argues that while there is a pressing political need to acknowledge the concerns raised in both sets of discussions, this should not be done by establishing a new discipline. Both sets of debates raised by adding the term ‘global’ fall within the subject matter of history of political thought. Moreover, containing them to a new, peripheral discipline, while keeping the main one intact would maintain and legitimise the naturalisation of male, white and European voices as those of the universal subject. Thus, instead of creating a new (sub)discipline, history of political thought should be reformed in a way that contextualises the canon as a record of political discussions within a particular section of European society, as well as lets in voices from previously marginalised locales while striking a balance between the particular and the universal. When this process is finished, a global history of political thought would simply become the fully developed and complete history of political thought.

History of political thought

Political thought can be most simply defined as the activity of thinking about the political sphere of human life, of conceptualising the ways in which humans live together in communities, how decisions are made, and conflicts solved, how power and authority are

distributed, how the use of violence is legitimated, as well as what values and institutions guide these processes. As an activity, it has two motivating forces behind it: a descriptive (to understand how politics *is* in the present) and a normative one (to find out what politics *should* be like in the future). In the words of Leo Strauss, it is ‘the attempt truly to know both the nature of political things and the right, or the good, political order’ (Strauss 1988: 12).

History of political thought, in turn, is an academic discipline that emerged to make sense of how thinking about politics evolved through time in response to changes of contexts in which the sphere of political activity played out. Consequently, it traces the dialectical relationship between political theory and history: the ways in which political theorising gave rise to historical changes, as well as how those changes set the contexts for, and thus influenced political thought. With time, this became solidified into a clearly delineated story that defines a set of debates and problems, alongside the thinkers who provided the most illuminating elaborations of them.

As outlined by Dunn, this story begins in Greece in the fifth century BC with Plato and Aristotle, unfolds through Christian philosophy of the Middle Ages and the politics of Italian city-states to seventeenth and eighteenth century natural law deliberations in Europe as well as constitutional debates in America and France, then moves on to Scotland in the eighteenth and Britain in the nineteenth century, in order to culminate with socialism and the revolutionary crisis. (Dunn 1996: 17-18) The ‘core’ of history of political thought thus consists of ‘a relatively determinate canon of... classic texts’ (Dunn 1996: 18), written by a set of authors in these places and periods. It is primarily with tracing the dialogues between these people, drawing from them implications for how to understand our political past, present and future, that historians of political thought are concerned.

In response to the contemporary shape of history of political thought, there emerge two interpretations of what a global turn in the discipline could indicate, both of which rely on pinning down the meaning of the term ‘global’ itself. This article will follow Bell (2013: 254) in doing so through resorting to antonyms. First, the global can be seen as an antonym to the local. Contrary to the traditional field’s tendency to study the political as it plays out within the state, the new discipline, acknowledging the increasing interconnectedness and interdependence of individuals around the world, would take as its primary object of study the political community formed by humanity as a whole. Second, the global can be seen as a response to the limited set of identities and thus, perspectives on the political, represented in

the canon. This includes the geographical, and by extension, racial dynamics indicated by Bell through the term 'Western' but can also be pushed further to consider the gendered biases that determined political thinking in the Occident itself. The new discipline would therefore encompass understandings of the political developed by voices that were thus far excluded from theory production. Through these antonyms, two visions of globality can therefore be constructed: global as universal from the former, global as pluriversal from the latter.

Global as universal

The first understanding of what a 'global history of political thought' would be comes from the belief that there has been a qualitative change to politics and the scale of our political imaginations as a result of globalisation. As the world is becoming increasingly unified and connected by the economy, political organisations, technology and international law, it is no longer sufficient to think about political activity primarily in relation to nation-states. This conclusion is further amplified by the recognition that the most prescient threats faced by humanity at this point in history - nuclear annihilation or climate catastrophe - are truly global in scale as well. Out of this picture, a vision of the 'global' emerges, in which the planet is seen as home to one human political community. The global becomes synonymous to unified, interconnected, singular, and, most importantly, universal. Consequently, a global history of political thought becomes grounded in a dual history of the universal: first, an intellectual history of the political articulations of universality and second, a history of the gradual universalisation of certain ideas at the global scale.

Firstly, if global history of political thought is to be a history of one world, then it needs to be partly a history of how this universal world was imagined. This, in turn, necessitates a genealogy of political visions which saw the world as a singular space in which ideas, rules and laws could be seen as applicable to humanity as a whole. And though it is a story far too complex to be even sketched here, a large part in it would inevitably be played by the particular understanding of historical progress developed in Europe around the eighteenth century. As technological developments, such as the railway or the telegraph, compressed time and space, it became possible to imagine the world as a singular, universally-governed space. (Bell 2013: 265) This, in turn provided the basis for theories which saw human societies as evolving through stages towards 'the same final destination', in which the pre-existing diversity of human history was to be gathered into a 'single, universal, final stage' (Kaviraj, 2013: 308-9).

This belief that all human communities were fundamentally similar and could be located at different points of a linear path towards higher levels of sophistication went on to underlie much of European political philosophy and practice from the eighteenth century onwards. Since these theories were formulated in Europe, it was European forms of political and economic organisation that became the universal benchmarks against which progress everywhere was measured; the world became a universal space through which European norms and theories would progressively spread to culminate in a common future shared by all humanity. Though in varying formulations, this historicism lies at the basis of some of the most formative modern political theory (Kant, Hegel, Marx, Mill), legitimated colonial expansion as a *mission civilisatrice*, and continues to be channelled in contemporary understandings of development (Rostow 1960, Fukuyama 1989).

The second concern of such global history of political thought would be how these universalist formulations migrated from the realm of theory into practice - namely, 'how concepts circulated and were reproduced' (Lopez 2016: 157) in a way that made individuals from different cultural backgrounds comprehend politics through conceptual frameworks - such as sovereignty, nationalism, international law, human rights (Aydin 2013: 159) - that originated in one geographical area. Hence, it is a story of how a world 'in which several systems of "political thought" came into being and existed in distinctiveness from each other' transformed 'circa 1500–1700 C.E.' into a Eurocentric globality, in which the primary context through which to make sense of politics around the world became the Western one. (Pocock 1962: 3-7)

It is thus largely the history of imperialism and its incorporation of disparate parts of the world, often by force and on highly unequal terms, into international political, economic and legal networks of largely European making. Whether it is sovereignty realised through a nation-state system (Cooper 2014), the global legal frameworks (Anghie 2008), or the international economy (Davis 2002), the dissemination of universalist norms, concepts and ideas was often marked by violence and blood. Thus, a history of the world becoming global is largely a history of imperial encounters and unequal power relations in which concepts were often spread from the top down, in a hardly consensual way.

But this is far from a one-sided story of violence, it is also a story of interaction - of how concepts that originated in the West have been remade by colonial encounters. Firstly, of how their meanings changed by virtue of being translated into vastly different cultural contexts.

As argued by Kaviraj, ‘the movement of ideas leads to something like a ‘translation process’ in which the receptive language has thick connotative features that are never quite turned off when foreign ideas are received’ (Kaviraj, 2013: 304-5). This meant that even when universalist ideas spread, they were not received in a universal way - their meanings changed depending on the contexts into which they were imported. (cf. Hill 2013 on ‘civilisation’ in Japan)

Yet perhaps even more importantly, meanings of concepts changed in the process of universalisation as a result of being actively challenged, remade and reclaimed in the political project of resisting imperialism. Capitalising on the self-proclaimed universalism of Western ideals, many anti-colonial theorists (cf. Cesaire 1950, Fanon 1961) called them out for not standing up to their ambitions. Affirming the universalism of values such as ‘humanism’ or ‘self-determination’, they nonetheless denounced the exclusivity and violence they were bound up with in their European formulations. To fully realize their meanings, they claimed, these concepts would have to be radically remade. On the example of sovereignty, if it were to truly stand for state freedom, it would have to be applied not only to the political – national independence – but also to the economic domain – breaking the colonial patterns of dependency and exploitation that continued to shape the international economy after formal decolonisation. (see: Rodney 1972, NIEO 1974) Such debates, in turn, provided the basis for formulating alternative, non-Western, emancipatory visions of a universal world. (see: Getachew 2019 on federalism and Black Atlantic; Aydin 2017 on the ummah)

Thus, in tracing the story of how the world became governed by universal concepts, what is put into question is the narrative of a unilateral direction of travel and European authorship of these ideas. What becomes clear is that although these concepts might have originated in the West, they were ‘elaborated through dialogic exchanges, antagonistic confrontations, and transcontinental circulation’ (Wilder 2015: 10) which made their contemporary shape inherently global. This presents global history of political thought with the task of both questioning why ‘the historical re-presentation of this process [globalisation] is far more European than the process itself’ (Kaviraj 2013: 03) and of developing ‘plural or conjoined genealogies for our analytical categories’ (Chakrabarty 2000: 21) that would enable a more accurate account of how our globalised world came to be. Both are necessary if history of political thought is to come closer to understanding the forces and dynamics at play in the world today.

Global as pluriversal

The second criticism of history of political thought which motivates the call for a global turn in the discipline is that despite the universal ambitions of its name, it represents only a narrow set of experiences of the political - that of white men in Europe. This limits the range of perspectives from which the political field is described, which in turn impairs the discipline's ability to understand its subject matter - human relationship to the political through history - in its full dimension. Moreover, it makes it complicit in producing and cementing a vision of the universal human political subject, whose figure was modelled on the white, European man. Hence, the global is called for in order to make history of political thought more inclusive and reflective of the wealth of ways of thinking about the political to be found around the world.

A useful framework for such history of political thought could be that of the pluriverse. The pluriverse is a concept which arose out of indigenous struggles against globalisation in Latin America (Escobar, 2015). It was a reaction against the narrative of a One-World World dispersed by international actors - the notion that there is a common cognitive framework, as well as political and economic path for all human societies to adhere to. The pluriverse stands in epistemic opposition to these contemporary formulations of historicism by claiming that instead of following a rigidly defined set of stages, human societies should be free to evolve divergently and assume a diverse range of political, economic and social arrangements that fit their forms of knowledge and cultural as well as natural contexts. Far from promoting contextualised relativism, it is motivated by the recognition of the dependence of human communities on each other, as well as on our global natural environments. It recognises that we live in a single world, but one in which nonetheless 'many worlds fit'¹⁴⁰, as the Zapatistas put it.

A global history of political thought based on a pluriversal view of the world would thus look very different from a history which understands the global as universal. Instead of taking as its unit of analysis a single global community, it would see the political world as a plethora of internally-distinct and mutually-intersecting political communities contained within the singular global framework. However, it would not be entirely contradictory. The idea of a single world would still be present, but it would act as the framework for, rather than the content of, political theorising. This, in turn, would enable a global history of political thought to

¹⁴⁰ Zapatista National Liberation Army (ZNLA) (1996) Fourth Declaration of the Lacandon Jungle

recognise and acknowledge the diversity of ways in which the political was conceptualised around the world, while accounting for the fact that these were developed by individuals bound by certain shared conditions - from the implications of their humanity at the very basic level, to co-participating in political and economic networks and being subject to global historical transformations, albeit in different positions.

The category of the pluriverse thus provides a way of defending the project of constructing a global history of political thought from some of its critics. Cooper (2013), for example, argues that the category of the global presupposes an unrealistic degree of universality, while the encompassing ambition behind the project could be realised by pursuing a 'world' or 'interconnected' history. Similarly, Pocock asks 'how "global history" is to be other than an ideological tool of globalization' (Pocock, 2019: 7). The global emerges as not only redundant, but also potentially dangerous. The category of the pluriverse counters these criticisms by providing a conceptual framework for constructing a global history of political thought in a way which, while acknowledging the realities and consequences of living in a single world, also recognizes and makes space for the cultural and epistemic diversity of that world without descending into absolute relativism. In doing so, it builds a bridge between the particular and the universal.

The first step towards constructing this pluriversal history is contextualising Europe as only one of the many geographical spaces in which political theorising took place. Paying attention to the continent's impact on the world, as well as internal developments within it, it would analyse not only the way in which political debates developed through history, but also their complex relationship to the continent's own history. This would highlight the fact that '*supposedly universal* categories were in fact produced within *culturally particular* European societies' (Wilder 2015: 10), as well as stress the extent to which the global imperial context and European politics in places outside the West influenced the theories of canonical thinkers. (cf. Eze 1995,1997 on Kant; Buck-Morss 2005 on Hegel)

This, in turn, would dispose of the Eurocentric lens which so often tints the analyses of non-European politics and analyse these systems of thought in their own terms. Grounded in a commitment to ontological equality, it would see the political 'experience of the West... as steadily and open-mindedly as the experience of any other area of the globe; but it would also see it no more eagerly and no more sympathetically than it would see the experience of any other area' (Dunn 1996: 14). However, it would also remain aware of the role imperialism and

globalisation have played in shaping political realities in the Global South and recognize the necessity of engaging with Western theory in order to understand them. In doing so, it would establish a history of political thought in which the West would no longer be 'the epistemic locale from which the world is described, conceptualised and ranked' (Ndlovu-Gatsheni 2015: 489), while remaining aware of the fact that global historical developments have made Western political theory 'both indispensable and inadequate' (Chakrabarty 2000: 6) for understanding political modernity outside the West.

Bringing those perspectives in on equal terms would challenge what are now taken to be the main categories of politics by assessing whether notions such as justice, nation, right, or state are applicable to non-Western contexts, and if so, whether their meanings remain universally consistent or are context dependent. This comparative approach has already been introduced into the discipline. (cf. Dallmayr 2010). Samier, for example, takes the case of 'social justice' to show that contrary to common representations, it is not a 'new' concept developed out of Western political theory, but rather a tradition identifiable in ancient Mesopotamia, Confucianism, Islamic theory and indigenous politics. Comparing its various formulations allows him to identify a common core to social justice theories - the humanistic notions of 'dignity, social welfare, respect for individuals, and the intellectual and cultural traditions they come from' (Samier, 2020: 121) - while highlighting culturally-specific differences, such as the emphasis put on spirituality, unity with the natural world, regulatory functions of kinship structures and mediation-based enforcement, that differentiates indigenous from Western formulations of social justice.

Comparing formulations and separating a fixed 'core' from culturally-specific variabilities of concepts makes it possible to understand political categories in a way that transcends cultural contexts. It also provides the space to reflect upon whether their most prevalent formulations are the most effective ones to base our politics upon (e.g. by assessing the individualist emphasis of Western social justice theories against the collectivist character of its indigenous understandings). But to construct a truly epistemically egalitarian history of political thought, it is necessary to go beyond comparisons and seek out their implications, analysing why one of these formulations has become hegemonic, while others are being forgotten and erased. Moreover, it necessitates the study of categories and analytical devices developed outside the West - of which the pluriverse is one - to assess their applicability beyond immediate geographical contexts, studying their potential to illuminate our historical past and present, as well as provide resources to draw on for imagining political futures.

But if the 'global' is to make history of political thought truly representative of the range of understandings of the political, another limitation of the canon needs to be recognized - the fact that even within the geographical context of Europe, its members are part of the same social group with a common relationship to the political sphere - they are white and male. Thus, the implications of employing a pluriversal perspective to studying the history of political thought can be extended beyond cultural diversity and into cultures themselves - surveying them for universalist accounts and seeing whose perspectives those accounts perpetuated or naturalised, and whose were excluded. In this way, *it is culture that, instead of a homogeneous universe, becomes the metaphorical world into which many other worlds fit* - a field of contestation, in which narratives defined as neutral and universal are exposed as particular, political, and exclusive, while the understandings they give rise to, partial and incomplete.

This has been illuminated by Okin, who surveys the political thought of four key members of the canon - Plato, Aristotle, Rousseau, and Mill - to show that despite using generalising terms such as 'humanity' or 'man' as the basis for their theories, women were overwhelmingly excluded from the conclusions they reached, as well as their implications. This produced theories of the political, which despite making a claim to the universal, were far from reflecting the way in which half the society experienced politics. This is visible, for example, in Rousseau's theory of freedom, which though granted self-determination and equality as citizen rights, delineated who qualified as a political subject in a way that included exclusively men (Okin, 1979: 140). Granted no political rights and confined to the private sphere, women experienced this civil freedom as legitimation of oppression and denial of subjectivity. Hence, Okin argues, if history of political thought was to be considered from the perspective of the female half of society, the shape and tone of this story would become almost unrecognizable to the way in which it is being framed today.

As argued by Jameson, 'owing to its structural situation in the social order... each group lives the world in a phenomenologically specific way that allows it to see... features of the world that remain obscure, invisible, or merely occasional and secondary for other groups.' (Jameson, 1988: 65) A pluriversal approach to the history of ideas expands our understanding of the political world by bringing in this diversity of understandings produced by differentially situated actors, who nonetheless operated within certain common frameworks. As in the original use of the term in relation to totalising development narratives, it poses an epistemic challenge to a way of doing history of political thought that assumes a particular perspective to be universal, while recognising and contesting the power dynamics that shaped the discipline.

Understood in this way, global history of political thought would become a more encompassing and self-reflexive record of human political thinking.

Contesting the need

A global history of political thought could thus take a very different shape depending on what one takes the 'global' to signify. First, it could be the history of a single, interconnected, and universal world, how it was first theorised, and then established in practice; second, a pluriversal history of how human beings around the world thought about politics through time. However, what remains questionable is the extent to which the inclusion of either of these sets of debates into academic discourse necessitates the carving out from history of political thought of a new (sub)discipline, specified as 'global'.

That is because both sets of debates presented above fit squarely within the subject matter of a discipline called 'history of political thought'. The first one is nothing more than an exploration of an underdeveloped theme in the history of political thought - the category of the 'global'. The second simply calls out the biases and relations of power upon which the discipline was erected, and which continue to influence it. If, as outlined in the first part of this essay, the aim of history of political thought is to trace the relationship between political thought and history, then by default, it should encompass the notions, concepts, constellations and ways of thinking that make up the discussions of the global in both its understandings. There is nothing in what the discipline sets out to do that makes it either inherently Eurocentric, male-centric, or confined to state boundaries - the reason why it took this shape is historically contingent. Both discussions of globalisation and explorations of the diversity of political contexts simply add to a fuller realisation of the subject matter of the discipline and make it closer to accounting for the 'ideal type' of a complete history of political thought. Hence, a global history of political thought would simply be the fully developed and complete history of political thought.

But setting up a new discipline within which debates about the 'global' would be contained is not only unnecessary, it is also politically dangerous. That is because if predominantly Eurocentric, white and male history of political thought continues to be acknowledged as *the main* history of political thinking, it means that these perspectives continue to be treated as universal. Creating a separate discipline of a 'global' history of political thought maintains the naturalised male and white point of view as the default

experience of the political, while confining other voices to the status of the marginalised other. Moreover, by creating an arbitrary divide between the political thought of Europe and that of the rest, its establishment would paint a historically inaccurate picture, in which ideas that were produced and shaped globally - such as 'self-determination, emancipation, equality, justice, and freedom' (Wilder, 2015: 11) are attributed - to one area of the world. As asked by Wilder, '[w]hy confirm the story that Europe has long told about itself?' (Wilder, 2015: 7)

Thus, what we need today is not to establish a 'global history of political thought' but rather to expand the realm of, and in doing so realise the mission of, political thought. What needs to be recognised is that the gross incompleteness of the range of topics taken up by a discipline which by its very name makes a claim to the universal is a product of historical injustice. That history of political thought belongs to all of humanity and pays attention to the politics of peoples all around the world is crucial if the discipline is to be of use in explaining the turbulent political developments and make sense of global patterns in the multicultural, interconnected world that we are living in. For this, a pluriversal perspective could provide a useful starting point - it would encompass all the discussions developed by the discipline thus far, encompass the intellectual history of universalised globality, while also providing the space for an entire range of other debates to develop, on top of being a non-Western concept itself. By putting positionality and context to the fore and challenging the 'relations of power and conceptions of knowledge that foment the reproduction of racial, gender, and geo-political hierarchies' (Maldonado-Torres, 2011: 117), it could pave the ground for a truly democratic history of political thought.

Conclusion

A 'global history of political thought' could be a history of as many things as there are definitions of the 'global'. Two of these - global as universal and global as pluriversal - provide only some sense of the direction in which such a discipline could go. At their core, however, what the search for these definitions and frameworks reveals is not the need to set up a new academic field, but the shortcomings and limitations of the discipline they set to depart from, its bias towards the national as well as the male, the white, the European. As argued by Susan Buck-Morss, 'the critical writing of history is a continuous struggle to liberate the past from within the unconscious of a collective that forgets the conditions of its own existence' (Buck-Morss, 2005: 85). Those conditions of its own existence are what history of political thought needs to become aware of, if it is to be a useful tool for comprehending the political realities in

a modern, diverse, multicultural world. Instead of further specialisation what is therefore needed is historical reckoning - an understanding of why the field undertook the specific shape that it did, who produced it and with what consequences, and what it means if the canon, rather than being contextualised, remains intact. Only by doing so, and incorporating discussions of globality along the way, can its subject matter be fully understood. So long as it fails to do so, it merely 'fiddles while Rome burns' (Strauss 1962: 327).

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Megan Redhead: Malthus' Enduring Legacy: Poverty, Dependency, and Individual Responsibility in the nineteenth and twenty-first centuries

Author

Megan Redhead graduated from Fitzwilliam College with a degree in Geography in 2021.

Abstract

In order to understand and improve contemporary welfare policy, one must discern its theoretical and historical underpinnings. With this in mind, this paper seeks to address three key gaps in the literature on twenty-first century poverty and welfare policy in the UK. These gaps include: the significance of Malthus' Essays in changing perceptions of poverty, the ideological similarities between nineteenth and twenty-first century welfare policy, and the continued influence of Malthusian narratives over contemporary imaginations of poverty.

Using Malthus (1803) as literary framing, this paper examines the complementary logics underpinning nineteenth and twenty-first century political discourses on poverty, and subsequent welfare policy. Specifically, the 1834 Poor Law Amendments Act (PLA) and the 2012 Welfare Reform Act (WRA). I have performed critical discourse analysis (CDA) on key House of Commons debates for each act and the two official policy documents to compare, first, their diagnoses and, second, their proposed treatments of dependent poverty. Using this analysis, this paper argues that the two reforms were underpinned by similar ideologies and that Malthus' legacy endures; his understandings of poverty and dependency evident in both reforms.

Keywords: Welfare State, Malthus, Dependency, Individual Responsibility, Poverty

Introduction

David Cameron (2011) stated that ‘The benefit system has created a benefit culture’¹⁴¹. This rhetoric was used by the Coalition government in 2012 to justify the introduction of a welfare system characterised by limits, conditionality, and stigmatisation. A system which aimed to *encourage* the dependent poor to leave ‘*what they quite enjoy: a life on benefits*’¹⁴² (Harrington, 11 October 2010). In my research, I sought out the origins of this idea. Following Jameson’s (1981, 375) statement that we must always ‘historicise our materials’, I thus examined the history of the British welfare system. I found clear parallels between Cameron’s statement, the language of the 1834 PLA, and Malthus’ suggestion that in order to better the condition of the poor, ‘dependent poverty ought to be held disgraceful’ (Malthus 1803, 323).

There have been many notable reforms in the history of the British welfare state (see Appendix 1). Therefore, whilst for the majority of this paper focuses on the similarities in *language* of the PLA and WRA, I begin by noting parallels in their social contexts. Both the PLA and WRA are policies that were implemented in a post-crisis, and a (neo-)liberal economic period. These contextual and ideological similarities make the PLA and WRA directly comparable. Both periods represent a turning point in the institutional relationship between the State and its citizens, which is only possible in post-crisis conditions (Somers and Block 2005). Both of these changes introduced dramatic restrictions on the ability of the poor to access assistance (Somers and Block 2005). The WRA is the culmination of over a decade of neoliberalism and changing opinions on poverty. Hence, Royston (2017) describes the policy as the biggest change to the benefits system since World War II. The PLA provides the perfect historical comparison due to its similar socio-economic context (liberalism) and its position as the earliest incarnation of the ‘modern’ welfare state. Furthermore, I will show that both reforms were ideologically aligned with Malthus’ (1803) ideas on poverty and dependency.

The PLA was developed in the context of civil unrest, the emergence of liberal economics, Malthus’ Essays and high dependency levels following the late eighteenth century crisis. The rise of liberal economics in the early nineteenth century was underpinned by a belief in individual responsibility (Fraser 2017). In this context, Malthus (1803) launched an ‘overt

¹⁴¹ Welfare Speech in full by Cameron, D (2011) (Politics.co.uk: <https://www.politics.co.uk/comment-analysis/2011/02/17/david-cameron-welfare-speech-in-full/>)

¹⁴² References in italics are taken from my data

and unequivocal' (Himmelfarb 1985, 111) attack on the Old Poor Laws (OPL), suggesting that they increased poverty by disincentivising self-sufficiency. Malthus' argument provided politicians with academic backing for a more restrictive Poor Laws Reform (Himmelfarb 1984). The PLA radically changed the public relief system (Driver 1993), moving from non-stigmatised, universal entitlement under the OPL (Appendix 1), to a 'notoriously repressive system' (Royston 2017, 15). The Poor Law Report, conducted 1832-1834, suggested three key principles for the PLA: the principle of less eligibility to ensure that independent labourers were always better off than the dependent poor, the workhouse test to ensure that dependency was always a last resort, and administrative centralisation (Fraser 2017). Following these principles, the PLA legislated a deterrent welfare system under which dependant poverty was stigmatised and 'the fear of forced entry into the workhouse became embedded in the popular culture' (Fraser 2017, 35).

While the PLA was underpinned by the rise in liberal economics at the time, the WRA was developed in the context of a steady rise of neoliberal economics, post-crisis austerity, and a decade-long turn towards 'workfare' (Appendix 1). Workfare is a type of welfare conditionality, comparable to the workhouse system, that requires individuals to undertake unpaid work in exchange for benefits (Burnett and Whyte 2017). Austerity, a period of fiscal discipline that intends to reduce public debt (Burnett and Whyte 2017), became central to the Coalition's welfare policy, with spending cuts posited as the only way to recover from the 2007-2008 financial crisis (Bramall 2013). Alongside austerity, a negative Malthusian discourse around dependency was constructed, similar to that which underlay the PLA, to justify welfare cuts.

The Coalition government, like Malthus, blamed high dependency levels on the existence of work disincentives that were supposedly produced by over-generous welfare (DWP 2011). Hence, the WRA was designed to remove such disincentives (MacLeavy 2011). A key element of the WRA was the introduction of a new benefit, Universal Credit (UC), which replaced previously established child tax credit, housing benefit, income support, job-seekers-allowance, employment-support-allowance and working tax credit¹⁴³. The introduction of UC not only represented the administrative simplification that the WRA aimed for, but also entailed a tangible increase in the extent and intensity of welfare conditionality (Dwyer and Wright 2014). Other key elements of the WRA included the introduction of the Work Programme, a

¹⁴³ GOV.UK 2020

workfare scheme (Taylor 2017), the Benefit Cap, which limited the maximum benefits available to non-working households to below the estimated earnings of an average working family (Royston 2017) and the introduction of a new Work Capability Assessment (WCA) for disabled claimants, which led to over one million people having their eligibility reassessed from 2010-2013 (Taylor 2017).

Critical Literature Review

This critical literature review (CLR) is divided into three sections, each representing one key literary body: (a) Malthus; (b) the historical geography of poverty; and (c) questions of welfare and the state into the twenty-first century. By studying key texts from each body of literature, I have identified three key literary gaps, which I aim to address.

a. Malthus

‘There are, perhaps, few subjects, on which human ingenuity has been more exerted, than in the endeavour to ameliorate the condition of the poor; and there is certainly no subject in which it has so completely failed’ (Malthus 1803, 457)

Malthus’ ‘Essay on the Principle of Population’ was first published in 1798, before being significantly revised and re-published in 1803 featuring a new population check, ‘moral restraint’ (Winch 2013). There were four subsequent revisions in which minor changes were made. The final edition was published in 1826. I use the 1803 version, colloquially known as Malthus’ ‘Second Essay’, in this CLR. Malthus (1803) uses the moral restraint check to directly address the issues of poverty, dependency and individual responsibility.

Literature discussing Malthus often overlooks his role in changing perceptions of poverty (Dean 2015). However, Malthus’ Essays were central in reconfiguring public attitudes towards poverty and dependency (Himmelfarb 1985). Attitudes that, I argue, endure today.

Malthus’ position on poverty was underpinned by a population-based argument. Malthus (1803) suggested that an unchecked population increases in a geometrical ratio, faster than the means of subsistence, which increase in an arithmetical ratio. Population growth, therefore, must be reduced to the level of subsistence by positive and preventative checks, which fall into three categories: moral restraint, misery and vice (Malthus 1803). Misery and

vice, the ‘positive checks’, represent the punishment for breaking the laws of nature by reproducing beyond the family’s means. Moral restraint, the ‘preventative check’ – for example, delaying marriage – can be employed to avoid misery and vice (Malthus 1803). However, moral restraint will only be enacted when an individual perceives it to be in their self-interest (Malthus 1803).

Malthus (1803) characterises humans as inherently lazy and self-interested, suggesting that their only motivation to work comes from a desire to better their condition and a fear of making it worse. Therefore, the OPL depressed the condition of the poor by encouraging dependency and discouraging moral restraint (Malthus 1803). Consequently, the OPL ‘create the poor which they maintain’ (Malthus 1803, 323). Malthus (1803) instead proposes that dependency should be stigmatised in order to encourage moral restraint, frugality and self-sufficiency, disputing the long-standing belief in a universal right to subsistence (Malthus, 1803). Such a universal right, according to Malthus (1803), removes individuals’ motivation to implement preventative checks, necessitating the positive checks of misery and vice.

Accordingly, Malthus (1803) proposed the gradual repeal of the OPL. The only form of direct relief that he deemed acceptable was the short-term provision of private philanthropy to those who were ‘suffering in spite of the best directed endeavours to avoid it’ (Malthus 1803, 444). Other financial means previously spent on poor relief would be better spent on educating the poor so they understand their moral duty to society and learn to recognise their poverty as their own failure (Malthus 1803). More broadly, Malthus believed that promoting ‘habits of industry, prudence, foresight, virtue, and cleanliness, among the poor, [would be] beneficial to them and to the country’ (Malthus 1803, 459), whilst anything that served to diminish these qualities, such as the OPL, was harmful to society and should, therefore, be removed.

The literature that does acknowledge Malthus’ role in the changing perception of poverty proposes that Malthusian logic ran through the 1834 PLA (Griffin 2020). Nineteenth-century politicians were aware of the social power of Malthusian discourse and responded with a ‘decidedly Malthusian’ reform (Montaigne 2017, 94). Prior to Malthus’ essays, misery and vice were seen as ‘elements that the poor and vulnerable ought to be protected against’ (Nally 2016, 214), as exemplified by the paternalistic OPL (Appendix 1). However, Malthus used the threat of over-population to change the rhetoric, making misery and vice necessary motivators for social prosperity (Nally 2016). The PLA, accordingly, sought to ‘stigmatise and discipline’ the poor in order to improve their condition (Nally 2011, 41).

b. The nineteenth century historical geography of poverty in relation to Malthus

In the Victorian era, philanthropy was an important activity for the middle classes, who saw poverty as a moral concern and a threat to the social order (Himmelfarb 1984; Piven and Cloward 1993). Poverty was believed to stem from moral deficiency, leading philanthropists to engage in aid which encouraged moral improvement (Green 1985). However, philanthropy was insufficient to tackle the scale of poverty in nineteenth century Britain (Malpass 2013). Hence, a majority of those in need still had to rely on the OPL. The OPL obliged parishes to provide poor relief, making no distinction between the ‘deserving’ or ‘undeserving’ poor (Somers and Block 2005). The 1834 PLA’s aim, however, was to make relief so undesirable that it was less attractive than even the worst forms of work (Himmelfarb 1984). Malthus’ (1803) argument that relief worsens the condition of the poor provided rhetorical justification for this change, which was supported by the desire of the middle classes to reduce relief spending and maintain social order (Piven and Cloward 1993). The purported over-generosity of the 1795 Speenhamland system (Appendix 1), introduced to address rising poverty in the late eighteenth century crisis years, was held to blame for the low condition of the poor at the start of the nineteenth century (Handy 2009). Critics of the PLA and its accompanying rhetoric, however, posited poverty as a structural issue, which should not be individualised (McLellan and Engels 1993).

The influence of Malthus on 19th-century welfare policy is well-recognised by those who acknowledge his role in changing attitudes towards poverty. ‘The effect of Malthusianism was immediate and dramatic. For half a century, social attitudes and policies were decisively shaped by the new turn of thought’ (Himmelfarb 1985, 100). Painted as a different race, the poor became associated with other ‘dangerous’ classes, such as criminals, that were at risk of having their condition further lowered by the OPL’s ‘encouragement of ‘carelessness and want of frugality’’ (Himmelfarb 1985: 112). Alongside the new stigmatisation of poverty, reformers drew a moral distinction between undeserving – able-bodied – and deserving – elderly and disabled – benefit dependents (Driver 1993). This distinction further facilitated the stigmatisation and punishment of the able-bodied poor, whilst avoiding the moral dilemma that comes with punishing the dependency of those who cannot work.

Reformers also sought to pit ‘paupers’, a derogative term for the non-working poor, as the ‘enemy of the entire class of [the] poor’ (Himmelfarb 1985, 112). The workhouse system

and the principle of less eligibility ensured that ‘the rewards of labor would be greater than the rewards of idleness’ (Himmelfarb 1985, 186) and that the idea of pauperism would be ‘so odious that no respectable poor man would be tempted by it’ (Himmelfarb 1985, 186). This discourse of *choice* surrounding the issue of dependency exemplifies both the stigmatisation of poverty and the prevalence of individualist liberal ideals in the nineteenth century (Fraser 2017).

In conclusion, the influence of Malthusian narratives regarding poverty and dependency on the PLA is recognised by literature on the nineteenth century historical geography of poverty. However, the same recognition is not afforded to Malthus’ influence in the twenty-first century.

c. Questions of welfare and the state into the 21st-century

Fraser (2017) suggests that the welfare state moulded by government is underpinned by the dominant ideology of the time period. Just as liberal economic ideas underlay the PLA, the post-1970 rise of neoliberalism underlies the re-emergence of Malthusian understandings of poverty in the twenty-first century. The resurgence of limited, conditional and stigmatised welfare began under Thatcher’s conservative government, was expanded under New Labour, and finally culminated in the Coalition government’s WRA (Fletcher and Wright 2018; see Appendix 1). The WRA used conditionality and sanctions to push people to accept any work, increasing labour market flexibility (Taylor 2017). Newman (2011) suggests that this flexibility is a desirable condition for neoliberal corporations. It also led to an increase in precarious employment and in-work poverty (Standing 2016; Hick and Lanau 2017). Despite contemporary evidence that work in a neoliberal economy does not always pay, the dominance of the workfare ideology across the political spectrum was evident in the weak opposition posed by Labour to the WRA.

Krugman (2015) described austerity as an ideology, arguing that the economics behind it have been repeatedly discredited. Yet, the post-2010 implementation of austerity was presented as a *necessary* challenge that all must face together, resulting from a large government deficit following the 2007-2008 financial crisis (O’Hara 2015). However, O’Hara argued that austerity constituted a ‘regime that disproportionately affected the most vulnerable people in society’ (O’Hara 2015, 1). For the ideology of austerity to work, a ‘negative image of welfare’ (Bramall 2013, 2) had to be created, painting those reliant on benefits as ‘scroungers’ (Garthwaite 2011, 369). This encouraged the public to perceive benefit recipients as *choosing* not to work, and thus as undeserving of support (Larsen 2008), creating a Malthusian division

between the working and non-working poor. The success of this narrative was reflected by a decline in empathy for disadvantaged groups post-2010 (Valentine 2014). Dorey (2010) argued that this discourse diverted anger over the recession away from the financial sector and towards the unemployed, who were seen as a drain on resources.

Alongside austerity, the Coalition government proposed a resurgence of philanthropy – termed ‘Big Society’ to fill the gaps left by its retreat. This is clear, for example, in the rapid growth of food banking post-2012 (Strong 2019). Government discourse on dependency similar to that in the nineteenth century is evident in the debates around ‘Big Society’. For example, the Trussell Trust, the UK’s largest food bank organisation, ensures that only those ‘truly’ in need can access its services by limiting provision to three three-day ‘emergencies’ within six months, and surveilling its clients through a voucher-based referral system (Strong 2019). Dowling and Harvie argue that the government’s promotion of the ‘Big Society’ was an attempt to harness the ‘terrain of social reproduction ... for profit’ (Dowling and Harvie 2014, 869).

Malthusian rhetoric had a strong, if unacknowledged, presence in the language surrounding the WRA. This can be seen both in the argument that unconditional support worsens the condition of the poor (Dwyer and Wright 2014), and in specific policies such as the two-child limit for child benefits (Royston 2017). Royston argued that this policy clearly sought to encourage people to ‘consider whether they can afford to have a third child before they decide to have one’ (Royston 2017, 116). In other words, the WRA is encouraging moral restraint.

The ideological connection between nineteenth and twenty-first century welfare has been largely overlooked in studies of the WRA, which tend to focus, in line with the government’s own comparisons, on similarities between twenty-first century austerity and ‘austerity Britain’, 1939-1954 (Bramall 2013). Whilst the term ‘austerity’ did not exist in the nineteenth century, the conditions of austerity – ‘frugality, morality, and a pathological fear of government debt – lie deep within economic liberalism’s fossil record from its very inception’ (Blyth 2013, 115). Moreover, whilst, of course, the workhouses of the nineteenth century no longer existed in 2012, the principle of less eligibility was clear in the Coalition’s assertion that those in-work should always be better off than those out-of-work (Royston 2017). This underpins my contention that historical comparisons with the PLA would create a better understanding of the WRA than those with ‘austerity Britain’.

My analysis of the literary bodies included in this review has identified three interlinked key gaps in the literature on the topics of (a) Malthus, (b) the historical geography of poverty in relation to Malthus and (c) questions of welfare and the state, in relation to Malthus, into the twenty-first century. The first key gap that I have identified is the neglect to analyse Malthus' role in the changing perceptions of poverty. Secondly, where the significance of Malthus (1803) is noted, literature tends to recognise the Malthusian underpinning of the PLA, but overlooks the WRA's similar ideological basis. Thirdly, historical geography studies of the WRA tend to focus on its connections to twenty century austerity, overlooking its ideological connection to the PLA. The identification of these literary gaps underpins my decision to investigate the extent to which the ideologies behind the PLA and WRA are similar and informed by Malthusian ideas.

Research Questions

1. To what extent did the 1834 Poor Laws Amendment Act and the 2012 Welfare Reform Act diagnose poverty and dependency in similar ways, informed by Malthusian ideas?
2. In what ways were the treatments of poverty proposed by the 1834 Poor Laws Amendment Act and the 2012 Welfare Reform Act similar, and informed by Malthusian ideas?

Methods

To answer these questions, I studied the political discourses behind the PLA and WRA in order to better understand their ideological underpinnings. This is because political discourses construct the diagnoses and proposed treatments of poverty that are later outlined in a particular policy (Fraser 2017). Such policies in turn form the welfare state, the institutional structure which frames public perceptions of poverty and dependency (Fraser 2017). Therefore, to understand the production of a particular welfare reform, and corresponding social attitudes towards poverty, one must problematise the political discourses underlying its conception. The problematisation of political discourses allows us to hold governments to account and to recognise ideologies that have been presented as facts (Bacchi 2012).

1. Critical Discourse Analysis (CDA)

I performed CDA, using manual qualitative coding, on two data sources: House of Commons debate transcripts and policy documents. CDA was the most appropriate research method for my study due to its ability to draw out the socially constructed narratives (Sneider 2013) that underlie discourse and policy on contentious issues (Bryman 2012) such as poverty and dependency.

Foucault suggests that human beings are ‘placed in power relations which are very complex’ (Foucault 1982, 778), and that we must study these power relations to understand the modern state. CDA draws on Foucauldian theory ‘to uncover the representational properties of discourse as a vehicle for the exercise of power’ (Bryman 2012, 536). CDA is, therefore, an appropriate tool that can be used to investigate the power of parliamentary discourse that constructs a particular social order (Bryman 2012).

My main data source was House of Commons debate transcripts pertaining to the PLA and WRA. I sourced the debate transcripts from Hansard¹⁴⁴. I used two date-limited key-word searches to gather the set of debates.

Table 1: Date-limited key word searches and results, Commons debates

Reform	Date-limits	Key Words	Number of Results
PLA	1 January 1830 – 1 January 1835	Poor Laws	42
PLA	1 January 1830 – 1 January 1835	Poor Laws Amendment	16
WRA	1 January 2010 – 1 January 2015	Welfare Reform	33

¹⁴⁴ <https://hansard.parliament.uk/search/Debates?house=commons>

WRA	1 January 2010 – 1 January 2015	Welfare Reform Act	1
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I read all the debates drawn out by each of the four searches, before choosing the two broadest debates regarding each Act. I chose to use two debates per act to ensure that I would have adequate time to produce an in-depth analysis of each. By the term ‘broadest’, I refer to the debates in which the overall policies are discussed in full, as opposed to those which focus on a particular section or point. For this article, which requires a good understanding of the reforms’ underlying discourses, breadth was desirable.

Prior to starting my CDA, I read Malthus (1803) and made a list of his key ideas. In my initial reading of each debate, I noted recurring themes and compared these to Malthus’ (1803) key ideas. I used evolutionary EMIC coding to locate the voices of the speakers at the centre of my research (Markee 2012), narrowing down the recurring themes and Malthus’ key ideas to create my original codes (Sneider 2013). I then applied these codes to each debate using font colour on Word Processer. Following this primary coding, I re-read Malthus (1803), looking for reflection of any themes that had been drawn out of the debates, which were not in my original key ideas list. I added new themes I discovered in this second reading to the aforementioned list of codes, and re-coded the debates again. I organised each coded section of each debate into code-specific word documents, before grouping these documents into two umbrella themes – diagnoses and treatments –, within which I sub-divided the codes into individual- and population-level factors. I kept the original titles for each code within the subgroups.

My secondary data source was the official PLA and WRA policy documents which I accessed through [workhouses.org.uk](http://www.workhouses.org.uk)¹⁴⁵ and [legislation.org.uk](http://www.legislation.org.uk)¹⁴⁶ respectively. I felt that it was necessary to analyse the policy outcomes, not just the debates, to truly understand the final treatments of poverty that each government proposed. I also used my policy document analysis to consider the impact of the prevalent discourses noted in the Commons debates on policy outcomes.

¹⁴⁵ <http://www.workhouses.org.uk/poorlaws/1834intro.shtml>

¹⁴⁶ <https://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

My analysis was inductive and iterative. I used the codes, umbrella themes, and subgroups that evolved through my Commons debate analysis to examine the policy documents, making the primary and secondary analyses directly comparable.

2. Academic Rigour

In any text-based research, it is essential to consider positionality, as texts are constructed by both their authors and their readers (Flowerdew and Martin 2000). The positionality of those involved in the production of the Commons debate transcripts and policy documents that I analysed would be an interesting study in itself, one that I lack the space to discuss here.

However, as objectivity in research is impossible (Riessman 2008), I must acknowledge my own positionality as a researcher. As someone who has experienced first-hand the post-2012 welfare system, I will inevitably be influenced by my experiences when analysing this topic. Nonetheless I believe that this acknowledgement of my lived experience and my transparency for the reasons behind my decisions allow me to produce valid knowledge claims. I have documented my sources, methods and findings so that my project ‘brings readers along with [it] as ... a trail of evidence [is uncovered]’ (Riessman 2008, 188). I have checked my analysis carefully for bias, whilst using the passion and knowledge of first-hand experience to engage deeply with my data sources. To further recognise my subjectivity as a researcher using textual methods, I have written in the active voice.

Chapter 1: Diagnoses of Poverty

In this chapter I will investigate the extent to which the 1834 PLA and the 2012 WRA diagnosed poverty and dependency in similar ways, based on Malthusian ideas. It is important to understand the ways in which poverty is diagnosed by a particular government, in order to problematise their proposed treatment: their welfare reform. I will begin by outlining the individual-level diagnoses of poverty identified in my analysis, before considering population-level factors. I found significantly more emphasis on individual- than population-level diagnoses in the data on both reforms, and in Malthus’ Second Essay. This suggests, in line with their socio-economic contexts, that they are all grounded in the idea of individual responsibility.

1. Individual-Level Diagnoses

My analysis of the included Commons debates revealed two key individual-level factors in each parliament's diagnosis of poverty, coded under (i) 'Inequality as Necessity' and (ii) 'Criticism of Idleness'. These individual-level categories focus on the placement of blame for the problem of poverty, in both the nineteenth and twenty-first centuries, on the poor themselves (Dorey 2010). Poverty is thus constructed as a *choice*, not a product of society (Valentine 2014).

2. Inequality as Necessity

Malthus (1803) suggests that inequality is necessary to encourage people to work, as humans are only motivated by the desire to improve their condition and the fear of making it worse. Therefore, where state assistance is unlimited and de-stigmatised, the 'strongest checks to idleness' are removed (Malthus 1803, 324), causing poor people to lack motivation and thus worsening their condition (Himmelfarb 1985). The idea that unlimited welfare worsens the condition of the poor is evident in both PLA and WRA debates:

Mr Whitmore, PLA 3rd Reading Debate: 1 July 1834

'He was convinced, that great evil had been inflicted on the labouring classes of this country, by leading them early in life to rely on the poor-rates for the means of subsistence, instead of looking to their own exertions'¹⁴⁷

Mr Duncan Smith, WRA Debate: 11 October 2010

'There is a disincentive against their going to work; the amount of money that they receive is such that they could never get it if they went to work. Therefore their incentive to work is non-existent'¹⁴⁸

¹⁴⁷ Poor-Laws' Amendment – Third Reading, Volume 24, 01/07/1834

¹⁴⁸ Welfare Reform, Volume 516, 11/10/2010

The idea behind welfare limitation and the principle of less eligibility stems from the belief that dependency is encouraged by unlimited support. The ‘laziness’ that relief fosters (McLellan and Engels 1993, 291) leads to character degradation (Himmelfarb 1985). This degradation affects the entire body of the poor as the safety net of welfare nullifies both the need to save when in work, and to search for work when unemployed (Himmelfarb 1985). Following this logic, dependent poverty is thus increased (Malthus 1803).

According to Malthus (1803, 328), ‘It may be asserted, without danger of exaggeration, that the poor laws have destroyed many more lives than they have preserved’. I contend that this perceived risk, in both the nineteenth and twenty-first centuries, led Members of Parliament to demand limits to welfare.

Lord Althorp, PLA 3rd Reading Debate: 1 July 1834

‘He believed that this measure would go to improve the condition of the labouring classes, while the present system went to destroy their independence and to demoralise them’¹⁴⁹

Mr Fuller, WRA Debate: 11 October 2010

‘Many of us welcome the Secretary of State’s efforts to tackle the scourge of worklessness and to end the era in this country of indiscriminate and too often counter-productive welfare’¹⁵⁰

Underlying the diagnosis of dependant poverty as resulting from over-generous welfare, in both periods, is the idea of individual responsibility. The assumption that poor people are held back, not by structural factors, but by an individual lack of incentive (O’Hara 2015).

¹⁴⁹ Poor-Laws’ Amendment – Third Reading, Volume 24, 01/07/1834

¹⁵⁰ Welfare Reform, Volume 516, 11/10/2010

3. Criticism of Idleness

Unemployment is presented by both reforms as an individual failure and is a key factor in their diagnoses of poverty. Unemployed individuals are presented in both nineteenth and twenty-first century discourses as a drag on society, particularly on the working poor (O'Hara 2015). As well as highlighting the necessity of work incentives, Malthus (1803) identified a *culture* of dependency among the poor. Malthus (1803) argued that the only way to tackle this *cultural issue* was to stigmatise dependent poverty.

The idea of a culture of worklessness suggests that a deep-rooted cause of poverty lies in the 'individual characteristics of the economically inactive' (Garthwaite 2011, 370). This cultural argument is directly referenced in WRA debates and runs through the PLA debates; it is to be found, for example, in the suggestion that if dependent poverty were stigmatised, the poor would be able to support themselves (*Slaney, 27 June 1834*).

Mr Bone, WRA Debate: 11 November 2010

'there is a subculture of young people who have never known a family where anyone has ever worked, and who have always lived off benefits ... How do we break this cultural trend? It is not just about incentives; we have to break the culture'¹⁵¹

Mr Slanley, PLA Report Debate: 27 June 1834

'He had no doubt that if the Bill passed, that in the course of a few years ... the poorer classes would make provision for themselves ... and that a sense of pride would prevent their resorting to the poor-rates'¹⁵²

The Coalition government painted unemployed people as 'skivers' and 'outcasts' (O'Hara 2015), mirroring the active 'outcasting' of paupers under the PLA. This rhetoric intended to discourage the working poor from falling into dependency, and to produce tension

¹⁵¹ Welfare Reform, Volume 518, 11/11/2010

¹⁵² Poor Laws' Amendment – Report, Volume 24, 27/06/1834

between the working and non-working poor. This tension was created with the aim of reducing cohesion at the bottom of society and thus decreasing the likelihood of social unrest (Piven and Cloward 1993). Maintaining social order was important to both governments in question, following the unrest of the late eighteenth century (Driver 1993) and the 2011 London riots (Tyler 2013). These incidents might have been a potential motivation for each government to diagnose poverty as a cultural issue. Valentine (2014) found that this rhetoric had proved successful in twenty-first century Britain, with interview respondents suggesting that unemployment was a *choice* and expressing little support for benefit claimants. The stigmatisation of dependent poverty thus reduces public sympathy for unemployed people, reducing public resistance to punitive welfare systems such as the PLA and WRA (Tyler 2013).

The ideas of ‘Inequality as Necessity’ and ‘Criticism of Idleness’ both depend on the over-arching assumption that work is the best route out of poverty, which suggests that a major cause of poverty is worklessness. Accordingly, the approach of both PLA and WRA reformers was to create welfare states that directed people towards employment, encouraging individual responsibility, denying structural inequality, and overlooking the fact that *work is not always a route out of poverty*.

Mr Douglas Alexander, WRA Debate: 11 October 2010

‘I believe in a welfare state that ensures that there are more people in work and fewer in poverty’¹⁵³

Mr. Goring, PLA 3rd Reading Debate: 1 July 1834

‘He should support the third reading of the Bill because he believed it would relieve the industrious labourer when he could not obtain work, and would drive the idle one to the workhouse, where he ought to go’¹⁵⁴

¹⁵³ Welfare Reform, Volume 516, 11/10/2010

¹⁵⁴ Poor-Laws’ Amendment – Third Reading, Volume 24, 01/07/1834

4. Population-Level Diagnoses

Whilst both the PLA and WRA debates focused primarily on individual-level diagnoses of poverty, proponents and opponents of each reform also noted population-level factors, within which the diagnoses behind the two reforms differ slightly. I have characterised the two key population-level factors as (i) ‘The Issue of Unequal Distribution’ and (ii) ‘The Issue of Surplus Population’.

i. The Issue of Unequal Distribution

Katz argues that ‘[t]he demise of the social contract as a result of neoliberalism, privatisation, and the fraying of the welfare state is a crucial aspect’ (Katz 2001, 710) of growing inequality in the twenty-first-century.

Opponents of both reforms made the point that the proposed policies do not sufficiently recognize the issue of unequal distribution as a cause of poverty. The blame for poverty rested on wider society, not on individuals (McLellan and Engels 1993). For example, Mayhew found that wages had been forced down by the eighteenth century economic crisis, while industrialisation was taking work away from previously respected labourers, such as hand-loom weavers (Green 1985). This caused structural unemployment and dependency for which the poor held no responsibility (Green 1985). Similarly, Tyler (2013) argued that the structural issues of neoliberal governance in twenty-first century Britain have led to a fractured society in which poverty has flourished (Tyler 2013, 7).

Moreover, Engels found that following the implementation of the PLA the situation for labourers in English industrial cities worsened (McLellan and Engels 1993). Comparably, O’Hara (2015) identified increased working poverty in the UK following the WRA. These findings suggest that work is not always a route out of poverty. The unequal distribution of the benefits of the new industrial era, and of the consequences of post-2010 austerity, forced people into unemployment, poverty and dependency that was beyond their control.

Mr Hodges, PLA 3rd Reading Debate: 1 July 1834

‘He deprecated the intention of throwing the poor back upon their own resources, particularly since Parliament had in a great measure stripped them of all resource’¹⁵⁵

Mr Duncan, WRA Debate: 11 October 2010

‘Does the Secretary of State recognise that many of us represent places where the problem is a lack of work rather than a lack of work ethic?’¹⁵⁶

This opposition, however, had little effect on the final policy documents, which were both primarily based on individualist diagnoses of poverty. As these arguments came from opponents of each reform, they cannot be considered to form part of the acts’ diagnoses of poverty. Nevertheless, it remains important to recognise that the dominant diagnoses did not receive blanket support.

ii. The Issue of Surplus Population

Malthus (1803) suggests that surplus population was a key driver of dependent poverty. He believes that a lack of moral restraint among the lower classes causes them to reproduce beyond their means, forcing them into dependency. Malthus also indicates that the burden of the principle of population lay most heavily on the lower classes, as they were the most susceptible to the positive checks of misery and vice (Himmelfarb 1985). Therefore, Malthus saw the unconditional rights to relief of the OPL as dangerous (Handy 2009) because they entailed a ‘systematical encouragement to marriage by removing from each individual that heavy responsibility ... for bringing beings into the world which he could not support’ (Malthus 1803, 411). The Malthus-inspired fear of over-population is clear in the PLA debates, in which significant blame for the problem of poverty is placed on the OPL’s purported encouragement of reproduction.

Mr. Wolryche Whitmore, PLA 3rd Reading Debate: 1 July 1834

¹⁵⁵ Poor-Laws’ Amendment – Third Reading, Volume 24, 01/07/1834

¹⁵⁶ Welfare Reform, Volume 516, 11/10/2010

‘Both the hon. Member and the hon. Baronet admitted, that there was a surplus population in the country. He believed that was the case, and that it had been mainly brought about by the maladministration of the Poor-laws, which had operated as an encouragement to the increase of population’¹⁵⁷

Interestingly, the issue of surplus population did not surface in the WRA debates that I analysed, but is present in the 2012 Policy Document, which limits the provision of Child Benefit to two children (Royston 2017). This omission potentially highlights a limitation of only studying two debates per reform but could also reveal the cultural changes between the nineteenth and twenty-first centuries regarding the issue of reproduction. Concerns of a large, unproductive population, however, remain evident in the twenty-first century nonetheless. For example, Hancock (2004) found that single mothers are disproportionately more stigmatised and casts as a ‘drain’ on society.

In this chapter I have found that the 1834 PLA and the 2012 WRA diagnosed poverty and dependency in similar ways and that these diagnoses form strong parallels with Malthus’ (1803) diagnoses of poverty. Both reforms placed the most emphasis on individual-level factors in their diagnoses of poverty, each highlighting the necessity of incentives to work and the idea of a culture of worklessness. There is a slight divergence from the parallels in that the PLA debates considered the issue of surplus population to be a third key factor in the production of poverty, which was not actively discussed in the WRA debates that I analysed.

Chapter 2: Treatments of Poverty

In this chapter, I will investigate the extent to which the treatments of poverty that the PLA and WRA proposed were similar and informed by Malthusian ideas. This chapter’s analysis draws on data from Commons debates and policy documents to discuss (1) the individual-level, and (2) the population-level treatments. Both acts focused more heavily on individual- than population-level treatments of poverty, reflecting my Chapter 1 findings.

The voices of Lord Althorp and Mr Duncan Smith are prominent in this section of analysis. This exemplifies the power that they possessed as the proponents of each reform.

¹⁵⁷ Poor-Laws’ Amendment – Third Reading, Volume 24, 01/07/1834

Speaking first and for longer than other members, they were able to frame the debates and direct their outcomes. Therefore, their voices are the most relevant for my analysis of the proposed treatments of poverty emerging from these debates.

1. Individual-Level Treatments

Malthus (1803) proposed the gradual abolition of the OPL in response to the issue of dependant poverty, which he believed to result largely from the mis-incentives produced by the OPL. Whilst neither reform abolished welfare completely, Malthus' perspective is reflected in the focus on limitations and conditionality in both acts. My analysis of the included Commons debates revealed three key individual-level factors in each parliament's proposed treatment of poverty, coded under (i) 'Inequality as Necessity', (ii) 'Criticism of Idleness', and (iii) 'Deserving vs. Undeserving Poor'. The application of the same coding groups in discussions of individual-level diagnoses and treatments of poverty immediately suggests that the discourses highlighted in Chapter 1 heavily influenced the outcome of both reforms. The third section – 'Deserving vs. Undeserving Poor' – demonstrates the consensus among both sets of reformers that provision for the non-able-bodied poor should be neither reduced nor stigmatised.

i. Inequality as Necessity

The depiction of the dependent poor as trapped by a lack of incentives (DWP 2011) underlay the attempts of both the PLA and WRA to limit welfare provision. The 2012 introduction of UC was intended to incentivize poor people to work by reducing the complexity of the benefits system and ensuring that work pays (DWP 2011). Similarly, the PLA introduced the workhouse system 'to remove any incentive to pauperism' (Driver 1993, 24). The principle of less eligibility, therefore, underlay both reforms, each seeking to ensure that welfare dependency was never preferable to working (Newman 2011). Sainsbury (2014) argued that this focus on incentivising work creates benefit systems that are more concerned with reducing dependency than with tackling poverty.

Mr Duncan Smith, WRA Debate: 11 November 2010

‘we will make sure that work always pays more than being on benefits’¹⁵⁸

Lord Althorp, PLA 3rd Reading Debate: 1 July 1834

‘no person should receive relief without being placed in a worse situation than the independent labourer’¹⁵⁹

Whilst the PLA used the workhouse test to enforce the principle of less eligibility, the WRA implemented a benefit cap to ensure that out-of-work claimants could never receive more income than the average worker (Royston 2017). In justifying the level of the benefit cap, *Duncan Smith (11 October 2010)* exemplified the idea that the dependent poor should receive only limited support, stating: ‘*I do not think that a person needs £35,000 a year to live a reasonable life*’.

These limitations to welfare provision reflect, in both cases, the aim of making work pay and the construction of dependency as a *choice* (Royston 2017). Therefore, each government suggested that rather than being cruel in implementing welfare limitations, they were actually being compassionate, arguing that their limited welfare systems would help the majority of the poor to improve, even if some individuals lost out (Royston 2017).

ii. Criticism of Idleness

Malthus (1803) advises that the level of pauperism would be reduced if dependant poverty was stigmatised. This stems from his diagnosis of poverty as resulting from the over-generosity of the OPL, a diagnosis that is reflected in the PLA policy document.

1834 PLA, Policy Document

52. ... the Relief of the able-bodied and their Families is in many Places administered in Modes productive of Evil in other respects ...¹⁶⁰

¹⁵⁸ Welfare Reform, Volume 518, 11/11/2010

¹⁵⁹ Poor-Laws’ Amendment – Third Reading, Volume 24, 01/07/1834

¹⁶⁰ <http://www.workhouses.org.uk/poorlaws/1834intro.shtml>

Due to the idea that unconditional welfare produces dependent poverty, both the PLA and the WRA implemented strict conditionality regimes. The discourse of individual responsibility was furthered post-2010 by the austerity-driven attempt to align morality with self-sufficiency (MacLeavy 2011). Conditionality served in both periods to shift away from the view of relief as a right towards the idea of welfare as a contract between the state and its citizens, be it the strict set of responsibilities placed on UC claimants, or the workhouse test for nineteenth-century prospective paupers.

Mr Wicks, WRA Debate: 11 November 2010

‘That should remind us of the importance of the work ethic and the fact that citizens have both rights and duties when it comes to benefits and work’¹⁶¹

Under the WRA, the Work Programme was introduced to address these issues. Whilst the coalition government argued that this programme would help participants to re-enter the labour market, it has been criticised for taking up time which could otherwise be used to find paid work (Standing 2016). Moreover, there have been many incidents of mistreatment of those on the Work Programme by employers who have negative pre-conceptions of benefit claimants, and who know that participants are powerless to complain because they fear sanctions (Burnett and Whyte 2017). There are clear parallels here with the workhouse system. Firstly, both engage the poor in forced, unpaid work and secondly, perpetuate the continued powerlessness of the dependent poor, who are subjected to the disciplinary surveillance of both the state and the programme leaders (Foucault 1982).

However, there is a significant difference: the WRA lacks a physical institutional space in which conditionality operates. Whilst the PLA used the physical, and physically imposing (Driver 1993), structure of the workhouse to impose conditionality on welfare recipients, there was no parallel physical institution under the WRA. This particular difference might be a reflection of the de-institutionalisation that is central to the neoliberal state’s attempt to

¹⁶¹ Welfare Reform, Volume 518, 11/11/2010

‘exercise only limited powers of its own, steering and regulating rather than rowing and providing’ (Rose 2000, 323).

The promotion of workfare as a means of breaking the purported *habit* of unemployment justified welfare conditionality by assigning individual responsibility (Standing 2016). The centrality of individual responsibility to the WRA reflected the twenty-first century rise of what Rose (2000) terms ‘ethopolitics’, under which governments seek to regulate individual behaviour through the reactivation of ‘shared moral norms and values, governing through the self-steering forces of honour and shame’ (Rose 2000, 324).

The imposition of a claimant commitment under the WRA highlights the belief that unemployment is driven by a ‘welfare culture’. This focus on the idea of ‘culture’ suggests that benefit decisions are no longer based on need, but on the value-judgement of deservingness (Standing 2016). This led O’Hara to describe the WRA, in particular the strengthening of conditionality, as a ‘moral crusade’ (O’Hara 2015, 55). The extent of the stigmatisation of benefit recipients under the WRA is evident in the inclusion of ‘*improving personal presentation*’ as a potential ‘*work preparation requirement*’ (WRA policy document 2012)¹⁶². State involvement at the level of the individual’s appearance indicates that UC claimants are subjected to intense surveillance, much like nineteenth century workhouse inmates, indicating disciplinary governmentality in both periods (Foucault 1982).

The ideal of self-help can be linked back to the nineteenth century, when Victorian society adopted liberal ideals and began to define pauperism as ‘the deliberate choice of people who naturally pursued their own best interests’ (Fraser 2017, 49). These liberal ideals of self-help are inherently linked to Malthus’ arguments regarding the causes of and solutions to poverty. The timing of Malthus’ essays coincided with the rise of liberalism and had a significant effect on changing attitudes at the time. As the first person to suggest that the poor caused issues for society, as opposed to society causing issues for the poor, Malthus introduced the concept of poverty as an individual failing, and thus the idea that self-help was a better solution than government aid. Therefore, I argue that Malthusianism was a key factor in the development of the liberal ideals, not simply a similar thought process developing in the same period. As in 2012, the suggestion that dependant poverty is a *choice* underlay the morality-based relief system of the PLA, which aimed to better the condition of the poor by ‘cultivating a spirit of independence’ (Malthus 1803, 432).

¹⁶² <https://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

The PLA and WRA's proposed treatments of poverty, therefore, appear to be underwritten by similar discourses, each suggesting that the poor must be tested and forced to pursue any and all options of employment in order to claim relief. These rhetorical tricks, however, led to different policies in each period. Whilst under the WRA benefits could be claimed whilst searching for work, under the PLA, support in the form of the workhouse was truly a last resort.

Mr Robinson, PLA 3rd Reading Debate: 1 July 1834

'The poor man would be told, 'You must either go into the workhouse, or we cannot give you relief'¹⁶³

Perhaps the institution of the workhouse is less necessary in the twenty-first century, as technological developments, such as the requirement that UC claimants log their job applications online, allow the government to easily evaluate whether claimants are meeting the conditions of relief without the workhouse test. This potentially reflects the heightened level of distant surveillance in modern society (Foucault 1982).

Conditionality is enforced by sanctions, halting benefit provision for a set period of time, under the WRA and by the Workhouse under the PLA. Both forms of conditionality sought to make welfare 'so unattractive that people ... will take almost any job instead' (Standing 2016, 168).

The PLA was openly harsh on paupers in the name of protecting independent labourers. Workhouses were designed to be places of 'unparalleled dread', serving not only to confine and regulate paupers, but also as a constant reminder of their stigmatised position (Driver 1993, 2). Alternatively, twenty-first century reformers claimed to be protecting claimants' best interests with their sanction system, which was only supposed to be used on those deliberately neglecting their responsibilities.

¹⁶³ Poor-Laws' Amendment – Third Reading, Volume 24, 01/07/1834

Mr Duncan Smith, WRA Debate: 11 November 2010

‘if somebody is not trying, they will be sanctioned, but if they are trying, they will not be’¹⁶⁴

However, since the implementation of the WRA, sanctions have been used regularly and harshly (O’Hara 2015). This strict sanction system removes the choice from benefit recipients as to what jobs they accept, increasing the likelihood of entry into dead-end jobs. As the individual is unsuited for their forced occupation, such employment often results in a return to worklessness (Newman 2011).

2012 WRA, Policy Document

26. Higher-level sanctions

26.2 It is a failure sanctionable under this section if a claimant falling within section 22—

(a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;

(b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;

(c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work¹⁶⁵

Due to their diagnoses of dependency as resulting from over-generous welfare systems, each reform aimed to increase conditionality, moving away from the idea of welfare as an entitlement, to that of welfare as a contract. Both governments constructed narratives of

¹⁶⁴ Welfare Reform, Volume 518, 11/11/2010

¹⁶⁵ <https://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

individual responsibility to justify these changes, reflecting their socio-economic contexts and Malthus' ideas.

iii. **Deserving vs. Undeserving Poor**

The distinction between the deserving and undeserving poor present in debates and policy documents for both the PLA and WRA re-emphasises the idea that able-bodied individuals are responsible for their own poverty, whilst acknowledging society's moral responsibility to support those who cannot work.

The discursive distinction between deserving and undeserving poor decreased during the twentieth century, as able-bodied dependency was de-stigmatised. However, it can be argued that alongside Malthusian attitudes towards poverty and dependency, the Victorian-era categorisation of deserving and undeserving poor has re-emerged in the twenty-first century (Valentine 2014).

Despite Malthus' (1803) unyielding argument that the poor are to blame for their own poverty, Commons debates and policy documents for both the PLA and WRA demonstrated support for de-stigmatized relief for the non-able-bodied poor. For example, under the WRA, claimants deemed unable to work were exempt from the benefit cap, work-search requirements, and corresponding sanctions. The Coalition government also introduced a 'triple-lock' pension system to protect the elderly from the impacts of austerity.

Sir Willoughby, PLA 3rd Reading Debate: 1 July 1834

'He must call the attention of the House to the condition of the aged poor under this Bill. He thought it bad policy and against justice to weaken their fair claims'¹⁶⁶

1834 PLA, Policy Document

¹⁶⁶ Poor-Laws' Amendment – Third Reading, Volume 24, 01/07/1834

27. Relief shall be given to any adult Person who shall from old Age or Infirmity of Body be wholly unable to work, without requiring that such Person shall reside in any Workhouse¹⁶⁷

Mr Duncan Smith, WRA Debate: 11 October 2010

‘I repeat that those who genuinely cannot work, because they have disabilities that make it impossible, must receive the best support possible. That is the sign of a civilised society’¹⁶⁸

2012 WRA, Policy Document

19. Claimants subject to no work-related requirements

19.2 A claimant falls within this section if—

- (a) the claimant has limited capability for work and work-related activity,
- (b) the claimant has regular and substantial caring responsibilities for a severely disabled person¹⁶⁹

However, under the WRA, re-assessments of benefit entitlement for disabled claimants through the WCA have wrongly assessed a significant number of people as able to work, causing severe distress for many disabled claimants (Royston 2017). This has led Strong to describe the impact of the WRA on disabled claimants as ‘draconian’ (Strong 2019, 3). The failure to construct disabled people as ‘deserving’ is also evident in twenty-first century popular discourse. For example, ‘many newspaper headlines continue to vilify ... ‘scroungers’ and ‘lazy’ benefit recipients, creating crude cartoon characterisations of the sick and disabled people who receive them’ (Garthwaite 2011: 371). This difference between policy narratives and practice is also reflected in the high instances of stigmatisation and incarceration in

¹⁶⁷ <http://www.workhouses.org.uk/poorlaws/1834intro.shtml>

¹⁶⁸ Welfare Reform, Volume 516, 11/10/2010

¹⁶⁹ <https://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

workhouses of elderly or disabled paupers under the PLA (Driver 1993). This discrepancy between political discourse and policy outcome suggests that governments do not always enact the ideals that they claim to promote.

2. Population-Level Treatments

Whilst both the PLA and WRA primarily focused on individual-level treatments of poverty, imposing limits and conditionality to promote work and independence, they must be considered in their socio-economic contexts, which also operate at population-level.

Malthus (1803) writes in a liberal economic context, his ideas inform the development of the PLA and are also reflected in the neoliberal economics underlying the WRA. Both liberal and neoliberal ideologies are individualist. As a result, the population-level politics behind the two reforms is subtle. Instead, they seek to individualise responsibility and to minimise state intervention (Newman 2011). For example, the neoliberal lean of the WRA is evident in the promotion of work at all costs, labour market flexibilization and government spending cuts.

Mr Duncan Smith, WRA Debate: 11 November 2010

‘On the wider economic considerations, dynamic labour supply effects will produce net benefits to this country, as greater flexibility helps businesses and fuels growth’¹⁷⁰

In this chapter I have found that, despite clear differences in the policies themselves, the ideologies underpinning the 1834 PLA and the 2012 WRA’s proposed treatments of poverty are to a significant extent similar and informed by Malthusian ideas. Both reforms focused mainly on individual-level treatments, implementing strict systems of limits and conditionality which were designed to ensure that the principle of less eligibility was always met – with success: following each reform, the number of people claiming relief fell significantly (Taylor 2017; Somers and Block 2005). However, only the 1834 reform succeeded in reducing welfare spending, primarily due to increased spending on pensions post-2012. Both reforms faced some opposition in Commons debates, but each passed through

¹⁷⁰ Welfare Reform, Volume 518, 11/11/2010

parliament relatively quickly, suggesting that their underlying ideologies were accepted across the political spectrum.

Discussion and Conclusion

Malthus' Legacy Endures

I have found that, to a significant extent, the diagnoses and proposed treatments of poverty that underlay the 1834 PLA and the 2012 WRA had similar ideological bases, grounded in Malthus' (1803) understanding of poverty. Each emphasised individual-level factors, such as a purported culture of worklessness and the principle of less eligibility, in their diagnoses and proposed treatments of poverty. However, Malthus' concerns regarding population growth were not reflected in the WRA debates that I studied. This suggests that although some key elements of Malthusian discourse persisted in 2012, other elements were more heavily influenced by cultural changes between the nineteenth and twenty-first centuries, thus failing to demonstrate similar longevity. Nevertheless, my findings suggest that comparisons between nineteenth and twenty-first century welfare policy, specifically the PLA and WRA, are viable, and should not be overlooked.

Before Malthus' Second Essay, 'Poor relief did not have the social stigma of debasement it was later to acquire' (Fraser 2017, 43). Malthus (1803) provided legitimacy to the stigmatisation of the dependent poor, giving 'scientific' backing to the harsh prescriptions of the PLA (Himmelfarb 1985). Despite the overlooking of Malthus' influence by most twenty-first century studies of poverty and dependency, his arguments are clearly reflected in the relevant literature; they are, for example, to be found in Dorey's (2010) acknowledgement that the blame for poverty is increasingly placed on the poor themselves.

It is important to recognise that parliamentary discourses on issues such as poverty both construct and reflect public perceptions (Valentine 2014). For example, the stigmatising discourse evident in the WRA debates was reflected in public perceptions of benefit claimants as 'a parasitical drain and threat to scarce national resources' (Taylor 2013, 9). This stigmatisation of the dependent poor contributed to the growing attribution of poverty and dependency to individual-level factors, such as poor work ethic and lack of personal responsibility, depoliticising poverty by diverting attention away from its structural causes (Taylor 2017). This depoliticisation of poverty is in itself an incredibly political act (Zizek 2005). By using Malthusian discourse to place the blame on individuals, the Coalition

government acquitted itself of all responsibility, legitimising welfare cuts and avoiding the difficult task of addressing poverty's structural causes. Accordingly, under both the PLA and the WRA, the stigmatisation, limitation and conditionality of relief worked to entrench pre-existing social inequalities (Tyler 2013).

In conclusion, I have found that Malthusian ideas about poverty were used to inform the development of both the 1834 PLA and the 2012 WRA. Hence, both policies entail similar diagnoses and proposed treatments for poverty and dependency. *Malthus' legacy endures.*

Final Remarks

Throughout this paper, I have argued that a solid understanding of a government's underlying discourse on poverty is key to understanding the welfare state that they design. Using this argument, I have demonstrated that to fully understand the discourse behind the 2012 WRA, it is necessary to acknowledge its ideological similarities to Malthus' (1803) understanding of poverty and the 1834 PLA. I suggest, therefore, that the significance of historical analysis for the study of contemporary issues, such as welfare policy, is immense. By investigating the historical discourse underlying a particular reform, researchers can better target their critique, and better address the problems that they have identified. For example, in the case of the WRA, if too much emphasis is placed on the issue of austerity, historical comparisons are limited to twenty-first century 'austerity Britain'. In this case, the deeper ideological influences of neoliberal economics and Malthus, both (re-)emerging since the 1970s (Fraser 2017), not just since the revival of austerity in 2010, would be overlooked.

All politically-minded people who wish to understand and influence contemporary issues should take note of the importance of historicising. In my opinion, the ongoing influence of Malthusian discourse on welfare policy contributes to a UK welfare state that seeks to discipline, rather than to assist, those who it claims to serve. Therefore, I encourage readers to recognise the historical, discursive underpinnings of the 2012 welfare reform, and to target critiques of the contemporary welfare system at the rhetoric through which it was justified. It is only through challenging this discourse that we can build up a new welfare system, one that recognises the social causes of poverty and inequality, encourages cohesion rather than conflict, and thus works to better the lives of those in need.

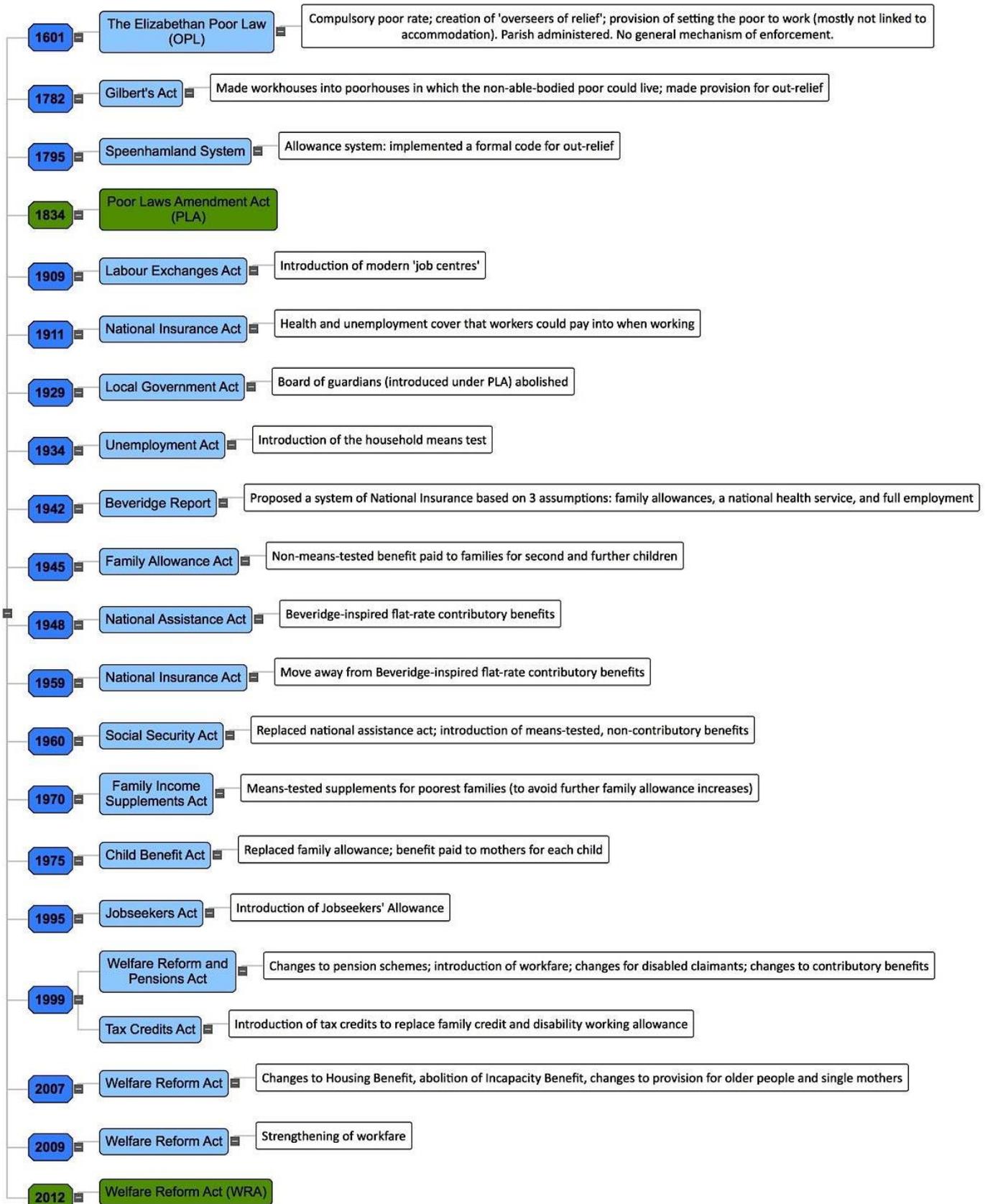
This research is not exhaustive and provides the groundwork for further historical study of contemporary welfare policies both in the UK and abroad. It would be interesting, for

example, to bring this research to the present day with an investigation of the COVID-19 pandemic's impact on welfare dependency discourse. Further research could also, perhaps, investigate whether public attitudes towards dependency have softened under the economic uncertainty created by the pandemic; in much the same way as the turmoil of war changed perceptions of poverty in the mid-20th-century. For example, Marmot et al argue that 'The public thinks that inequalities have gone too far' (Marmot et al 2020, 31). If this is the case, the time may be ripe to push for a more egalitarian welfare state, necessitating investigations into how such a state could be realised. However, the expansion of food banking during the coronavirus crisis and the ongoing medicalisation of 'poverty as an individual condition' (Möller 2021, 13), exemplified by the provision of free school meals via 'vouchers and an outsourced half-pepper ... Because who knows what poor people might do if they were to ... *choose for themselves?*' (Chakraborty 2021), suggest that the government's diagnosis of poverty has not changed.

Therefore, whilst there is some room for optimism in the UK government's pandemic-induced spending increases (Marmot et al 2020), further work is required to ensure that poverty is viewed through a more equitable lens from 2021 onwards. Such work must consider the influence of Malthus (1803) on the 2012 WRA, and the ideological similarities between this and the 1834 PLA. The discourses underlying the current welfare state must be identified and challenged in order to effect meaningful change.

Malthus' legacy could, if the right steps are taken, be a casualty of the pandemic. This potential casualty should not be mourned. However, as my research has shown, Malthus' enduring legacy has historically proved difficult to displace.

Appendix 1: Timeline of key welfare reforms, 1601-2012 (*Spicker 2021*)



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