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It is with great pleasure that I present the latest edition of Groundings. Although this volume is published following an unexpected delay, it is the result of sustained collaboration during a period of transition and reorganisation.

The results of this work are eight articles that represent the breadth, rigour, and intellectual curiosity characteristic of undergraduate research across the arts, social sciences, and humanities at the University of Glasgow. Bringing this edition to publication during a time of organisational change was a collective effort, and the Editorial Board rose to this challenge while maintaining the high academic standards expected of Groundings.

I would like to extend my sincere thanks to Bruno Kalmar, Convener of Libraries and Groundings Production Manager, for his consistent guidance and support at every stage of the journal's preparation. I would also like to heartily thank Euan Davies, Deputy Editor-in-Chief, who joined the Groundings team in September. Euan is a reliable and dedicated member of the Editorial Board, providing both practical support and thoughtful input throughout a demanding publication process.

I am also deeply thankful to the members of the Academic Advisory Board for generously offering their time and expertise; their careful evaluation of submissions and guidance throughout the peer review process were essential to the development of this volume.

This edition of Groundings stands as a testament not only to the strength of undergraduate scholarship at the University of Glasgow, but also to the value of collaboration, clear communication, and collective responsibility during periods of change. I am pleased to present this volume and confident that the foundations laid this year will continue to support the journal in future publications.

Polina Pavlenko, Editor-in-Chief

So here it is - Volume XVI.

This volume lives up to the Groundings spirit - it is interdisciplinary at its core, and it is fantastic to see papers from all disciplines this journal covers published. The sheer variety of papers submitted each year always astounds me, and is what makes editing this Journal such a pleasure.

I would like to thank our Authors, without whom this Journal simply would not function. Their commitment to this Journal through many rounds of revisions has been truly commendable, and their work is equally impressive. They should all be proud of the work that they have published, and I would firmly encourage every reader to take the time to read through their work.

Our Academic Advisory Board also deserves significant thanks - it is their willingness to share their expertise with this Journal that makes our review process possible. Their detailed feedback and patience has allowed our authors to shine, for which I am truly grateful.

Next, I would like to thank our Editor-in-Chief Polina, and our Managing Editor Bruno - they welcomed me to the team as a relative stranger to the world of academic publishing in September 2025, and have served as steadfast companions while we reshaped how our Journal works behind-the-scenes. After hours of shared toil, I am pleased to call them friends.

Finally, no review process is without its hitches and snags - and this volume was no different. Valuable lessons have been learnt along the way, and concrete changes have already been made in how Volume XVII is being approached - from a rewired editorial system that places a stronger emphasis on our Academic Advisory Board to a revitalised and expanded editorial team. With these changes and increased interest across the University of Glasgow - the future is looking bright for Groundings.

Euan H. Davies, Deputy Editor-in-Chief

Last year, around June, I discovered that my predecessors had not placed anything through peer review.

Since then, Polina, Euan and I have spent six months rebuilding Groundings. We had no handover and little notion of what to do next. This publication is a product of tens of thousands of words of editing; of emailing over 70 academics and of countless hours of editorial meetings.

I am indebted to both Euan and Polina. A convener only gets one shot at the job, and I am so happy to be surrounded by some of the best people who have genuinely contributed so much to a committee and a publication that they were previously only tangentially involved in. I am so thankful to both of them. I assume it will be very rare to be able to work with people who have academic and management skillsets I am quite frankly jealous of. Without them, Groundings as we know it would have been cut.

Instead of waxing lyrical about how much work they have done, I'll share a few key metrics:

- For the publication of this edition, we contacted over 70 different academics from all departments asking them to be in the academic review board;

- We read 20 papers each;

- We managed a new submission process which has yielded just over 60 submissions, while hiring a new editorial board and redoing our entire structure.

Putting Groundings together has been incredibly challenging and operationally difficult, however, I'm proud to introduce this edition to you after a year of hard work from our new editorial team, our authors and our academic advisory board. I would like to thank everyone who has contributed to this edition. I hope you appreciate it.

Bruno Kalmar, Convener of Libraries

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A Revised Account of Patrick Macklem's Sovereignty of Human Rights

Lilliana Fan

The critiques of Macklem's theory, particularly regarding its perceived over-inclusiveness, underscore the necessity of distinguishing "human rights in international law" from the narrower regime of IHRL. Macklem's theory emphasizes the broader role of human rights across diverse areas of international law, where human rights principles play a significant yet distinct role. By addressing critiques that conflate these concepts, this essay has highlighted how Macklem's legal conception of human rights enriches our understanding of their dynamic and multifaceted function within the international legal order. Moreover, recognizing the interplay between human rights and other areas of international law, my extended theory proposed in this essay not only mitigates the risk of fragmentation but affirms the adaptability and positive role of human rights in addressing the complexities of global justice.

Introduction

Patrick Macklem's The Sovereignty of Human Rights[1] sets forth an ambitious goal: to offer a legal theory of human rights in international law that defines their nature and purpose.[2] From the outset, Macklem distinguishes his approach from other prominent accounts or theories of human rights. For example, unlike James Griffin's moral account, Macklem highlights that international human rights law (IHRL) safeguards rights that apply to certain individuals and not to others, based on reasons often influenced by historical and geographical contingencies. Similarly, he departs from political approaches and situates his theory within the framework of sovereignty, which enables him to sidestep the limitations of morality- or politics-centred approaches.

Recognising the considerable benefits and significance of Macklem's theory, this paper seeks to critically engage with the concerns regarding

[1] Patrick Macklem, The Sovereignty of Human Rights (OUP, 2015)

[2] Ibid, p.1

its potential over-inclusiveness and under-inclusiveness. In doing so, it aims to offer thoughtful refinements and suggestions for enhancing the framework, ultimately contributing to a more comprehensive understanding of the role of human rights in international law. Part II of this paper will examine the claims of over-inclusiveness directed at Macklem's theory, offering a nuanced response that clarifies and advocates for the adoption of a broader conceptualisation of "human rights in international law", addressing a gap in the existing literature. Then, Part III will suggest Macklem to include the perspective that human rights in international law also actively shape and enhance the development of other international legal frameworks into Macklem's theory. This approach challenges Macklem's restrictive view of human rights as merely corrective, advocating instead for a dynamic, integrative framework that fosters a greater legitimacy of the international legal system. This paper aims to call for a rethinking of the purpose of human rights in international law and its goal to enhance Macklem's normative account in The Sovereignty of Human Rights.

Over-inclusiveness – human rights in international law or international human rights law?

The Criticisms

One of the most widely discussed critiques of Macklem's theory pertains to its perceived over-inclusiveness, particularly his broad incorporation of various branches of international law. This critique is especially prominent in response to his assertion that "Human rights serve as instruments that mitigate adverse consequences of how international law organises global politics into an international legal system".[3] Several scholars have contended that Macklem's theory is applicable to other areas of public international law, extending beyond the scope of international human rights law (IHRL). These critiques reveal a deeper issue of a conceptual conflation between human rights in international law and IHRL. In the following section, I aim to critically examine whether Macklem has effectively addressed these comments. Further, I will delve into the potential misunderstanding or misinterpretation that may have contributed to such critiques, with the objective of clarifying the conceptual underpinnings of Macklem's claim.

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[3] Ibid, p.22

Notably, criticisms of over-inclusiveness have been particularly pronounced in relation to international environmental law, international trade law and international economic law. For instance, Basak Cali[4] has contended that certain foundational principles of international environmental law such as the prevention of transboundary environmental harm, the recognition of environmental issues as a common concern for humanity and the doctrine of common but differentiated responsibilities, similarly aim to "monitor the exercise and distributive consequences of state sovereignty."[5] Likewise, Tomer Broude has pointed out that the regulation of production and disposal of toxic and hazardous waste within international environmental law operates with a comparable logic.[6] In the context of international economic law and international trade law, similar critiques have emerged. Broude highlights that international economic law was designed to mitigate the adverse effects of sovereignty manifesting as economic nationalism, where states prioritise protectionist policies at the expense of global welfare.[7] International economic law aims to curtail such policies, fostering global economic integration through mechanisms that promote free trade and investment. Christopher McCrudden has echoed this perspective, arguing that international trade law plays a comparable role in regulating state sovereignty, spanning areas such as trade, investment and public procurement.[8] These critiques collectively suggest that the legal conception of human rights Macklem presents is not unique to it but is shared by other branches of public international law.

Macklem's Response and the Distinctiveness of Human Rights
In response to the above critiques[9], Macklem crucially highlights an essential distinction: while human rights in international law share some

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[4] Basak Cali, 'International Human Rights Law: One Purpose or Many? Reflection on Macklem's The *Sovereignty of Human Rights*' (2017) Volume 15, No.1 Jerusalem Review of Legal Studies 77, p.82-83

[5] Macklem, *supra note 1*, p.1

[6] Tomer Broude, 'Deontology, Functionality, and Scope in *the Sovereignty of Human Rights*' Volume 15, No.1 Jerusalem Review of Legal Studies 111, p.118

[7] Ibid, p.119

[8] Christopher McCrudden, 'Is the Principal Function of International Human Rights Law to Address the Pathologies of International Law? A Comment on Patrick Macklem's The Sovereignty of Human Rights' 67(4) University of Toronto Law Journal 623, p.629

[9] Patrick Macklem, 'The Sovereignty of Human Rights: A Reply to Four Critiques', Volume 15, No. 1 Jerusalem Review of Legal Studies 122

structural similarities with other legal norms, such as being "part of customary international law or are enshrined in treaties,"[9] they serve a fundamentally "distinct function."[10] Unlike other areas of public international law, which "vest entitlements in states and regulate relations between and among states," human rights in international law "vests rights in individuals and collectivities not co-extensive with the population of states. "[11] This individual- and collective-centered perspective underscores the distinctive role human rights play within the broader international legal framework. Macklem's argument is compelling because it aligns with the essence of the term "human rights" itself, which inherently emphasises the legal capacity of humans, no matter as individuals or collectives. This focus on individuals and collectives is not only a linguistic reflection of "human" rights but also an essential legal principle that sets these rights apart from emerging concerns such as animal rights or the rights of nature and rivers. While these other rights might hold significance in environmental or ethical contexts, human rights in international law are uniquely designed to safeguard the legal standing of persons within the international order.

The Problem of Conflating IHRL and Human Rights in International Law
Building on Macklem's response, I have identified a misconception upon examining these critiques in conflating "human rights in international law" as stated by Macklem, with the specific regime of IHRL. This distinction is critical, as Macklem's theory did not intend to confine to the framework of IHRL but rather seeks to conceptualise the role of human rights across the broader landscape of international law. In particular, Cali, Broude and McCrudden have all repeatedly employed the term "international human rights law" as a proxy for Macklem's discussion of "human rights in international law" in their critiques. While these scholars' conflation is problematic, it is somewhat understandable, as Macklem himself uses terms like "international human rights law" and "human rights in international law" interchangeably. This inconsistency contributes to misrepresentation and confusion, highlighting the need for greater precision to maintain clarity and integrity in discussions of his theory.

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[9] Ibid, p.125; *see also* Macklem, *supra note 1*, p.22
[10] Ibid
[11] Ibid

Firstly, it overlooks the fundamental premise of Macklem's argument and the primary aim of his book: to propose a "legal theory of human rights in international law that defines their nature and scope."[13] By narrowing the discussion to the confines of IHRL, these scholars risk oversimplification and divert from the broader legal inquiry that Macklem seeks to address, undermining the nuanced analysis his theory offers.

Secondly, this conflation disregards the broader objective of the discussion, which is to provide a legal, as opposed to a purely normative, conception of human rights. Human rights, as they appear within international law, often extend beyond the specific mandates of IHRL and intersect with other domains. Excluding the consideration of human rights embedded in other areas of international law risks fragmenting our understanding of human rights and obscuring their legal significance within the international legal order, and therefore is counterproductive to the wider mission of discerning their legal conception. For example, in "International Human Rights Law" by Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris[14] identified specific domains of international law that they regard as having particularly close ties to IHRL. These connections are characterised by the influence of IHRL on their development (see section III), as well as the embedding of certain human rights protections within their respective regimes. Drawing on the examples of international refugee law (IRL) and International Humanitarian Law (IHL), I aim to address the issues inherent in conflating IHRL with the border concept of human rights in international law.

International Refugee Law (IRL) in Relation to Macklem's Broader Concept
Before delving into the relationship between IHRL and international refugee law, it is important to highlight that refugee law is a distinct legal framework, despite increasing debates regarding its connection to IHRL. While Vincent Chetail[15] argued that human rights law has profoundly influenced and reshaped the core principles of the Refugee

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[13] Macklem, *supra note 1*, p.1
[14] Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris, *International Human Rights Law* (4th edn, OUP 2022)
[15] Vincent Chetail, 'Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law' in Ruth , *Human Rights and Immigration* (OUP 2014) 19, p.19

Convention[15], leading to a significant shift in the normative framework of forced migration from refugee law to human rights law, there remains a mainstream view that these two regimes operate independently. According to the mainstream perspective, the primary source for refugee rights remains the Refugee Convention, rather than human rights law.[16]

The Refugee Convention, while a part of refugee law due to its scope,[17] is widely recognised as a human rights instrument i.e. a text that protects human rights but not a part of IHL.[18] This recognition underscores that human rights instruments are not confined to the IHRL regime alone but exist within other areas of international law. As such, the Refugee Convention serves as an apt example to demonstrate the presence and significance of human rights principles outside the traditional scope of IHRL, highlighting the need to account for these instruments in the discussion of the role of human rights in international law.

Adopting the narrow interpretation of IHRL, as opposed to the more expansive concept, limits our ability to fully grasp the scope and implications of Macklem's theory. This is because the restricted view allows refugee law to fall squarely within Macklem's legal conception of human rights, as it aims to protect refugees from the adverse consequences of a state-centric international legal system that often leaves stateless individuals without protection. Some parts of refugee law also govern the relationship between states and refugees, who can be considered as "individuals and collectivities".[19] However, it is not Macklem's intent to encompass all of refugee law within his legal conception of human rights. His theory would focus on specific principles within refugee law that concern human rights, like non-discrimination, non-refoulement and the protection against penalisation of asylum-seekers and refugees with legitimate reasons for unlawful

[15] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention)

[16] Alice Edwards, 'International Refugee Law' in Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (ed), *International Human Rights Law* (4th edn, OUP 2022) 563 p.568

[17] Ibid, p.563

[18] Ibid, p.568

[19] Macklem, *supra note 1*, p.22

entry or stay, rather than mechanisms that allocate responsibility among states for processing asylum claims such as in the Dublin Regulation.[20] Therefore, the border conception is particularly advantageous as it allows for the inclusion of human rights principles embedded in legal frameworks like IRL without conflating them entirely with IHRL.

A similar line of reasoning applies to IHL, which also shares a close connection with IHRL. Humanitarian law is designed to "balance the violence inherent in an armed conflict with the dictates of humanity",[21] therefore mitigating the adverse impacts of an armed conflict that can arise within the framework of international law. For example, under international law, the use of force is legal with the authorisation of the UN Security Council or for self-defence under Chapter VII of the UN Charter.[22] This mitigation is evident in the protections and rights extended to both prisoners of war and civilians during times of conflict.

For prisoners of war, humanitarian law confers critical rights, including but not limited to protection from torture, the right to adequate food and water, access to medical care, appropriate clothing and freedom of religion, as enshrined in the Third Geneva Convention.[23] Similarly, civilians benefit from significant safeguards under humanitarian law, such as the right to food and medical supplies articulated in Article 23 of the Fourth Geneva Convention.[24] Adopting the narrower interpretation risks IHL falling into the scope of Macklem's theory as humanitarian law also focuses not solely on states, but regulates the delicate balance between the rights of the occupied, the occupying power and the displaced sovereign.[25]

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[20] Convention Determining the State Responsibile for Examining Applications for Aslyum lodged in one of the member states of the European Communities (Dublin Convention)

[21] Sandesh Sivakumaran, 'International Humanitarian Law' in Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (ed), International Human Rights Law (4th edn, OUP 2022) 527, p.527

[22] Charter of the United Nations, 24 October 1945, 1 UNTS XVI (UN Charter)

[23] Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135 (Third Geneva Convention)

[24] Geneva Convention Relative to the Protectino of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287 (Fourth Geneva Convention)

[25] Sivakumaran, *supra note 20,* p.536

The above provisions reflect the profound role that human rights principles play in shaping the obligations and protections enshrined within humanitarian law. The interplay between international humanitarian law and IHRL also underscores the broader notion of human rights in international law, emphasizing that their significance extends beyond the confines of specific regimes. To disregard this interconnectedness would be to overlook a vital dimension of how human rights operate and are embedded within the international legal order.

Reinforcing Macklem's context-dependent argument

Adopting a broader conceptualisation of human rights reinforces Macklem's argument that its nature is inherently context-dependent. This approach often starts with the assumption of a homogenous foundation of human rights, overlooking the nuanced and context-specific realities in which human rights are invoked and applied. Such an overreach risks neglecting the diversity of historical, cultural and geopolitical conditions that shape the role of human rights in international law.

In contrast, Macklem's theory is focused on human rights as they arise within the framework of international law, including those existing in specific regimes. This approach deliberately avoids the necessity of beginning analysis with instruments from the IHRL regime, such as the Universal Declaration of Human Rights[27], which tends to favour a universalist perspective. While the universalist view offers a broad foundation, it risks marginalising human rights that emerge in distinct contexts such as during an armed conflict or when an individual is rendered stateless. Addressing human rights within other frameworks such as prisoner of war or refugee rights reinforces and builds on Macklem's claim that the scope of human rights "appears to be steeped in contingencies of history and geography".[28] Further proving that IHRL does not need to be guided by universal norms as suggested by Buchanan such as affirming the equal moral status of human beings.[29] By not anchoring his analysis exclusively in IHRL, Macklem avoids

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[27] Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR)

[28] Macklem, *supra note 7,* p.124

[29] Allen Buchanan, 'Why International Legal Rights?' in Cruft et al. (eds), *Philosophical Foundations of Human Rights* (OUP, 2015) 244

treating human rights as static, one-size-fits-all solutions. Instead, his theory highlights their dynamic and context-dependent nature, which is critical to understanding how these rights function across varied geopolitical and cultural landscapes.

For the reasons outlined above, the concept of "human rights in international law" offers a more comprehensive and nuanced understanding of Macklem's theory than IHRL. It addresses the interplay and complementarity between different areas of international law, acknowledging their mutual influence and the broader systemic coherence they collectively achieve — an idea that will be expanded upon in Section III. This approach enriches the discourse by recognizing human rights as dynamic tools that respond to specific historical and situational demands, rather than as immutable standards imposed uniformly across all contexts. It is this adaptability, rooted in the interconnectedness of international law's various branches, that ensures human rights remain relevant and effective in addressing the complexities of global justice.

Under-inclusiveness: proposal for expanding Macklem's theory

Human Rights as Positive and Constructive

The relationship between IHRL and other areas of international law provides valuable insights into the complementary nature of these legal frameworks. The influence of IHRL on the development of these other regimes is crucial since it shapes their evolving role within the broader international legal system. Building on the analysis of the preceding section, I propose that human rights in international law also promote the positive effects or advantageous consequences of how international law organises global politics into an international legal system. While Macklem's theory has rightly emphasized the corrective function of IHRL, particularly in addressing the injustices of colonialism and the inequalities towards minorities or indigenous peoples perpetuated by international law, it overlooks the broader, preventive and positive role that human rights can play. I argue that human rights do more than merely mitigate the negative effects of historical injustices or current systematic inequalities; they contribute actively to the promotion of global values like justice, accountability, and democracy. It is essential to

distinguish between merely filling gaps or mitigating adverse effects and amplifying the positive consequences of international law. IHRL does not only serve to address problems retrospectively but actively influences the development of international legal frameworks in ways that foster greater accountability and respect for human rights across international law.

In addition to criticisms of Macklem's theory for being overly inclusive, Cali has raised concerns that the theory may be under-inclusive.[30] Cali contends that Macklem's focus on the sovereignty of human rights may not fully capture the scope of IHRL's legal practice, particularly when it comes to the application of qualified rights and the duty to protect. Cali argues that the limits of qualified rights hinge on their necessity and proportionality in a democratic society, suggesting that IHRL has a deeper purpose than simply mitigating the effects of sovereignty. Its function, she asserts, is also to ensure that sovereign regimes are structured as "rights-respecting democratic regimes."[31] Furthermore, the duty to protect compels sovereign states to exercise their public powers in ways that align with the promotion and protection of human rights, which directly influences their exercise of sovereignty. Macklem's article[32] which aims to provide a response to Cali's critiques, however, did not fully address this issue. I agree with Cali's assertion that human rights in international law do more than just reduce the adverse effects of international law; they play a critical role in shaping the positive development of both international and domestic legal systems. This positive influence promotes fundamental values like democracy, thus enhancing the global legal framework. As Cali discussed the effects on domestic legal systems, I would like to provide a clarification that domestic law is only relevant in our discussion regarding the role of human rights in international law, because the enforcement of international law highly depends on states. For example, in countries like the United Kingdom, where international law must be incorporated into domestic law, human rights law's influence on the domestic legal order cannot be understated.

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[30] Cali, *supra note 2,* p.82

[31] Ibid

[32] Macklem, *supra note 7*

The following section will further substantiate the proposal that human rights play an active role in enhancing the development of international legal frameworks that promote shared values. It aims to examine how IHRL influences the development of other areas of international law, including international criminal law (ICL) and international trade law (ITL). These areas which may seem distinct from IHRL, are in fact deeply intertwined with human rights law and are significantly shaped by its principles. Through this exploration, it will highlight the positive contributions that IHRL makes to the international legal system, thus amplifying its role in advancing justice and respect for human rights globally.

How IHRL influenced other international regimes

International Criminal Law (ICL)
IHRL has played a pivotal role in shaping and advancing the development of crimes under ICL. One significant example can be found in the landmark case of Akayesu[33], where the trial chamber was tasked with defining rape for the first time in international law.[34] To construct an appropriate legal definition, the trial chamber drew upon IHRL, specifically referencing the Torture Convention[35]. In its analysis, the court compared rape to torture, noting that both acts serve purposes such as intimidation, degradation, humiliation, discrimination, punishment, control, and the destruction of a person's dignity.[36] This comparison illustrates the profound influence of IHRL in shaping the substantive content of ICL, showcasing how IHRL does more than simply mitigate the adverse effects of international law, but actively contributes to the construction of the international legal framework itself.

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[33] Prosecutor v. Akayesu, Trial Judgment, ICTY, Trial Chamber, ICTR-96-4-T (2 September 1998)
[34] Ibid, para 596
[35] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85 (Torture Convention)
[36] Akayesu, *supra note 29,* para 593

Moreover, IHRL has further contributed to the development of case law in ICL. In *Prosecutor v. Furundžija*[37], the trial chamber revisited the definition of rape, acknowledging the limitations of the Akayesu judgment. The court clarified that forced oral penetration also constitutes rape, asserting that the "general principle of respect for human dignity,"[38] which is central to IHRL, underpins the broader understanding of sexual violence in ICL. This highlights how the recognition of human dignity and the protection of human rights, central tenets of IHRL, elevate the standards of respect for individuals and contribute to the evolution of ICL.

International Trade Law (ITL)
A similar process of influence can be observed in ITL, where IHRL has shaped the development of key provisions. For example, the signing of the General Agreement on Tariffs and Trade (GATT)[39] occurred prior to the adoption of the Universal Declaration of Human Rights. For many years, the definition of certain general exceptions under Article XX of the GATT was often considered ambiguous. A notable instance of the interplay between IHRL and ITL occurred in the case of European Communities – Measures Prohibiting the Importation and Marketing of Seal Products[40] in 2014. The World Trade Organization (WTO) Appellate Body was tasked with interpreting the exception for "public morals" in the context of a ban on the importation and sale of seal products, specifically addressing the impact on indigenous peoples' rights. Throughout the proceedings, the Appellate Body considered both the UN Declaration on the Rights of Indigenous Peoples[41] and the ILO Convention 169[42] to determine the definition of "public morals" underlined incorporated into trade agreements with reference to Article XX(a) of

[37] Prosecutor v. Furundžija, Trial Judgment, ICTY, Trial Chamber, IT-95-17/1-T, 10 December 1998

[38] Ibid, para 183

[39] General Agreement on Tariffs and Trade (adopted 15 April 1994) 1867 UNTS 187 (hereinafter GATT)

[40] European Communities – Measures Prohibiting the Importation and Marketing of Seal Products, Panel and Appellate Body Reports (WT/DS400/AB/R, WT/DS401/AB/R) (18 June 2014)

[41] United Nations Declaration on the Rights of Indigenous Peoples, UNGA RES/61/295 (2 October 2007)

[42] The International Labour Organization (ILO) Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries (entered into force 5 September 1991) 1650 UNTS (ILO Convention 169)

the GATT[39]. This reference demonstrates how IHRL has not only influenced but also shaped the interpretation of trade regulations, ensuring that international trade agreements are more attuned to the protection of human rights.

The complementary nature of different branches of international law is an important consideration that Macklem could further explore to enhance and refine his theory. By suggesting that human rights in international law serve merely to mitigate adverse effects, Macklem frames them as having a predominantly retrospective, corrective function. This perspective restricts human rights to addressing harms that have already occurred, rather than recognizing their potential to engage proactively with other areas of international law to actively enhance their development and legitimacy.

This paper's extended theory diverges from Macklem's narrower interpretation but aligns with the broader aim of the Sovereignty of Human Rights to discern the nature and purpose of human rights[40] in international law while simultaneously elevating the legitimacy of the international legal system. This approach complements the book's "richer mission" by emphasizing that international law, as a whole, becomes more legitimate when it incorporates the principles and values of international human rights law.[41] Rather than remaining static or indifferent to the systemic inequalities it generates, such as the exploitation of natural resources or the perpetuation of colonial structures, international law must evolve. Allowing itself to be influenced by human rights law fosters a dynamic system that continuously strives for fairness, accountability, and equity.

The restrictive view proposed by Macklem has significant negative implications for human rights in international law. Confining human rights to a reactive, mitigating role, limits their capacity to influence and inspire improvement in other areas of international law. This not only diminishes the legitimacy of the broader international legal framework but also

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[39] Başak Çalı, Lorna McGregor, Alexandre Skander Galand, Betül Durmuş, Irina Crivet, 'The Effects of International Human Rights Law on other branches of Public International Law: An annotated Compilation of Case Law' (University of Essex, 2017) p.82

[40] Macklem, *supra note 1,* p.1

[41] Ibid, p.2

perpetuates the very systemic inequalities that human rights law seeks to address. Without a proactive commitment to improvement, international law risks entrenching injustices rather than working to dismantle them.

Therefore, my extended theory advocates for a more integrative and forward-looking approach. By recognizing human rights as a force that actively shapes and enhances other branches of international law, this perspective underscores their broader purpose in fostering a just and equitable international legal system. It challenges international law to not only acknowledge the injustices it has perpetuated but to take a leading role in addressing and preventing them. Through this lens, human rights law is not merely a corrective mechanism but a driving force for progress, ensuring that international law evolves to better reflect the values of justice, equality, and human dignity.

Conclusion

In conclusion, the critiques of Macklem's theory, particularly regarding its perceived over-inclusiveness, underscore the necessity of distinguishing "human rights in international law" from the narrower regime of IHRL. Macklem's theory emphasizes the broader role of human rights across diverse areas of international law, where human rights principles play a significant yet distinct role. By addressing critiques that conflate these concepts, this essay has highlighted how Macklem's legal conception of human rights enriches our understanding of their dynamic and multifaceted function within the international legal order. Moreover, recognizing the interplay between human rights and other areas of international law through my extended theory not only mitigates the risk of fragmentation but also affirms the adaptability and positive role of human rights in addressing the complexities of global justice.

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Euripides and Opera from the Baroque Period to the Twentieth Century
Sevrin Draper

This essay aims to report on any connections between Eurpides' tragedies and opera over its 500 year history. I will begin by laying out the thematic concerns that are central to Euripides' writing as the summaries his tragedies that have most often been adapted to opera, which are including but not limited to *Medea*, *Alcestis*, and the *Bacchae*. This argument will focus on key operas that connect the art form to Euripides, mostly by being direct adaptations of one or more plays, such as Lully's *Alceste*, Cherubini's *Medea*, and Wellesz's *Alkestis*. Any diversions from the source material, whether thematic or narrative, will then be assessed and accounted for within the wider musical and historical context. This will determine that, as I hypothesise, the extent to which the plays of Euripides had a place in shaping the development of Western opera was significant.

Introduction

In his Short History of Opera, Grout draws a conclusive picture of the relationship between Western opera and the dramatic music of the Ancient Greeks, stating that 'the history, literature, and mythology of the Ancient World' are 'indispensable' areas of knowledge for those studying the history of the artform.[39] His hypothesis is widely accepted by scholars of Music History and Classical Reception; Classical mythology has produced seminal works by its inspiration and the works of Aeschylus, Sophocles, and Euripides, most prolific of extant theatre, are no exception to this. Euripides is the tragedian to whom the majority of surviving Greek tragedy is attributed, with nineteen extant plays, compared to the seven each of his contemporaries Aeschylus and Sophocles. Therefore, if Greek theatre is such an important component of opera, to what extent can this influence be traced regarding the work of Euripides? Since its conception, Opera has been inextricably linked with the Classical canon; in fact, the earliest surviving opera draws on

[39] Grout, 1947 p.9

the story of Orpheus and Eurydice in Peri's Eurydice (1600), shortly followed by the more often performed L'Orfeo (1607) by Monteverdi. On this subject, most often taken for Ovid's Metamorphoses, over thirty operas have been written, yet even more still are drawn from stories immortalised by Euripides.[2] For this reason, this essay will explore Euripides' influence on opera, focusing largely on the stories of Alcestis, Medea, Orestes, and the Bacchae, and tracing thematic and narrative concerns of human flaw and vulnerability in classical mythology from the conception of opera in the Baroque period of the seventeenth century to the post-war period of the twentieth century.

While it would be interesting to discuss the music and staging of Euripides' plays in comparison with that of opera today, most of these specific details have been lost to time. While all drama, like lyric and epic poetry, would have been set to music and sung, there are very few surviving artefacts that offer much tangible insight into this aspect of performance. Feaver describes aptly how regrettable it is that these crucial elements are lost to us, arguing "the music was an integral part of the artistic whole; without it (and without the dance and the spectacle, something of value has been lost".[3] Feaver's analysis of the Orestes Papyrus which preserves the musical "score" so to speak from the play's first stasimon, as well as D'Angour's more recent reproduction of the music for performance by a choir, are among an ever-growing field of Classical research seeking to understand this elusive aspect of Greek theatrical performance, however much of this work is speculative.[4] Ancient Greek musical theory is an extremely complex and often contradictory area of study, thus this article will instead compare in the largest part the thematic and narrative concerns of Euripides' plays against those of the operatic works that are inspired by them, as well as wider musical trends during their time.

Eurpides' tragedies explore themes of human flaw and vulnerability, often painting a bleak, pessimistic image of Athenian society and their attitudes toward war and authority. Euripides died four years before the end of the Peloponnesian war and the collapse of the Athenian Empire, so it is necessary to view his drama through a cynical lens; he drew

[2] Ibid.

[3] Feaver, 1960 p.170

[4] https://www.youtube.com/watch?v=4hOK7bU0S1Y

inspiration for his plays from mythological tradition, using the catastrophic tales of gods and heroes to communicate questions of suffering and the nature of man, alone out of his contemporaries choosing to "juxtapose myth... with the truth or world of his present".[5] He often used human, down-to-earth protagonists whose very realistic flaws and vulnerabilities lead to their own tragic fates. Their struggles are often met with indifference by the gods, towards whom he is sceptical, rejecting earlier literary conventions of religion demonstrated in the works of his fellow poets Aeschylus and Sophocles, for example.

These themes are treated with varying degrees of interest on the operatic stage. For pre-20th Century work in particular, artists are interested more in the Classical canon as a basis for ideal beauty and a vessel through which contemporary ideology and philosophy may be explored, as will be discussed in due course. This treatment views antiquity through a filtered lens; until the 19th and 20th centuries, much of what was known about Ancient Greece and Rome had yet to be discovered, and what people, largely educated men, did have access to was whatever the Church deemed worthy of study and thus preservation over the course of many centuries. Though not based in conscious bias, this treatment is problematic as it neglects the historical and cultural contexts which influenced the intention of the playwright. Despite this, these works offer valuable insight into the preoccupations and concerns of composers and artists over time.

Emergence of secular opera in the Baroque period (1600-1750)

Opera began to flourish in the Baroque period, beginning during the Late Renaissance in Italy. The genre was distinct from more established forms of religious music, such as the cantata, oratorio, and the Passion, in its use of stage action, narrative, and costume.[6] During the development of opera in the seventeenth century, Greek myth made up the subject matter for at least sixty-nine operas, representative of a little over half of all operas written between 1600 and 1700.[7] In Grout's *A Short History of Opera*, he argues the overuse of accidenti verissimi, or 'incidents invented and added by the poets', to the outlines of history or

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[5] Eisner, 1979 p.170
[6] Grout, 1947 p.83
[7] Grove, 1954

legend 'to the point of being no longer recognisable'.[6] Two works which exemplify this idea are Lully's *Alceste* (1674) and Handel's *Oreste* (1734), which both embellish their source material to a great extent. In light of this view, it may be observed that, despite their popularity, mythological figures in these plays are often personifications of the political or moral interests of the composer, or their patron, as a result of their reception through time, rather than being adherences to the source material.

Among the earliest surviving operas based on a Euripidean play is Jean-Baptiste Lully's Alceste, which draws from the tragedy Alcestis. Euripides' play, first performed in 438BCE, is taken the myth of Alcestis and Admetus, in which King Admetus is granted safety from Death when his loving wife Alcestis sacrifices herself in his place, before being retrieved by Heracles at the end of the play. Alcestis portrays the overcoming of death, offering hope in the face of the inevitable. Mitsis argues that "by violating the divide between mortality and immortality… Euripides upends political values of democratic Athens" some years before the delivery of Pericles' funeral oration in 431BCE, after the first year of the Peloponnesian war.[7] When considering Alcestis against the political climate of Athens ahead of the breakdown of peace between the Peloponnesian and Delian Leagues, Euripides poses a salient question: is death something to be feared or something which can be overcome? From this perspective, it may be argued that, as the source material for an adaptation, Alcestis offers the piety and moral concerns transferrable to the predominantly Christian philosophy of Baroque and Classical operas, such as Lully's adaptation

Grout describes Lully's style of writing as more often than not 'stately, formal, and detached from ordinary life', in a stark departure from the tradition of Euripides. [8] *Alceste* is concerned with the unfolding mythology antecedent of Euripides' *Alcestis*, with the events of the play at the forefront of the action in Act III. Interestingly, the role of Heracles is substituted by Lully with Alcide, a gallant hero who loves Alcestis. Here, Alcide is only able to retrieve Alceste on the condition that she will return his love with marriage. Upon her return to Admete, the couple say moving farewells, bound by duty which is stronger than love. When

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[6] Grout, 1947 p.83

[7] Mitsis, 2023 p.166

[8] Grout, 1947 p.135

Alceste offers her hand to Alcide, however, he refuses, moved by the depth of their love. Lully celebrates Alcide's gallantry, perhaps as a reflection of the prologue he included in this opera, in which the Nymph of the Seine tells of the glory that will return to France with King Louis XIV when he returned from battle, as Alceste was presented in celebration of his victory against the Franche-Compte. This is not far from Euripides' possible intentions with Alcestis, though Lully's style of storytelling downplays the irony of the original tragedy. The vivid emotion and internal struggle of Euripides' characters are likewise softened in favour of refined gallantry as would suit the seventeenth-century French court. In light of these points, it is likely that Lully was simply inspired by the story of Alcestis rather than interested in Euripides himself as a playwright.

Handel's *Oreste* was adapted from Euripides' interpretation of the story of Orestes and Iphigeneia and is the only pre-Romantic telling of the story in opera. *Orestes*, Euripides' final play, was written in 408 BCE, two years before the death of its writer, and four years before the fall of Athens in the Peloponnesian war. On *Orestes*, William Arrowsmith wrote, "I am tempted to see in the play Euripides' prophetic image of the final destruction of Athens and Hellas, or that Hellas to which a civilized man could still give his full commitment."[11] If we are to view the play in this light, it could be interpreted as a cynical and poignant response to Athens' ongoing conflict with Sparta. The play follows the torment of Orestes after having murdered his mother, Clytemnestra, and grapples with the distinctly Euripidean concern of divine justice, and the rule of law against the will of the gods. Orestes is torn by grief, pursued by the furies, and only finds repose on Apollo's arrival onto the stage at the end of the play, following Orestes' trial. Unlike Lully's Alceste, Oreste was not so concerned with courtly bravery and morality, with the play demonstrating a distinct preoccupation with human sacrifice and desire. Handel takes liberties with the plot, in the sort of *accidenti verissimi* that will soon fall out of fashion with Gluck, as will be discussed in due course. He gives Hermione a more prominent role, and creates the character Filotete to be in love with Iphigeneia and to add another layer of intrigue to the story. This opera ends with Orestes' overcoming of his emotional torment and the imperative reunion of family and liberation of the oppressed in a way that is not so reminiscent of Euripides.

[11] Arrowmith, 1958 p.4

Euripidean tragedy in Classical opera (1750-1820)

By the 18th century, opera became a very heightened form of art. The works of composers such as Handel, Mozart, and Scarlatti often centred around the virtuoso, with secco recitative passages and long de capo arias. Typically, this style facilitates complex vocal lines with disjunct movement, varied rhythms, and long melismatic passages. This style is referred to as *Opera Seria*, or "serious" opera. Gluck pioneered the return of *Opera Seria* to its more basic form in 1767 with his *Alceste*, which premiered in Vienna. His librettist, Ranieri De' Calzabigi, wrote a preface to the opera, outlining the reforms. This was including, but not limited to, no de capo arias, no vocal improvisation, no long melismas and an overture that is linked by theme or mood to the ensuing action. Gluck's Alceste demonstrates the extent of these revisions, especially in regard to the resolve of the action at the end of the opera. It premiered first in 1767 in Vienna but was revised for presentation in Paris in 1777. In the original version, Gluck veers away from the stories of both Lully and Euripides, having Alceste be brought back to Admete by Apollo, whereas in the Paris revision, Gluck remains true to his source material by replacing Apollo with Heracles. While Euripides, however, is concerned in part with Xenia, guest friendship, presenting through Heracles its importance in Athenian culture, Gluck centres his narrative more prominently around Alceste, moving away from not only Opera Seria but also the *accidenti verissimi*, so often practiced by his predecessors as well as the influence of Euripides' works themselves.[12]

While the story of *Alcestis* was popular in early opera, perhaps for its relatively sanitised themes of morality, duty, and sacrifice, the story of *Medea* remained largely off the operatic stage until Cherubini wrote his notable work *Medee* in 1797. First performed in 431 BCE, Euripides' *Medea* explores feelings of love, passion, and vengeance. Classicist Suzanne Said argues that its protagonist is isolated from Greek values and sympathies by her 'barbarian' identity, which would preserve the emphasis on piety and duty in Athenian thought and assert superiority over foreign forces at the start of the Peloponnesian war.[13] The war began in the same year as the play's first performance, 'antagonising' a fifth-century BCE Greek audience.[14] In the play, Medea is distraught over

[12] Grout, 1947 p.261
[13] Said, 2002 p.62
[14] *Ibid.*

her abandonment by Jason for the daughter of King Creon of Corinth. On the brink of exile, she plots her revenge, killing both Creon and his daughter. In the climax of the play, she murders the sons that she had had with Jason, bringing her former husband to anguish. *Medea* concludes with its anti-heroine flying into the sky on her golden chariot, her sons' bodies hanging behind her, a scene now iconic in the Western mind. While Medea's filicide seems to be the invention of Euripides, it has gone on to set the standard for the myth, as described by Roman writers such as Seneca, Ovid, and Hyginus, for example. *Medea* has been adapted for the stage and screen more times than this paper offers time to examine, but arguably, its most famous operatic adaptation was Cherubini's *Medee*.

Written in the later part of the Classical period, Cherubini is aesthetically interested in the amoral and vengeful tone of Euripides' play, and he represents this in his orchestration. For example: at the beginning of Act 3, after the deaths of King Creon and his daughter, the strings sound a slow, lamenting melody played in imitation with the bass instruments in the orchestra, and later, after the murder of Medea and Jason's children when Medea stands triumphant in her golden chariot, the chorus sings a fast-paced finale in parallel with the horror of the scene. The use of the chorus in this way echoes Greek tragedy in that it helps to set the tone of the scene and guide the audience through the action. This differs to Euripides' use of the chorus as the women of Corinth are rather sympathetic with Medea up until her filicide. The plot of Cherubini's *Medee* remains true to its source material. Cherubini was known for his original and bold style of composition, and it has been argued that this treatment of literature in his operas kept intact the 'ethical rigour' of Classical Greek tragedy in a new form.[15] This daring attitude allowed Cherubini to explore the themes established in Euripides' play to a greater extent than had been done in the Baroque period, demonstrating the rise of Euripidean plays as source material for Classical opera in comparison to preceding eras, before its inevitable decline with the turn of the nineteenth century, along with the influence of all things Hellenic.

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[15] Russo, 1994 p.124

Decline of Classical influence in the Romantic period (1820-1900)

After the Classical period, there was a decline in interest in the Hellenic and Nationalism became a key area of interest for Western composers. Grout argues that 'national subjects' and 'patriotic motives' stimulated composers to seek 'national expression' in their music.[16] Opera was placed at the forefront of this movement. Defining Romantic music as Western Classical music written between 1825 and 1900, it may be observed that over the course of the Romantic period, the prominence

of Euripides' tragedies in opera declines sharply. Of some 100 operas listed as being prominent between 1833 and 1900 in the Viking Opera Guide, none are based on Euripidean tragedy[17]. In fact, very few draw inspiration from Classical tradition at all. Of these few, two come from Greek mythology: Offenbach's *La Belle Helene* and *Orfee aux Enfers*, both satirical and cynical in nature, and one from Roman tradition: Berlioz's *Les Troyens*, based on Virgil's Aeneid.

Unlike the Greek Tragedian, the Romantic composer was not under the confines of a strict mythological cycle, so during this period they often drew inspiration from other sources, such as folk traditions, poetry, and contemporary life itself. [18] This led to the production of several key operas in music history, such as Wagner's *Die Walkure*, Puccini's *La Boheme*, and Verdi's *La Traviata*. Moreover, as is often the case in Euripides' tragedy, Verdi and Puccini in particular are preoccupied with human nature, and are less interested in idealistic, moral representations of life. Like how Euripides often writes mortal, flawed protagonists, so too do the writers of Romantic opera. In perhaps the most often performed today of these three examples, *La Traviata*, the courtesan Violetta sacrifices her hedonistic lifestyle for love of Alfredo, a young man of means from the country. When they are separated by Alfredo's father, who disapproves of Violetta's past, Alfredo reckons with his morals, cultural custom, and his emotions. The opera ends with the death of Violetta in the arms of Alfredo after three acts of drama permeated by intriguingly Euripidean themes of grief, sacrifice, and human vulnerability. This suggests that even though the operatic output of the Romantic period was not explicitly based on Classical tragedy,

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[16] Grout, 1947 p.507

[17] Holden, Kenyon, Walsh *et al.* 1993

[18] Schultz-Gerhard, 1924 p.480

they are still often implicitly linked with the works of Euripides in their thematic concern.

Classical reception and the 'Renaissance' of Euripidean tragedy in 20th Century opera

Romantic aestheticism and Germanism began to be rejected at the beginning of the twentieth century and, in rapidly developing technological terrain, artists began to experiment with the form of their music in its tonality, harmony, timbre, as well as instrumentation, sound production, and staging, thus shifting the musical landscape into a sprawling mass of the impressionistic, the neo-classical, and avant-garde. European Nationalism also largely declined in popularity in music after the end of the Second World War, though folk tunes often influenced the work of composers during this time, notably that of Vaughan-Williams and Stravinsky, for example, using respectively English and Russian folk music extensively in their writing. Operatic composers were influenced by the globalisation of art and fascination with the East and often portrayed different cultures and time periods on the stage, albeit to varying degrees of success, as can be seen in Puccini's *Madama Butterfly* (1904) and *Turandot* (1926). This interest in different cultures and experimentation music was not limited to Eastern subjects, but also gave way to developments in the realm of Classical reception.

Like Lully and Gluck, Wellesz composed an opera based on *Alcestis* (1924). Unlike his predecessors however, Wellesz uses the tragedy as a vessel through which to explore themes of desperation and grief. The prologue to Act 1 is made up exclusively of the string section of the orchestra, built up slowly from the double bass to the first violin, creating a feeling of apprehension. This is amplified in the monotonous timbre by the use of dynamics, beginning piano and swelling to a fortissimo with the introduction of new instruments before falling back down to piano, as well as the use of bitonality, a very new technique, and the long, slow, rhythms, drawing out close dissonances often of no more than one whole tone. When the orchestra falls away and the curtain opens, Wellesz introduces the orchestra with only uneasy percussion, reminiscent of a funeral procession. In *Alkestis*, Wellesz strived to avoid subjectivism, perhaps in a similar way to Gluck, and wrote purely

illustrative music to the text he was setting in a way that contrasted starkly from the aesthetic operatic writing of Wagner or Puccini in the Romantic period. Five years later, Wellesz similarly approaches one of Euripides' tragedies which before the twentieth century had never been adapted into opera: the *Bacchae*. Posthumously winning the Athenian Dionysia in 405 BCE, the play is drawn from the myth of the Theban king Pentheus and his mother Agave in which Dionysus punished Thebes for slander against him by leading the city's women, led by Agave, in crazed Dionysian worship. This leads to the grisly death of Pentheus and the exile of the maenads. Philip Ward states that 'if the primary mood of Alkestis was an elegiac adagio, *Die Bakchantinnen* (1931) is all dance-like allegro and pulsating rhythm',[19] an idea very effectively portrayed in the ecstasy of the Maenads in the context of experimental use of bi and polytonal harmonies. In setting the text, Wellesz said that his aim was in 'Singstimme' (more speech than singing) rather than 'post-Wagnerian rhapsodic Sprechgesang' (closer to operatic recitative), illustrating again the experimental, expressionist aims of the work. While it is likely that Wellesz was significantly influenced by the artists around him steering their work away from German Romanticism, it was this influence that allowed him and others to explore Euripides in new ways.

Since Wellesz's adaptation, the play has been adapted several times, usually in more modern, experimental contexts, such as Buller's *Bakxai*, written for the English National Opera in 1992 entirely in ancient Greek and Partch's Revelation in the Courthouse Park. which premiered at the University of Illinois in 1961. In this work, another adaptation of *The Bacchae*, Partch alternates between ancient Thebes and small-town 1950s America in a critique of contemporary pop culture and religious fanaticism, an example of this being his interpretation of Dionysus, who in his American form becomes Dion, a rock-and-roll star who is greeted by a fervent female fanbase. Partch places equal emphasis on the character as a stand in for a figure like Elvis or the Beatles as he does a revivalist preacher, having drawn some inspiration for his musical composition from Christian evangelistic services, to however abstract a degree.[20] *Revelation* is orchestrated for a number of the composers own invented instruments, and experiments with tonality, timbre, and language, often using non-sensical vocals. The music is written to be

[19] Ward, 2002 p.27
[20] Sheppard, 1996 p.468

innovative, unsettling, and uncomfortable as the worshippers descend into religious frenzy. Professor in Music W. Antony Sheppard argues for *Revelation's* role as a didactic piece, written for performance by students and cautionary toward the "menace of mindless group behaviour"[20], a view which places upon the opera a cynicism toward popular and religious culture of mid-century America, in much the same way that Euripides urges a closer consideration of the Greek gods and conventions of religious fanaticism in his play. By contemporising The Bacchae in this way, Euripides' writing becomes a tool through which a composer may perform a complex examination of post-war American society at a time when the musical landscape of the Western Classical world was developing at an incredible rate.

Conclusion

The resurgence of Euripides in twentieth-century opera and the use of his tragedies by composers demonstrates a shift towards experimentation and exploration not just of Euripides' intentions and preoccupations but of wider cultural interests in a rapidly changing musical landscape. The stories passed down through his tragedies have pervaded opera from its conception to the modern day, either explicitly in the Baroque and Classical periods, which often took inspiration from these plays, or more implicitly in the thematic and emotional preoccupations of Romantic opera. In any case, Euripides has been, and remains, not only a popular source of inspiration for composers, but a key component in the development of opera.

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[20] *Ibid.*

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Dissident Ghosts of Queer Language in Hope Mirrlees and E. M. Forster

Maiia Marina

The essay compares *Paris: A Poem* by Hope Mirrlees and *Howards End*, a novel by E. M. Forster. I start by arguing that death is portrayed as a mysterious spectacle resulting in the ghostly presence of the dead among the living in both works. The spectre of Ruth Wilcox in Howards End and the dead haunting Paris subvert institutions: they act against the capitalist market resisting commodification of life and death while also opposing the rigid heteronormative timelines mixing past present and future. Ultimately, the ghosts in Forster and Mirrlees's works emphasise the ephemerality of text and language, inventing new ways to talk about queer identity freed from oppressive 'othering'. Escaping through the fractures in the institutions, the ghosts signify the desire for a new language to speak in a non-normative, 'queer' way.

> "Emily Dickinson said that 'Art is a house that tries to be haunted.'
>
> Now it doesn't have to try."
>
> -Susan Sontag[1]

A text does not have to be a ghost story to be haunted. For instance, Jean-Michel Rabaté highlights, 'modernism is systematically "haunted" by voices from the past'.[2] Or, as Melissa Boyde suggests, talking about Hope Mirrlees's *Paris* (1920), a text can be filled with the ghostly presence of the author's personally encoded references that require a biographical reading.[3] This paper, however, is concerned with less <u>metaphorical</u> spectres. I am using the framework developed by Simon

[1] Susan Sontag, *As Consciousness is Harnessed to Flesh* (Penguin, 2012 [1964-1980]), 429.

[2] Jean-Michel Rabaté, The Ghosts of Modernity (University Press of Florida, 1996), xvi.

[3] Melissa Boyde, 'The Poet and the Ghosts Are Walking the Streets: Hope Mirrlees–Life and Poetry', Hecate 35 (2009): 29–42.

Hay to talk about modernist ghosts. For Hay, 'modernity is characterised by ghostliness, a ghostliness that consists not of the past's persistence into the present but rather of the insubstantiality of the modern itself':[4] it is the 'illusory and displaced […] nature of the precisely modern institutions of market, technology and home'.[5] I examine the spectral presence in two formally dissimilar works, neither of which is a conventional ghost story: Hope Mirrlees's long experimental poem *Paris*[6] (1920) and a relatively less experimental yet by no means less radical *Howards End*[7] (1910) by Edward Morgan Foster. Towards the end of the essay, I also make a brief reference to another text by Mirrlees, namely her pioneering fantasy novel *Lud-in-the-Mist*[8] (1926). By reading *Paris* against this example of Mirrlees's later work, one can see more clearly the development of her radical imagination, and how the metapoetic imagery she only touched upon in the poem became central preoccupation of her future writings. The variety of textual forms this paper covers– a poem, a novel, plus one of the first texts of the fantasy genre - elucidates rather than obscures ghostly themes the works have in common. In Mirrlees and Forster, ghosts fracture restrictive institutions and contribute to the modernist project of redevising the language itself. Destabilising the restrictive systems within both language and society, ghosts underline the texts' queerness. I use 'queer' drawing on Kate Haffey's definition where text's queerness is not necessarily a reflection of authors' and characters' sexual identities, instead queerness is seen as 'a peculiar relation to normativity'.[99] The ghosts in the texts are not monstrously othered; they are dissidents whom confining institutions of the capitalist market and patriarchal family cannot contain. By escaping through the gaps in times and places, ghosts embody the modernist desire for a new language to speak in a non-normative 'queer' way.

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[4] Simon Hay, A History of the Modern British Ghost Story (Palgrave Macmillan, 2011), 26.

[5] Ibid., 189.

[6] Hope Mirrlees, Collected Poems (Carcanet Press, 2011).

[7] Edward Morgan Forster, Howards End (Hodder and Stoughton, 2004 [1910]).

[8] Hope Mirrlees, Lud-in-the-Mist (Gollancz, 2008 [1926]).

[9] Kate Haffey, *Literary Modernism, Queer Temporality: Eddies in Time* (Springer International Publishing, 2019), 22.

The dead come back to haunt both the narrative of *Howards End* and the lines of Mirrlees's *Paris* rebelling against the commodification of life. Advertisements and various references to urban consumerism are the nodes on Mirrlees's Parisian network-map. The same conspicuous capitalisation links metro stations, night taxis, the advertisements for seasonal spring goods 'PRINTANIERES' (98), 'CHARCUTERIE' (144), with the mournful 'DEUIL EN 24 HEURES' (147) and 'MORT AU CHAMP D'HONNEUR' (186), juxtaposing death and capitalism, suggesting that life can be seen as just one of the many urban commodities. The idea that gets criticised in the line: 'the silence of *la grève*' (263). 'La grève' has a double meaning in French: a shore and a strike. While the first one generally adds to the poem's overarching imagery of the rising tide that makes Paris ghostly 'subaqueous' (227). The second can be read as a more pressing reflection of the poem's immediate historical context: the post-war workers' movement in Paris. As Tyler Stovall points out: 'in 1919 working-class politics assumed a spectacular quality, emphasising public contests over urban space'.[10] However, the dramatic 'public presentation geared to a mass audience',[11] which Stovall associates with the workers' protests of the time, is juxtaposed to the quiet strike captured in the line 'the silence of la greve' (263). Furthermore, the French pronunciation of the word 'grève,' when surrounded by English words, evokes associations with a 'grave', which are only enhanced with the mention of 'silence'. Thus, the strike against the working conditions and unemployment acquires ghostly connotations as if 'the famous dead of Paris' themselves, whom 'Paradise cannot hold for long' (365-366), are filling the streets protesting among the workers against the commodification of life and death.

The ghost in *Howards End* — Mrs Wilcox's haunting presence — similarly rebels against death being a cog in the capitalist system, namely its procedures surrounding inheritance. Following Mrs Wilcox's unexpected death, the question of her will, although initially straightforward — 'trusting her husband, she had left him everything without reserve' (87) — still fills the inner monologues of her son. 'There were no legacies, no annuities, none of the posthumous bustle with which some of the dead

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[10] Tyler Stovall, *Paris and the Spirit of 1919: Consumer Struggles, Transnationalism and Revolution* (Cambridge University Press, 2012), 143.

[11] Ibid.

prolong their activities. [...] She wanted not to vex people. That accomplished, the earth might freeze over her for ever' (87) or rather that was what Charles thought until the letter from the deceased Mrs Wilcox arrived, where she unexpectedly for the family alters her will, asking for Howards End to be left to Margaret Schlegel. The overtly foreshadowed plot twist of the 'vexation' the letter causes creates not a subtle humiliation of Charles, a son who cynically commodifies the death of his mother. For Charles, the duration of Mrs Wilcox's afterlife amounts solely to 'legacies' and 'annuities' while memory of the departed on its own is not enough to cause 'the posthumous bustle,' and the grief for Mrs Wilcox is not nearly as intense as material preoccupations about her will. The image of the letter itself that the Wilcoxes discover reinforces the critical tone that exposes the commodification of death by the deceased's very family. 'That note, scribbled in pencil, sent through the matron, was unbusinesslike as well as cruel, and decreased at once the value of the woman who had written it' (92). In the focalised thoughts of the Wilcoxes, the word choice of 'the value' further highlights the financial connotations that run through the scene. Yet Ruth Wilcox herself, or rather her ghostly presence in the form of the letter left behind, as if ridiculing the very need to attend to matters as commonplace and soulless as the proper legalities of her last wish, creates a "document" - 'No date, no signature' (90) - pencilled with the gravely ironic ephemerality comparable to that of life itself.

Furthermore, in her bequest of the house to Margaret, Mrs Wilcox dissents against the imposed gendered understanding of its space. Margaret was the one who 'discerned that Mrs. Wilcox, though a loving wife and mother, had only one passion in life–her house' (80). In the age when femininity was restrictively associated with the domestic sphere, Mrs. Wilcox's relationship to Howards End was a spiritual, not gendered, one. In contrast to Margaret, the Wilcoxes fail to grasp Ruth's kinship with the place: 'to them Howards End was a house: they could not know that to her it had been a spirit, for which she sought a spiritual heir' (92). In this context, Mrs Wilcox's pencilled note not only criticises the commodification of her death but also acts as a symbolic challenge to the notorious male-centric rules of primogeniture. By leaving Howards End to Margaret, Mrs Wilcox bypasses the restrictions of patriarchal hierarchy, creating alternative ways to define familial kinship, one

determined by the relationship between spirits, not genders. The house itself – a place traditionally associated either with the patriarchal lineage or female domestic realm – is depicted as a place that 'transcended any similes of sex', the house 'was a comrade' (192). 'Ever a welcome ghost' (154) of Mrs. Wilcox, her spiritual presence in Howards End, thus asks the readers to reconsider the role the space of a house had in the construction of gender. As Benjamin Kahan highlights, 'the queerness of queer modernism has as much to do with gender and sex as sexuality'[12]. Redrawing the house as a spiritual, not gendered space, Mrs Wilcox's ghostly presence within its walls can be read as modernistically queer.

The spectral presence in both works demands a queer reconsideration of the structures of time itself. Kate Haffey points out that 'in the heart of much work on queer temporality is a desire to question, and perhaps even dismantle, notions of linear time.'[13] The presence of ghosts is often studied in conjunction with queer temporalities:[14] the spectres embody the interflowing past-present-future disrupting the straightforward time flow. Nina Enemark, in turn, writes that *Paris* creates an archaeological artefact, a 'fly in amber', of the 24 hours of the year 1919 where past and present intertwine.[15] Mirrlees owes her interest in antiquarianism to Jane Harrison (Mirrlees's companion at the time she wrote the poem), who studied Ancient Greek rituals. For Harrison, the ritual was the 'immediate', 'the lived, concrete process' – it has to be performed, not merely recorded, and only during the performance itself can the essence of ritualistic practice be uncovered.[16] Thus, for Mirrlees, 'the focus in ritual on the immediately palpable, on desire, and on doing [...] [makes] the past suddenly tangible and real [...] one is restoring the past, releasing its ghosts into the present'.[17] Mirrlees and Harrison's ritual is not Apollonian in its essence – it does not reduce the moment to an 'illusion' of 'a pleasing, coherent narrative' – their ritual is the Dionysian

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[12] Benjamin Kahan, "Queer Modernism," in A Handbook of Modernism Studies, ed. J.-M. Rabaté (John Wiley & Sons, 2013), 355..

[13] Kate Haffey, Literary Modernism, Queer Temporality: Eddies in Time, 6.

[14] Ibid., 8.

[15] Nina Enemark, "Antiquarian Magic: Jane Harrison's Ritual Theory and Hope Mirrlees's Antiquarianism in Paris," in Modernist Women Writers and Spirituality ed. A. Radford, H. Walton and E. Anderson (Palgrave Macmillan, 2016) 115-116..

[16] Ibid., 118

[17] Ibid., 119

'mystical communion with the dead'.[18] Such spiritualistic interaction arguably disrupts heteronormative, 'coherent', timelines where future follows past and the dead do not walk among the living. One of the instances of such 'releasing [of] ghosts into the present' happens in the poem's concluding phrases. They take place during the liminal time of 'DAWN' (431): 'Verlaine's bed-time…' (432) as the ghost of the poet is returning to sleep with the sunrise. The allusion to the poet's nocturnal lifestyle can be read as a nod to Verlaine's transgressive sexualities, especially given the use of ellipsis '…' as if further details have to be self-censored. Opposite Verlaine's ghost is 'The President of the Republic' who 'lies in bed beside his/ wife, and it may be at this very moment…' (437-438). The transgressive occurs side by side with the exemplary, approved by the head of the state, heteronormative: may it be 'at this very moment…' the President's child is being conceived, the thought also censored. The poem continues with a more concrete reference to a heteronormative timeline of life as 'In the Abbaye of Port-Royal babies are being born' (439). Meanwhile, 'Perhaps someone who cannot sleep is reading *le/Crime et le Châtiment,* (440-441). The image of the dissolved abbey, transformed into a hospital, points to the sacrament of birth linking it, in a darkly satirical fashion, to *Crime and Punishment* as a cure for insomnia (a novel where the main character kills a pregnant woman, Lizaveta) (440-441). Verlaine's past, presidential present and the future of the newly born generation – all are simultaneously merged in an in-between moment (emphasised by 'maybe' and 'perhaps') of sunrise. None of the stories is resolved, all end with uncertain '…' – this is how Mirrlees ritualistically preserves the moment. Enemark highlights such 'lack of closure, central to Harrison's definition of ritual as an expression of desire rather than satisfaction.'[19] Family life, birth and death stop their progression, locked in the eternal moment, echoing Jack Halberstam's argument that 'queer uses of time and space develop, at least in part, in opposition to the institutions of family, heterosexuality, and reproduction.'[20] The ritual temporalities of *Paris* subvert the heteronormative ones, which are progress-oriented and sequential, where birth-marriage-children prescriptively follow one another.[21]

[18] Ibid

[19] Ibid., 124

[20] Jack. J. Halberstam. In a Queer Time and Place: Transgender Bodies, Subcultural Lives (New York University Press, 2005), 12. .

[21] Ibid., 14

E. M. Forster similarly allows for the past, present and future to mix and match in *Howards End*. Richard Russel examined the connection between Ruth Wilcox and her ancestors manifested in her attachment to the house, the wych elm tree and the surrounding land.[22] In the novel, beloved objects and places have the power to preserve the 'true intimacy' with the deceased[23], in fact, they 'display a spectral existence'.[24] This connection between times in *Howards End* is enhanced by the 'ever a welcome ghost' (154) of Ruth, whom Margaret frequently evokes. It becomes more explicit in the words of Mrs Avery, who amalgamates past and present in Margaret: 'Oh! Well, I took you for Ruth Wilcox' (188). The two women's connection with the house and surrounding nature, discussed by Russel, may strike as quite essentialist, perpetuating the gendered stereotype of "the angel in the house". It would have been the case had the novel ended with a happily ever after for every married couple. However, Howards End becomes a place that wraps the straightforward timelines of patriarchal family life. Marriage is not followed by children; children do not presuppose marriage, which, stripped of symbolism, becomes just a narrative tool. If Margaret and Helen keep the home, it is the spectral one that traverses normative timelines.

Neither the experimental modes of depicting time nor the subversions of capitalist institutions are uncommon in modernism. So are the texts queer simply because they are modernist? And vice versa: 'Is queer modernism simply another name for modernism?'.[25] The ghostly destabilisation of institutions and temporalities may not be enough to give a definite "yes" answer. However, Mirrlees and Forster's ghosts achieve more than that: they subvert the very authority of language and text. Both *Paris* and *Howards End* open in an arguably similar fashion: 'One may as well begin with Helen's letters to her sister' and 'I want a holophrase'. The dissident quality of Forster's gambit, which at first glance may appear quite regular, has been pinpointed many times,

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22 Richard R. Russell. "The Life of Things in the Place of Howards End", Journal of Narrative Theory 46, no. 2 (2016): 204..

23 Ibid.

24 Ibid., 206

25 Heather Love, "Introduction: Modernism at Night", PMLA 124, no. 3 (2009): 744.

starting with Christopher Isherwood[26]. Why open the novel with such a metafictional emphasis that the novel is self-aware of its own constructedness, of the idea that its text 'may' (or equally may not) begin with the 'letters', if not to highlight that the language will inevitably lapse, leaving something unsaid not purposefully but because of its inadequacies? To start with the 'letters to her sister' is to place a text within a text, further complicating the metatextual layering. The image of a letter itself in Forster's work has been analysed by Peter Childs, who notes that 'the characteristics of letters, deferral and absence, are linked […] with a truth that cannot be spoken in the present or to those present'[27]. To put it differently, the letters suggest that words are best for masking, not expressing a truth. Additionally, the pun on 'letters' can be read in the novel's opening line. Not only the correspondence between Schlegel's sisters, but also the thrown-together pieces of the alphabet themselves, can only point to what they cannot say. The failure of language and its various letters to communicate is a theme that is carried beyond the opening line through the whole novel. For instance, standing one evening outside Howards End, Margaret notices 'an unexpected love of the island awoke in her […] It had certainly come through the house and old Miss Avery. Through them: the notion of "through" persisted; her mind trembled towards a conclusion which only the unwise have put into words' (191). Such an expression of frustration towards language dovetails with the pun on letters that can express only what is *not* present. These lines further point to Forster's desire for a new language affecting one 'through', transcending the superficiality of the alphabet. Forster's letters thus turn into the ghostly apparitions of the inexpressible words.

In tandem with Forster's wish comes Mirrlees's 'I want a holophrase' (3), the line that, according to Nina Enemark, signifies 'the desire for this holistic primitive word […] a rejection of language cluttered with layers of arbitrary convention and a desire to start over - resonating with [...]"make it new"'.[28] The questioning of 'arbitrary convention' transpires through the poem's avant-garde materiality: dramatic capitalisation, use

[26] Peter Childs, "'One may as well begin with Helen's letters…': Corresponding but not connecting in the writings of E.M. Forster", Prose Studies 19, no. 2 (1996): 209.

[27] Ibid., 208

[28] Enemark, "Antiquarian Magic: Jane Harrison's Ritual Theory and Hope Mirrlees's Antiquarianism in Paris," 120.

of different fonts and white space of the page. The poem pushes the words to signify more than what their entries in the dictionary can suggest, the inexpressible. But to defy the existing convention is not enough. Paris argues for the existence of a language that would be entirely new. The 'holophrase', the word unlike all others, is out there, within one's reach, but to write it down is to destroy its unencumbered newness. Mirrlees's desire for the 'holistic' word, highlighted by Enemark, is evident in the numerous omissions '...' that occur in lines 270, 233, 378, etc. Thus, the poem resorts to silences, the ghostly presence-absence of the language yet to come. The lines 174-178 further continue the theme of language's ghostly elusiveness:

> The ghost of Père Lachaise
> Is walking the streets,
> He is draped in a black curtain embroidered with the
> letter H,

In French, the letter H is almost always silent, a spectral letter, whose presence gestures to its absent sound.

The ghostliness of language as a way to express one's desire for a new means of communication becomes more evident if one reads *Paris* against the Mirrlees's later work, such as her novel *Lud-in-the-Mist.* James Gifford highlights that experimental modernism 'seamlessly' connects with the early 20th-century writings of the fantasy genre. The genre could even be seen as high modernism only 'in another form'.[29] The invention of the secondary world appears as a credible extension of the modernist radical imagination, especially in Mirrlees's case. *Lud-in-the-Mist*[30]*,* according to Jean Mills, 'illustrates a queer social imaginary, a "what-if" world and subversive space of inclusion, embrace, and acceptance of self'.[31] Similarly to *Paris*, yet less metaphorically, the dead return from the fairyland to live in the town of Lud, restructuring its

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[29] James Gifford, "Goblin Modernism: Modernism, Anarchism, and the Radical Fantastic,"
Modernism/Modernity 27, no. 3 (2020): 552.

[30] Hope Mirrlees, Lud-in-the-Mist (Gollancz, 2008 [1926])

[31] Jean Mills, "Obscene, Grotesque, and Carnivalesque: Hope Mirrlees's Lud-in-the-Mist as Menippean Satire," in The Female Fantastic, ed. L. McCormick, J. Mitchell and R. Soares (Routledge, 2018), .

beliefs and institutions. The novel ends with an ekphrasis of a tombstone that was 'but another proof that the Written Word is a Fairy, [...] speaking lying words to us in a feigned voice. So let all readers of books take warning!' (264). Subverting its own authority, the text reiterates the desire for a new language, one that is free from the baggage of convention, better suited for expressing one's identity.

Is queer modernism simply another name for modernism?'[32] Yes, at least in the case of Forster and Mirrlees. By highlighting the spectrality of language, their writing expresses the desire to question the very foundations of interpersonal communications, in which the power of oppressive institutions resides. The texts propose to liberate words from the histories of institutionally established meanings: to make it new is to make it free. The disruptive ghosts in Mirrlees and Forster are not the terrifying "other"; they are fractures in the order of things. As Simon Hay suggested, modernist ghosts highlight the ephemerality of seemingly imposing structures;[33] what appears as an inescapable power – capitalism, patriarchy, gender essentialism – can be challenged. The dead in both texts protest against defining life by the profit made and death, a great unequaliser, by what material possessions one gets to leave behind. The spectral intervention into an otherwise linear and predictable sequence of life's milestones subverts their heteronormative ordering. Ultimately, Mirrlees and Forster emphasise that their texts are themselves spectral. Things must be left unsaid; the purpose of letters sometimes is only to materialise what cannot be there. When words are written down, they are infused with the wish for a new, freer language. Thus, in the texts, the ghosts point to the fractures from where the new, queer meanings can emerge. The ghosts are apparitions not of the past but of the future experimental directions.

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[32] Love, "Introduction: Modernism at Night," 744.

[33] Hay, A History of the Modern British Ghost Story, 189only to materialise.

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Peculiarly Criminal: Resolving the Prudential Deterrence Problem

James Farrow

This article contributes to the debate in the philosophy of law over the justification of punishment. It focusses on the 'communicative' theory of punishment as articulated by Antony Duff in his chapter of the recently published *Oxford Handbook of the Philosophy of Punishment* (2024). In the chapter, Duff explicates his theory and suggests that the 'prudential deterrence' problem is the most serious objection to it. This article proposes a novel solution to the problem. It argues that the problem arises from Duff's failure to properly outline the role of his theory in relation to the different kinds of law (principally criminal and non-criminal). Accordingly, this relation is clarified by the suggestion that the communicative theory ought to be designated as what justifies the criminal law in particular, while the considerations raised by the prudential deterrence problem are what defines the law apart from particular criminal or non-criminal considerations.

Introduction

One of the central questions within the philosophy of law concerns the justification of punishment. Whether and why the legal system has the right to mete out punishment to those who break its commands is an issue of obvious importance, so it is no wonder that the debate is ongoing and has been for centuries. Perhaps the very latest contribution to the debate is the *Oxford Handbook of the Philosophy of Punishment* (2024), in which the most prominent current theories of punishment are outlined by their major proponents.[1] Particularly promising is the 'communicative' theory of punishment, discussed in chapter six by Antony Duff.[2] Duff is arguably the pioneer of this view, and in the chapter he provides a concise overview of it and also discusses a major objection, known as the "prudential deterrence" problem.[3]

[1] The Oxford Handbook of the Philosophy of Punishment, ed. J. Ryberg (Oxford: OUP, 2024). https://doi.org/10.1093/oxfordhb/9780197750506.013.6

[2] Antony Duff, 'Communicative Theory' in The Oxford Handbook of the Philosophy of Punishment (Oxford: OUP, 2024). pp.90-105.

[3] Ibid. p.90.

The communicative theory holds that the justification of punishment under the criminal law lies in a dialogue involving a message of disapprobation from the state to the offender, and then in the offender's responding with a ritual apology.[4] This process encourages reconciliation and allows the sociopolitical community to feel that its values are being upheld. While this might seem intuitive, Duff admits that a plausible further purpose of the justice system is that it deters wrongdoing, and that it is on this basis that punishment is justified. Indeed, it is strange to imagine a justice system which lacked any deterrent element. According to the communicative theory, however, such a system would completely satisfy the demands of justice – indeed, any further punishment would be unjustifiable. This presents a problem for Duff, and is referred to as the 'prudential deterrence problem'. Duff himself does not offer a solution to the problem, except to say that the communicative theory must accommodate its concerns in some way.[5] This article will present a solution to the prudential deterrence problem.

The Communicative Theory of Punishment

Unlike the expressive account of punishment (best articulated by Joel Feinberg) in which punishment is merely condemnation of the offender by the state, the communicative theory holds that the offender must be an active participant in the process.[6][7] It is not enough for the law to simply 'tell them off'; we expect the offender to communicate their remorse (or at least give the impression of remorse) by performing some apologetic act, lest they be seen to have suffered no penalty for their wrongdoing and "get away with it".[8] The aim of this process is to bring about a reconciliation between the offender and the public whose norms have been violated, and it is in this that justice consists.[9] The primary objection to this theory arises out of the relationship between <u>communicative</u> and deterrent punishment respectively. It is therefore

[4] Ibid. p.92.

[5] Ibid. pp.104-05.

[6] Ibid. p.94.

[7] Joel Feinberg, 'The Expressive Function of Punishment' in The Monist, 49, 3 (Oxford: OUP, 1965). pp.397-423. https://doi.org/10.5840/monist196549326

[8] Duff, 'Communicative Theory', pp.91-93.

[9] Ibid. pp.98-99.

necessary first of all to properly understand these terms and what each form of punishment might look like.

Punishment is here defined as any kind of sanction imposed upon an individual by the state as a result of their having violated the law. The distinction between communicative and deterrent punishment is more theoretical than practical and thus does not take a consistent concrete form. However, given that on the communicative view the kind of reconciliatory public apology described above exhausts the demands of justice (at least in principle), the theory often fails to provide much justification for harsh punishments, e.g., imprisonment. In any case, the distinction in question arises out of the debate as to what the purpose or justification of punishment is. If the state imposes a punishment on an individual on the grounds that the said punishment is necessary for the individual to communicate their remorse to the wider community, and thereby bring about a reconciliation, then that punishment is considered to be communicative. Similarly, if the state imposes a punishment because it is considered necessary to deter wrongdoing, then it is an instance of deterrent punishment. Importantly, this distinction does not preclude the possibility of a punishment being justified for both communicative and deterrent reasons. Indeed, such a possibility is just what this article will consider.

It is not difficult to see how incongruous the recommendations of Duff's communicative theory might be with the criminal justice system as it currently exists. If all that is necessary for justice to be done is that the state and the offender engage in a symbolically reparative dialogue, the need for more traditional legal sanctions (e.g., imprisonment, fines, community service, etc) is at best questionable. Duff admits that many of these approaches may indeed be unjustified from a communicative standpoint.[10] Imprisonment in particular, as effective exclusion from the civic community, appears antithetical to the communicative theory's stated aims of apology and reconciliation.[11][12] There is, however, a

[10] Ibid. pp.96-100.

[11] Ibid. p.92.

[12] I leave the question of whether exclusion from the community could serve the aims of reconciliation to one side. My point here is that the practice of imprisonment as it currently exists would certainly be hard to justify by communicative lights. This is a point Duff himself raises, see Duff, 'Communicative Theory', p.92, pp.94-95. My thanks to an anonymous reviewer for encouraging me to make this clarification.

communicative argument for these forms of punishment. Arguing that "mere words" may not always be sufficient to communicate condemnation to or apology from the offender, Duff contends that it may be necessary to use material sanctions to more effectively convey the intended approbation and/or apology.[13] He acknowledges that determining exactly how much material sanction ought to be meted out in any particular case will be a difficult enterprise, as the appropriate forms and severity of punishment is often a matter of convention.[14] Nonetheless, it seems as if at least some more traditional forms of punishment can be justified by a communicative theory.[15]

The Prudential Deterrence Problem

The communicative theory may well accord with some of our basic intuitions about the function of the criminal law: that the criminal law is a mechanism by which wrongdoing is condemned and apologised for, and by that process the values of the community are upheld, has a great deal of intuitive force. However, it remains an open question whether the communicative theory can account for all of our intuitions about the function of the justice system. Duff admits that a plausible further purpose of the justice system is that it deters wrongdoing, and that it is on this basis that punishment is justified. Moreover, he accepts that the communicative theory, even if it can account for some material sanctions, may not itself be able to justify these sanctions to the extent necessary to deter potential offenders. It is doubtful that a justice system which was adequate by communicative standards but failed to reduce crime to a reasonably low level would be tolerated. Even if purely communicative punishment could deter crime to a sufficient degree, the fact that it might be expected to satisfy this condition testifies to the importance of deterrent considerations.[16] These questions threaten to significantly undermine the communicative function assigned to punishment by Duff.

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[13] Ibid. p.103.

[14] Ibid. p.101.

[15] For lack of space I leave it to others to determine which methods of traditional punishment would be most appropriate for communicative justice, although I suggest that community service might be a good candidate.

[16] Ibid. pp.102-03.

Duff himself accepts the force of this argument. He concedes that a system of justice premised on purely communicative considerations is not likely to be viable, given our understanding of punishment as a deterrent and the need to dissuade from wrongdoing those who may be unmoved by the threat of moral censure alone.[17] A deterrent aspect is therefore necessary in addition to the communicative function of the criminal law. Duff admits this reluctantly, however, and it is clear that the law's dual aspect is outlined in view of practical realities, rather than on any solid theoretical foundation. The role of deterrence is designated as being a "constraint" on the pursuit of communicative aims, a mere "secondary feature" of criminal justice generally.[18] Duff fails to outline the formal relation of deterrence to the law which might justify these claims, stating only that deterrence must be included in legal calculation as a result of regrettable facts about human nature.[19] It is because of this lack of a formal demarcation of the respective roles of communication and deterrence in the law that the prudential deterrence problem persists, predicated as it is on contrasting assertions about the function of the law.

The Limits of Communication

Unfortunately, Duff himself does not consider a substantive solution to the prudential deterrence problem in his paper. This is by no means indicative of whether such a solution is possible. This paper will articulate a solution that takes account of the role of deterrence in the law. To begin with, it will be helpful to clarify exactly what it is in Duff's argument that exposes him to the prudential deterrence problem. Early in the chapter, Duff mentions and rejects the argument that what defines the criminal law in particular (as opposed to other kinds of law) is that it is justified by its aim of punishing people. Rather, for Duff, the criminal law has a special "normative significance".[20] He goes on to develop this notion of the criminal law's distinguishing 'normative significance' into the communicative justification of it which was elaborated in the first

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[17] Ibid. pp.104-05.

[18] Ibid. p.105.

[19] Ibid. pp.103-04.

[20] Ibid. p.95.

section.[21] A keen observer will recognise two things: that communicative punishment has been offered as the justification of the *criminal* law (whether it justifies or is characteristic of other kinds of law is left unclear) and that the question of other motivations for punishment has been left unresolved, only to return as the prudential consideration which poses so much danger for the communicative theory. Any solution to the prudential deterrence problem will therefore define the aims of the different kinds of punishment more rigorously. This may be done with the aid of a distinct but related theory of punishment.

Bearing some similarity to the communicative theory, Joel Feinberg's expressive theory of punishment may be able to provide a framework by which the prudential deterrence problem can be avoided. In his 1965 paper 'The Expressive Function of Punishment', Feinberg draws a distinction between two kinds of legal sanction: "punishments" (e.g., imprisonment) and "penalties" (e.g., parking tickets).[22] He argues that what is distinct about punishments as opposed to penalties is that they carry a kind of reprobative "symbolic significance", not dissimilar from Duff's argument testifying to the "normative significance" of the criminal law.[23] He further argues that such reprobation is in principle separable from any material sanction (although in practice is often tied to such sanctions) and constitutes its own kind of punishment, similarly to communicative punishment.[24]

It seems that the punishment/penalty distinction as so defined may map onto the distinction between the criminal and the civil law.[25] Feinberg's argument about what makes 'punishments' unique is similar to the argument in the philosophy of law that what defines the criminal law is that it confers or expresses a special kind of approbation.[26] According to this view, criminal trials are conducted differently from civil trials, with

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[21] Ibid. pp.95-96.

[22] Feinberg, 'Punishment', pp.397-98.

[23] Ibid. p.400, Duff, 'Communicative Theory', pp.95-98.

[24] Feinberg, 'Punishment', p.400.

[25] The fact that there are some kinds of punishment containing a symbolic/apologetic element which are issued under both the criminal and the non-criminal law (e.g., fines, damages payments) is addressed at the end of the following section.

[26] Found for instance in Richard G. Singer, 'The Resurgence of Mens Rea: The Rise and Fall of Strict Criminal Liability' in Boston College Law Review, 30 (2,2) (Newton:

greater standards of proof and confidence in guilt required for a conviction, because criminal convictions bear a unique stigma, which is its own kind of punishment.[27][28] Drawing on these theories, communicative punishment may be circumscribed as what specifies the *criminal* law only, and distinguishes it from the non-criminal law. Furthermore, given that deterrent considerations are not picked out by this distinction, but (following the prudential deterrence objection) the role for deterrent sanctions in the law is admitted, then deterrent punishment seems not to be characteristic of any kind of law in particular but rather of the law in general (what the distinguishing characteristics of non-criminal kinds of law may be is not investigated here).[29] On this view, deterrent punishment is an aspect of both 'punishments' (analogous to criminal sanctions) and 'penalties' (analogous to non-criminal sanctions), whereas communicative punishment is only an aspect of 'punishments' – the operation of the criminal law then involves both communicative and deterrent punishment. Whether an agent's action demands deterrent punishment (subject to the law in general), and whether the same action demands communicative punishment (subject to the criminal law in particular) are two conceptually independent, if often practically linked, questions. If an offence falls inside the purview of the criminal law, and its specifically communicative function is then performed, the proponent of the communicative view can then be quite happy to leave any other necessary punishment up to the purely deterrent considerations of the law in general. Thus, by formalising the relations between kinds of punishment and kinds of law in this way, prudential considerations can be accommodated in a communicative account of punishment, without undermining the communicative theory.

Potential objections

The first and most pressing objection may be one which Antony Duff himself has articulated. In the same paper already discussed, Duff

Boston College Law School, 1989). pp.337-408. https://bclawreview.bc.edu/articles/1476. In particular pp.404-05.

[27] Singer, 'The Resurgence of Mens Rea', pp.404-05.

[28] Duff echoes this view in his discussion of criminal trials. See Duff, 'Communicative Theory', p.98.

[29] I offer a suggestion of what this might be at the end of the following section.

argues that to draw too clear a distinction between communicative punishment and deterrent punishment is arbitrary, as each aspect has dissuasive power, and any person is likely to be influenced by the dissuasive effect of both. Separating them is not only to discretely classify human beings and their motives, which is problematic enough, but also has the troubling implication that a particular class of people require deterrent punishment because they cannot be trusted to heed the moral message communicated by the law.[30] Duff argues that this is an altogether too cynical view of the law's subjects. However, this objection, while powerful, is ill-suited to the view proposed here. The distinction between communication and deterrence in this paper is not made in order to identify two kinds of dissuasion working in parallel, each designed to target different people and different motives. Instead, the distinction is unique to the criminal law as opposed to the law in general and exists because their purposes (and not their targets) are distinct. It is true that the application of either kind of law does involve deterrent punishment, but that is what justifies merely the law in general, and that is why deterrent sanctions are common to both criminal and civil law. If we are to distinguish criminal law from the law in general, and are also sympathetic to a communicative understanding of justice, we *can* make a clear distinction between communicative and deterrent punishment, if we use it to specify the criminal law. This distinction does not threaten to give legal form to an arbitrary division of human motivations – on the contrary, it betters our understanding of precisely what it is we are doing when we use the tools the law gives us, and so reduces the arbitrariness of our judgements.

Discussion of this objection gets us closer to the heart of the matter, and to why communication is better suited to the circumscribed role presented here. The objection rests on the assumption that communicative punishment acts as a method of dissuasion, with the same end as deterrent punishment. It is only by accepting this premise that one can arrive at the conclusion that both methods appeal to inseparable motives in potential offenders. However, the view presented in this paper supports the idea that what is unique about communicative punishment and justifies it (and is therefore unique to and justification for the criminal aspect of the law) is not to do with dissuasion. This is not

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[30] Duff, 'Communicative Theory', p.104.

to say that moral sanction does not have a dissuasive effect – indeed it often does – but rather that dissuasion is not the *purpose* of this punishment. Duff himself maintains that dissuasion is not the justification for communicative punishment when, in the first part of the chapter under discussion, it is explained how the central idea of the communicative theory is developed out of retributivist intuition. Specifically, criminals must be sanctioned "as an intrinsically appropriate response to [their] past crime."[31] On this basis, the moral sanction of the law is an attempt to communicate to the offender their responsibility for wrongdoing, which it is hoped will motivate them to publicly apologise, and as such to satisfy the community that their values are being upheld.[32] These are the ends for which communication is the means – the theory is not ultimately justified by instrumental concerns about future wrongdoing, as deterrent punishment is.

A second objection worth discussing is that the argument presented here simply concedes to the first articulation of the prudential deterrence problem in Duff's paper. This claimed that the admission of the role of deterrent punishment, even if communicative punishment is wholly adequate for that task, is at the same time to make the further admission that punishment is *primarily* justified by deterrence. It is then argued that this would be fatal to the communicative theory. This objection draws attention to the need for a clarification of the roles of communicative and deterrent punishment in the law respectively (something which this article hopefully provides) but goes wrong by holding that to admit the need for deterrence in the law is to render the communicative theory redundant. Rather, it can be safely conceded (as it is in this paper) that the justification of the law in general *is* primarily a deterrent one, as long as it is also specified that the communicative element between polity and offender is the special feature of the criminal law which distinguishes it from the law in general. The problem arises not from admitting of a role for deterrent punishment in this way, but rather from adopting the communicative theory without first clarifying the role of deterrent intuitions in the law and criminal punishment. For Duff, proceeding without such a clarification, it appears as if deterrent and communicative considerations cut across one

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[31] Ibid. p.91.
[32] Ibid. pp.91-92.

another: on the view presented in this article, no such problem arises. The communicative theory of punishment is wholly adequate to explain the kind of punishment that is unique to the criminal law, which is often accompanied by other punishment for deterrent purposes.

Finally, it might be objected that there are punishments meted out under the civil or otherwise non-criminal law which contain a communicative or apologetic element, and that this threatens the special disapprobative character that I have argued belongs exclusively to the criminal law.[33] Gardner (2018) discusses the apologetic character of damages payments in civil courts at length, for example.[34] I agree that these kinds of civil punishments contain an apologetic element. The difference, however, between these punishments and criminal punishments is toward whom the offender's apology is directed. In his paper, Duff states that criminal wrongdoing is "wrongdoing which concerns the whole polity", and that the purpose of punishment in the communicative theory is to "achieve a two-way communication between polity and offender" that nonetheless treats offenders as "fellow members of the polity".[35] Duff maintains the centrality to communicative justice of reconciling the offender to their political community throughout the article alongside the implication that the criminal law and criminal courts are the ones which are addressed to and act on behalf of this community. On this basis, I think it is reasonable to argue that the communicative theory of justice refers specifically to the reconciliation of the offender with their political community, and it is this kind of dialogic communication which is unique to the criminal law.[36],[37]

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[33] My thanks to an anonymous reviewer for raising this objection and clarifying my thinking in doing so.

[34] John Gardner, From Personal Life to Private Law (Oxford: OUP, 2018). https://global.oup.com/academic/product/from-personal-life-to-private-law 9780198818755?cc=gb&lang=en&. See especially Chapter 4.

[35] Duff, 'Communicative Theory', p.94, p.90, p.95.

[36] I suggest that the role of apology in the civil law might be to ameliorate relations between individuals rather than between the offender and the polity, but I do not have space to develop this thought here.

[37] To the further objection that this is simply to make the public/private distinction the basis for the criminal/civil distinction, I think there is something to be said for the idea that the former reduces to a distinction between the kind of dialogic communication between state and offender discussed here and a one-way expression between offender and plaintiff. What it is for law to be public (i.e., criminal) is that it is justified by

Conclusion

In conclusion, a communicative account of punishment can overcome the prudential deterrence problem. The problem emerged in Duff (2024) because of a failure to clarify the precise relationship between communicative and deterrent punishment, as well as their respective relationships with the criminal law and the law in general. This article has provided a solution to this problem by arguing that the former distinction maps onto the latter. Specifically, deterrent punishment is the basic feature of the law in general, and is therefore present in all types of law, whereas communicative punishment is the distinguishing feature of the criminal law. That punishment under the criminal law contains both of these elements is thereby explained in a manner which can satisfy the communicative theorist, thus eliminating the prudential deterrence problem.

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the communicative theory. More work would need to be done to flesh out this view, however.

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Development of Trade Unions: Decline and Growth of Trade Unions 1870-1914

Finn Ward

This Paper will examine how and why trade unions developed in the way they did in the late 19th and early 20th centuries. It will argue that the union movement was conditional on the micro and macro developments of the economy and that these developments altered the attitudes and the nature of the unions themselves. It will also argue that the unions pre-1914 were not able to create a mass movement, however, the movement itself was going in that direction. By 1914, the unions were bigger, more unified and stronger than in 1870. The economy and the subsequent changing attitudes of the unions both had an immense impact in benefitting and hindering this movement.

The two married economists and sociologists, the Webbs, defined a trade union as "a continuous association of wage earners for the purpose of maintaining or improving the conditions of their employment".[1] Trade unions in the 19th century would contract and expand, exercising a great influence on the contemporary economy, whilst also changing and shaping the way we view the relationship between labour and capital. It was an expression of organised agency, fought for by the working masses, as a method by which the working-class could improve their means. This paper will look at the trends and developments within unionism between 1870-1914, why unions grew and declined and how their nature and attitudes changed. It is important we understand this period of unionism as it can provide us an understanding of how the working-class in a period of weakness and division was able to find a voice and method of betterment.

One thing that should be noted first is that the estimations of the membership sizes of the trade unions pre-1892 arguably hold a large margin of error, as trade union membership was likely either

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[1] Cited in, T. J. Hatton, et al. "The Union Wage Effect in Late Nineteenth Century Britain." *Economica*, vol. 61, no. 244, 1994, pp. 435–56. *JSTOR*, , Accessed 20 Dec. 2024, pp. 435

overestimated or underestimated, depending on the circumstance.[2] It is only after 1892, with the official surveys by the Labour Department of the Board of Trade, together with the trade union estimates themselves, that we can have greater confidence in the estimated number of union members.[3] This is something to keep in mind when reading this paper.

Trade cycles were the most significant conductor and catalyst for the expansion and contraction of the trade unions. James Cronin claimed that it was periods of economic boom, such as 1871-73, 1888-91 and 1911-13, where the trade unions grew and expanded at their most rapid pace.[4] In the years before 1870 there was still only a small proportion of the workforce who were members of the unions, an estimated 500,000 workers.[5] However, with the massive economic boom in the early 1870s, this numbers grew to over 1 million.[6] This is because in times of economic boom and expansion of industry, there is a greater demand for workers, driving unemployment to low levels and thus giving the workers a strong bargaining position against their employers. This then enabled unions to more effectively demand concessions and so attracted members.[7] But with the eventual depression of economic growth there comes a depression of union growth. There is thus an intertwined nature between unions and the economy. Unionism, in this context, was enabled by the success of growing capital to succeed itself. It needed the benefits that trickled down to its membership and the low unemployment, caused by rapid economic growth, to sustain itself. But also, this demonstrates that the workers were actively aware of their value and when they had the opportunity to, they organised themselves.

[2] W. Hamish Fraser, History of British Trade Unionism 1700-1988, (Basingstoke: Macmillan, 1999), pp. 73

[3] Ibid

[4] J. Cronin, 'Strikes 1870-1914', in History of British Industrial Relations 1875-1914 (ed.) Chris Wringley, (Brighton: The Harvester Press, 1982), pp. 86

[5] D. Aldcroft and M. Oliver, Trade unions and the economy: 1870 - 2000 (London: Routledge, 2000), pp. 6

[6] Ibid

[7] J. Hinton "The Rise of the Mass Labour Movement: Growth and Limits', in , History of British Industrial Relations 1875-1914 (ed.) Chris Wringley, (Brighton: The Harvester Press, 1982), pp. 20

Britain lost its high growth and pinnacle economic advancement after 1873. Growth rates decreased from 2.2% between 1850-73 to 1.8% between 1873-1913, the 0.4% difference having a great impact when compounded year on year.[8] With the falling rates of profits and prices, coupled with growing competition from abroad, it placed British industry in a increasingly vulnerable position.[9] The employers tried to levy this weakened economic growth on the backs of the workers. They did this through wage cutting and increases to working hours. This led to fierce confrontations between the unions and employers. For example, the Amalgamated Society of Engineers fought a battle with their employers in 1879 to maintain their 9 hour work-day, a battle that they won. This however was not the norm. The weakened state of the economy reverberated into the unions in the form of unemployment and weaker earnings and most had to concede to their employers. The Clyde workers, for example, had their daily work hours increased to 54 and their wages decreased by 20% in 1878. What we see from this is the cyclical nature of unionisation. There was the initial offensive by the unions in the early-1870s with the prosperous economic condition. Leading to the counteroffensive in the late 1870s by the employers with the economic downturn. Thus the advantages conferred to either the employer or union in their battles, was always in the context of the economic background in which those battles happened. This placed unions in a precarious position. They had very little ability to sustain their growth and as a result, they could not largely enact or procure any long-term benefits from their members. But the continuation of industrial disputes during poor economic conditions highlights, however, that unions were not willing to give up their benefits. Even during precarious periods, workers still went on strike and fought for what they had gained. Nevertheless, the battle was hard fought and generally did not go in the unions favour.

In the 1880s there was high unemployment peaking between 1886-8, with an average of 9.1% of the population being unemployed. So, when a business revival occurred in the late 1880s, leading to unemployment falling to an average of 2.6% between 1889-91, disgruntled workers

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[8] S. Pollard, Britain's Prime and Britain's Decline, (London: Hodder Arnold, 1989), pp. 3

[9] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 70-72

began to flock to the unions.[10] The unions expanded rapidly and their success is most clearly seen in the Great Dock Strike of 1889. The strike started on the 14th August over a wage dispute by some casual dockers. The new expansion in the unions is revealed in that by the 25th August the strike had grown to an estimated 130,000 dockers. The pressure was so great that the employers eventually acceded to the demands of the unions and the dockers returned to work on the 16th September.[11] But as Raw shows, this strike and other strikes like it led to a new stage in unionism, fitly named 'new unionism'. As she shows, this 'new unionism' was open to much larger sections of the previously unorganised working-class. Raw emphasises this aspect of the 'new unionism' arguing that it was after the strike waves in the late 1880s and early 1890s that unionisation truly began for women. It had with it the same militant impetus being present in women's unions as seen in the men's. This is evident in the largely female led 19-week long strike at Manningham Mills in Bradford that culminated in riots in the city centre in April 1891.[12] Other sections of the unorganised, such as the unskilled and semi-skilled were beginning to be organised. As Hamish found, between the mid- 1880s and early 1890s unions grew in the ports and the cotton mills, the match factories and even amongst the sailors and the firemen, which had all previously been unorganised. Some of these unions were formed in opposition to the elitist 'New Model Unions' of the previous period. For example, the Glasgow Dock Labourers Society was created in 1888 to challenge the control of the Stevedores.[13] This antagonism between the old elitist unions and the new unions is clear. We can see this evidently when notable new trade union organisers in 1891, Tom Mann and Ben Tillett, criticised the old unions in a penny pamphlet - 'The New Trade Unionism - A reply to Mr. George Shipton':

"Many of the older unions are very reluctant to engage in the labour struggle, no matter how great the necessity... so that to a large extent they have lost their true characteristic of being fighting organisations".[14]

[10] 'Unemployment statistics from 1881 to the present day' - , accessed 18th December, 2024

[11] Raw, Louise. Striking a Light : The Bryant and May Matchwomen and Their Place in History, (Bloomsbury Publishing Plc, 2011), pp. 210-215

[12] Ibid, pp. 217

[13] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 75

[14] Sourced in M. Davis, Comrade or Brother? : A History of the British Labour Movement, (London: Pluto Press, 2009), pp. 116

Unionisation became very popular very rapidly. By 1888 membership grew from around 750,000 in the late 1880s to 1.5 million in 1892.[15] . Unions were extremely successful with 50% of the strikes between 1888-90 succeeding.[16]

Once again with the economic boom ending, there was a growth of unemployment (6.9% - 1892-4) and attacks by employers on the unions. These rolled back the victories of 'new unionism'.[17] For example, the combined membership of the 7 largest unions went from 320,000 in 1892 to 80,000 in 1896.[18] Many of the 'new unions', as a result, did not survive after 1891, they were left beaten and bruised, unable to make further headway in the labour market. The ultimate final defeat of new unionism was the defeat of the dock strikers in 1893, leading to the dissolvement of the Sailors and Firemen's union a year later.[19]

Despite the eventual defeat, unionism here started to change in nature. There was an opening up of the unions to a broader section of the workforce. Women and unskilled workers were finally getting access to union organisations. A radical streak tinged this unionisation effort and the contrast between the new and old unions is clearly seen. It evidently reveals a step towards the mass unionisation seen in the 20th Century. The trade cycles enabled this growth. The economic growth and low prices in late 1880s provided greater sections of the workforce sufficient means to organise themselves. But the trade cycles inherently pushed workers to organise. The harmful memory of insecurity and instability during recession periods pushed workers to create organisations to support one another. Whilst the periods of boom provided the workers resources and money to actually implement this desire.

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[15] Ibid, pp. 73

[16] D. Aldcroft and M. Oliver, Trade unions and the economy: 1870 - 2000, pp. 14

[17] 'Unemployment statistics from 1881 to the present day' - , accessed 18th December, 2024

[18] J. Hinton, Labour and Socialism: A History of the British Labour Movement 1867-1974, pp. 50-51

[19] E. Hunt, British Labour History 1815-1914, (London: Weidenfeld and Nicolson, 1985), pp. 307-8

But we will not overstate the extent of new unionism. Hunt estimates that only half of the newly organised union members during this expansion of industry were from the historically unorganized industries. By 1892 still ⅔ of unionists were members of the traditional old unions.[20] This seems to logically follow, as the developments in the economy were not radically different to developments in previous years. It explains why the older unions benefited the most from this wave of union organising.

What differences there was in the sense that there was growth of these new members, can also be attributed to the changing dynamics of the economy and society. This is in regards to the rise in living standards in this period for the working-class. Workers simultaneously had more money and more time, which they could dedicate to educational activities. These activities grew socialist and class-conscious ideas among sections of the working-class, which grew labour solidarity in the industries, which hitherto had been unorganised. Thus being a causal factor in the growth of unions in the semi and unskilled workforce.[21]

Likewise in this period between 1870-93 the nature of the workplace was changing; this too effected the development and subsequent nature of the unions. Before 1870 there was still a strong presence of artisanal and craft labour.[22] However, in the search of profits it became a prerogative of employers to start utilizing labour saving technologies and machinery and with this it came to change the characteristics of the workplace, decreasing the influence of the skilled artisanal working-class.[23] Firms at this time were not massive and did not fully have the capital to completely reorganise their labour, however even if gradual, the changes surrounding the organization of the workplace were still a significant point of contention for many of the skilled working-class.[24] This is a further indicator as to why old unionists flocked to the unions during this period of the expansion. These skilled workers were fiercely opposed to the increasing use of machines in the workplace, as it deskilled them and undermined the privilege status they held. For

[20] Ibid, pp. 296, 299

[21] J. Hinton, 'The Rise of the Mass Labour Movement: Growth and Limits', pp. 24

[22] G. Crossick, An Artisan Elite in Victorian Society, (New Jersey: Rowman and Littlefield, 1978), pp. 42

[23] J. Hinton, 'The Rise of the Mass Labour Movement: Growth and Limits', pp. 25

[24] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 107

example, Aldcroft and Oliver found that in a factory in Nottingham there was a machine which could produce 1 million bricks in a day, compared to one worker who could produce only 10,000.[25] Consequently, this became a key issue raised by the old unions to protect their members from the changing dynamics of industry, leading to confrontation and strikes. For example, the boot and shoe strike in 1893, which was conducted in opposition to mechanisation of the industry.[26]

But just like with the new unions, the old unions were not immune to the trade cycles going against their favour or from the wrath of their employers. In the late 90s the old unions would try to put up a fight against their employers. For example, Benson found that the number of strike days between 1896-8 increased to 6,479, from 3,405 days between 1893-5.[27] With the economic conditions of Britain having been continually worsening over this period, the trade unionist struggle against automation and mechanisation became increasingly hard to maintain as a valid cause. As a result, many of the old unions would be defeated by the employers in the 90s, significantly hurting their influence and strength. For example, the defeat of the historic and influential Amalgamated Society of Engineers in the 1897 lockout.[28] Price claims that this aggressive attack on the old unions, however, did have a complimentary effect on shifting them leftwards. With the decline of craft privileges and the blurring of skilled and unskilled labour in the 90s, many old unionists came to recognise that a more solid struggle against employers was necessary and laid the groundwork for future struggle.[29] However, in the end, instead of the solidified mass unionism that was hoped for, the unions became divided, small, weak and sectional.[30] The 90s were a flashpoint of union organising. A precedent of economic instability and vulnerability and the erosion of traditional union workplaces, led to a great standoff between worker and employer. Previously unorganised sections of the working-class were becoming more willing to unionise reveals the beginning of a trend of mass

[25] D. Aldcroft and M. Oliver, Trade unions and the economy: 1870 - 2000, pp. 17

[26] A. Mclovr, A History of Work in Britain: 1880-1950, (Lincolnshire: Palgrave, 2001), pp. 216

[27] J. Benson, The Working Class in England 1875-1914, (Kent: Croom Helm Ltd, 1985), pp. 96

[28] E. Hunt, British Labour History 1815-1914, pp. 298

[29] R. Price, 'Britain', in M. Linden, J. Rojahn (ed.),The Formation of Labour Movements: 1870-1914, Volume 1 (Leiden: E.J.Brill, 1990), pp. 14

[30] Ibid, pp. 15

organisation. Although they were defeated and unable to make strong headways among large sections of the unskilled workforce, it was still a historic step forward.

Now another very influential factor on the development of trade unions was the growth of conciliatory schemes between workers and employers, to deal with industrial disputes, conducted through the unions. By the 70s, employers started to move away from the violent strikebreaking methods and turned their efforts to utilizing conciliatory schemes to mitigate worker grievance without having to disrupt their workplaces through lengthy strikes.[31] As noted before, British capital was in a precarious position at this time with the slowing down of the economy, growing foreign competition and fear of growing labour unrest. Gore argues that employers knew that they had to put a handle on the unions and subordinate them for industrial peace and profits.[32]

As shown above, by the end of the 90s the union movement had devolved into small sectional unions. For example, by 1906, 4/5 unions had 1000 members or less.[33] Hobsbawm found that the diminished power of the unions resulted in them to look for alternative methods of gaining benefits for their members. So, they started to look towards conciliatory schemes.[34] These schemes provided employer recognition of the unions, something that was important for legitimising the union. As Coates and Topham put it, it meant "that the realities of class have now entered into the formal structure of social relations".[35] With recognition the union movement did benefit because despite the setbacks in the mid-1890s, union density grew from 11.1% in 1892 to 13.1% by 1900.[36] Evidently unions were adapting and finding new methods for survival.

[31] A. Mclovr, A History of Work in Britain: 1880-1950, pp. 216

[32] V. Gore *Rank and File Dissent* in, History of British Industrial Relations 1875-1914 (ed.) Chris Wringley, (Brighton: The Harvester Press, 1982), pp. 64

[33] D. Aldcroft and M. Oliver, Trade unions and the economy: 1870 - 2000, pp. 8

[34] E. Hobsbawm, The Age of Empire: 1875 - 1914, (London: Abacus, 1994), pp. 32

[35] K. Coates and T. Topham, The Making of the Labour Movement: The formation of the Transport and General Workers Union 1870-1922, (Nottingham: Bertrand Russel House, 1994), pp. 72

[36] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 73

However, Gore claims that in return for this recognition, the unions had to accept some concessions, which were harmful to their workers' rights. For example, further introduction of machinery, financial penalties for breaking codes and greater discipline and organisation of the workers and their workplace.[37] Hunt claims that this meant that when labour disputes were then internalized into the unions, it became the duty of the unions to enforce labour discipline rather than the employer.[38] Power in the unions shifted more so from the 'rank and file' membership and the local union branches to the central organisation of the unions.[39]

With this there developed a growing divide between the 'rank and file' members and the union organisers and leaders. Gore claims that the conciliation of the unions to the employers would then lead to sections of the membership becoming increasingly disillusioned with the official ways to express grievances and would find other alternatives. For example, there was a wave between 1899-1901 of unofficial miners' strikes by members of the Miner's Federation of Great Britain, angered that wage limits had been imposed by the conciliatory board.[40] This disobedience reveals the beginning of a growing tendency of unions to lose control over their own members. This is a consequence of the changing relationship between the employers and the unions. The unions attitudes changed as result of its defeats in the 90s. They wanted reform, they wanted stability and they wanted incremental progress. But this came at the expense of independence and significantly, the trust of their membership. It was the trade cycles and the attacks by employers in the 90s, that laid the groundwork for the proliferation of these schemes. Once again demonstrating the profound impact that economic factors had to play in how trade unions operated and developed.

With the turn of the century there was another downturn in the economy, a downturn like in the years before which weakened the unions. However, unlike in the period between the 1870s to 1890s this economic downturn also had prices rising faster than real wages, something which

[37] V. Gore, 'Rank and File Dissent', pp. 65

[38] E. Hunt, British Labour History 1815-1914, pp. 327

[39] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 110

[40] V. Gore, 'Rank and File Dissent', pp. 65

hurt the worker economically. In fact, between 1903-05 there were half the amount of labour disputes than in 1899.[41] But workers did not abandon unionism in this period. Coates and Topham found that between 1900-1910, unionist membership increased from 2 million to 2.5 million.[42] So, despite the setbacks and the poor economic conditions, the unions were still able to entice the working-class.

But the unions were still not a mass tool for the working class. Unionism was concentrated largely in specific industries. Metalworking, engineering, shipbuilding, mining, quarrying, textiles and building made up ⅔ of the union population alone in 1900. Mining was specifically successful and troublesome. Membership grew from 150,000 union members in 1888 to 921,000 in 1913 and with this growth, the miner's unions constantly flexed their muscles. They contributed 50% of all strikes and workdays lost between 1893-1911.[43] Benson claims it was the nature of the mining industry that caused such militancy within its ranks, firstly, mining quarries were largely quite large, which allowed larger and more sustained industrial disputes, 43% of the collieries employed 500 to 1000+ workers.[44] Secondly, mining was able to attract more members due to the large number of major industrial disputes conducted, for example, the 1892 Durham strike, the 1894 strike in Scotland and the 1898 and 1910 strikes in Wales.[45]

Mining unions were willing to fight for their membership and pushed for benefits through striking. There was downward pressure on their wages which heightened resentment and so greater support for unions. Their real wages declined by 20% between 1900-05. Hamish argues that their successes and disruption of the economy led to the mining unions being granted 8-hour workdays, legislated in 1908. But do not let it be mistaken that there were no rifts in the mining union either. Many of the younger members were more militant than their older union leaders, many felt that they were not being led properly.[46]

[41] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 106

[42] K. Coates and T. Topham, The Making of the Labour Movement: The formation of the Transport and General Workers Union 1870-1922, pp. 247

[43] D. Aldcroft and M. Oliver, Trade unions and the economy: 1870 - 2000, pp. 6, 12

[44] J. Benson, The Working Class in England 1875-1914, pp. 95

[45] Ibid, pp. 97

[46] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 113-15

In response the employers were utilising other tool to dull the growing threat of the union movement. They started to push for legal attacks to combat and hurt unions. The pinnacle of these legal attacks was the Taff Vale Case, where in 1901 it was found by the House of Lords that unions could be liable to loss of earning and potential damages suffered during industrial action.[47] This led to unions as, Smith puts it, to be "truly naked and unprotected at the altar of the common law".[48] He highlights this vulnerability in the Glamorgan case of 1902, in which the South Wales Miner's Federation (SWMF) was sued by employers for inducement of breach of contract. Effectively because the unions were assisting their members out on strike during a period of high industrial unrest due to decreasing wages they were acting illegally and liable to prosecution. The law was totally against the unions and in the Glamorgan case the SWMF had to pay over £57,000 in damages.[49] The law would be amended in 1906 to provide greater securities and immunity for unions under the Trade Disputes Act, nevertheless, the unions were always still vulnerable to the common law to confine their immunities.[50] We see here the tendency for the law to side with the employers over the unions. This hurt the capacity for unions to assist their members and organise effectively during this period. This was a serious setback for unions, but as shown above it did not fully dissuade its growth. It would arguably even push radicalism further in the preceding period.

So, unionism still was not yet a mass institution at the turn of the century. Only a select few industries had high levels of unionisation and the reason for this, as noted previously, is that the nature of these industries facelifted it. Despite this unionisation was still growing and still a threat. The threat posed by the movement and the growing militancy at this time within industries such as mining, pushed employers to widen their arsenal of attack. They adopted greater legal actions and utilised the law effectively to expose and hurt the unions. Opening them up and making them liable for the actions of their members. This created organisational issues and reveals to us the institutional bias that existed

[47] Harvey, C. and Press, J. (2000) 'Management and the Taff Vale Strike of 1900', *Business History*, 42(2), pp. 63–86, pp. 63

[48] Smith, Paul. "Unions 'naked and Unprotected at the Altar of the Common Law', pp. 55

[49] Ibid, pp. 50-55

[50] Ibid, pp. 60-61

within British law towards the employing class and against the unions at this time.

Developing from 1910-14, unionism and labour militancy started taking ground again. There was an increase of membership in unions by 50% and it was driven by a start of a boom period, again with low unemployment, but also, due to ongoing issues of real pay decreases and long-term grievances over the workplace and conditions.[51] This period would be come to known as the Great Unrest. As shown by Callaghan, there was a feeling of an impending civil war.[52] In 1912 alone there was over 40 million working days lost due to strike action[53] There was industrial action taking place at an unprecedented scale and by groups with little history of striking. Lyddon notes that golf caddies went on strike, 'pit boys' in mines and schoolchildren's strike occurred in 1911.[54] Thus even younger people were taking part in industrial action and were becoming increasingly radicalised as well. Whilst 1912 was the peak of official strike, Hamish found that 1913-14 were equally feverish but with more emphasis on unofficial strikes and unskilled labour doing the striking.[55] Thus we see the consequences of new unionism during this period and how ultimately it was not truly defeated in the 1890s, both skilled and unskilled labour were putting up a significant fight. But this radicalism was a great threat to the established order and this pre-war period presents an increasingly polarised society with union organisation, official or unofficial at its helm

Darlington asserts that this newfound militancy presented itself as a bottom-up tactic of labour unrest. It was the 'rank and file' members who acted to strike and then it was the union who followed and officiated the strike. In fact, this new militancy even challenged leftwing leaders. Tom Mann's appeals for the dockers in the 1911 dockyard strike to go back to

[51] E. Hobsbawm, The Age of Empire: 1875 - 1914, pp. 38

[52] Callaghan, John. "The Edwardian Crisis: The Survival of Liberal England and the Rise of a Labour Identity." *Historical Studies in Industrial Relations* no. 33 (2012): 1-23, pp. 6

[53] Lyddon, Dave. "Postscript: The Labour Unrest in Great Britain and Ireland, 1910-1914 - Still Uncharted Territory?" *Historical Studies in Industrial Relations* no. 33 (2012): 241-265, pp. 456

[54] Lyddon, Dave. "Postscript: The Labour Unrest in Great Britain and Ireland, 1910-1914 - Still Uncharted Territory?", pp. 248 -251

[55] W. Hamish Fraser, History of British Trade Unionism 1700-1988, pp. 119

work was flatly rejected by the striking workers.[56] In Liverpool in 1911, during the Dockyard and transport strikes, two strikers were shot dead by the military after guerilla warfare in the streets. 58,000 troops were brought in as martial law to various militant parts of the UK to quell any potential uprising.[57] The failure of the conciliatory schemes in mitigating worker grievance only put fuel on the fire. Growing 'wild cat' strikes demonstrates that workers were increasingly becoming confrontational. It reveals that even despite crushing defeats 15 years before, workers were not dissuaded by union organising. With the poor trade cycles and economic instability, workers once again sought security in their unions. This time however, due to the changing nature of the workplace, with growing mechanisation and deskilling, divides between workers were being shed. There were greater unity and solidarity and with this came greater strength. So, by the end of this wave of militancy, the union movement had grown significantly, it reached ¼ of the workforce and was in a stronger position against the employers.[58] The workforce had radicalised and were more willing to fight and confront their employers. This would set the labour movement up for the mass unionism of the 1920s onwards and helped shape future labour disputes in the years to come.

In conclusion, trade unions went through drastic changes between the years 1870 to 1914. The unions in 1914 were much larger and stronger than in 1870. They did this through gradually developing larger and more broad forms of union organisation. They united and thrived in periods of economic boom and maintained memories of economic and hierarchical cruelty in times of recession. People sought out unions to be a bulwark against poverty and unemployment. They were received with attacks through both long-lasting industrial disputes and the unfair legal system. By the 1910s, due to long lasting economic and employer pressure, there developed socialist undertones within the movement, with radicalism coming to the forefront of union organising. The pre-war period would see high levels of industrial disputes and significant agitation amongst the working-class. Effectively it was the precursor to the mass unionisation of the postwar period. So overall, it was the changing trade

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[56] R. Darlington, Labour Revolt in Britain 1910-14. (London: Pluto Press; 2023), pp. 197

[57] E. Hobsbawm, The Age of Empire: 1875 - 1914, pp. 38-9

[58] D. Aldcroft and M. Oliver, Trade unions and the economy: 1870 - 2000, pp. 6

cycles in the economy that had the most profound impact on unionism in Britain.

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'Street level view': spatial orientation and metropolitical boundaries in Sam Selvon's *The Lonely Londoners* and Nell Dunn's *Up The Junction*

Ailsa Davies

'London is a place like that. It divide up little worlds, and you stay in the world you belong to' (Selvon, [1956] 2006: 60). Here, Selvon's protagonist reveals the cultural climate of London experienced by the characters in both The Lonely Londoners (1956) and Nell Dunn's Up the Junction (1963). The city contains internal borders and distinct area disparities which serve to delimit and control their navigation of it. Alongside this, the texts also explore moments of mobility, when characters cross, stretch or reconfigure these boundaries, loosening the city's grip. They frequently map out their own social geographies, building their identities through and beyond the socio-economic boundaries imposed upon them. In Selvon's novel, the Caribbean boys' near nomadic wandering allows them to transcend the ordered and bordered arrangement of London, whilst also signifying the instability of migrant life. Dunn's characters' movements, although rooted in a different literary geography, reveal a similar disjunction: their confinement to a local world heightens their awareness of a larger, often inaccessible London, even as it fosters a tenacious sense of community and class solidarity. Drawing on what Lee terms a 'spatial turn in the humanities' (Lee, 2022: 4), this research paper examines how both texts use a street-level view to explore how classed and racialised subjects navigate, integrate into, and at at times subvert the spaces they occupy.

Ground-level perspectives and restricted vision

Street-level views work to ground the text's narratives in close-up interactions and encounters with their environments; this grounding, however, carries the trace of a framing or limiting of perspective. As Kelly elucidates, Selvon's characters in Londoners experience a 'ground-level, mobile enactment on networked space' (Kelly, 2019: 68), entangling their social encounters with the urban infrastructure. While

Kelly's assertion links grounded experiences with a freedom to move around, I extend this to consider the restrictive, figurative implications: a certain flatness and attachment to the street. This dual notion is encapsulated in an incident when one of the Caribbean boys' mother, Tanty, boards a bus in an attempt to familiarise herself with the city. Forced to the top deck, she is consequently so 'frighten that she didn't bother to look out of the window and see anything' (Selvon, [1956] 2006: 71). The bus offers an aerial view, and hurries her across London, a perspective and speed neither of which her primary dwelling in 'Harrow Road' (Ibid.: 68) allows her. Whilst the view from the window offers her a chance to experience the magnified scale of the city, this vantage point is so unfamiliar to Tanty that she is unable to look out of it. Phillips regards Tanty's experience of the city as 'limited, if not ghettoised' owing to an inability to 'alter the city to her needs' (Phillips, 2011: 116) and move beyond the boundaries of her locality. While her attachment to a singular road anchors her within a social environment where she feels like she belongs, it simultaneously denies her full integration. Thus, her predominantly ground-level experiences reveal the city's capacity for othering and frequent underscoring of her migrant status.

In Dunn's Junction, it is an absence of windows which display the systemic spatial trappings the characters are subject to. The characters navigate and encounter their environment on a ground level, simultaneously revealing their spatial delimitations and providing a close, intimate narrative framing. Throughout, the narrator Suzy heeds the material reality of her immediate surroundings. This is particularly acute when confronted with the enclosing features of the factory where she and the other girls work. Positioned amid boisterous conversation, the narrator notes that 'there are no windows in the room where we have been sitting since eight in the morning' (Dunn, [1963] 1966: 25). Suzy's optical impotence expounds her, and the factory workers', physical bordering in, as well as a containment of their perspective: they are occluded from the world outside the factory walls. This does not reduce or curtail their social encounters, however, as the 'subjective and desiring density of the collective exchanges' (Alcalá & Chung, 2016: 52) mediate and fill the space. Within the next instance, the narrator observes a uniting exchange, when they decide to have a break and call 'tea's up. Go and get some sugar, Bent Sheil!' (Dunn, [1963] 1966: 25).

Thus, despite the isolating potential of their workspace, it becomes a distinctly social domain. The women working in the factory move through the space with social purpose, forming an intimacy and rapport with each other. Hence, this complicates the implications of ground-level encounters. Here, they have a levelling capacity, stifling hierarchies amongst the characters who are limited to them.

Interior spaces in a divided city: marginalisation, collectivity and confinement

Private, interior spaces provide relief for the characters in both texts, in a metropolis in which they also find themselves lost and isolated. The rooms that the Caribbean boys in Londoners occupy are in markedly decrepit condition, yet they discover them as places of paramount and vibrant social encounter. Moses's room, for example, is where the 'boys generally congregate' (Jeon, 2022: 170); they literally make 'room' for each other, in conditions where it is nearly impossible to do so. Jeon notes Bakhtin's notion that 'proximity to others in the same space' generates a feeling of 'collectivity' (ibid.: 178). In this context, 'collectivity' amongst the characters migrating from the Caribbean is somewhat imposed upon them. For Galahad, upon being collected from the station Moses' room is the first interior space he enters, and where he receives initial hospitality. Somewhat begrudgingly, Moses offers Galahad to 'sleep on them two chairs' for a night because '"both of we is Trinidadians and we must help out one another"' (Selvon, [1956] 2006: 17). The gesture is altruistic, offering furniture instead of the floor, but ultimately signifies his material poverty and spatial impediment. Galahad makes frequent visits just as the other boys do, working to establish 'a temporary space where they are no longer strangers but an essential part of the urban landscape' (Jeon, 2022: 178). While, indeed, this gathering often augments solidarity and builds a sense of Caribbean community, Moses also has little control over his dwelling as a site of ingression and egression, with Cap for example repeatedly 'dropping in and [won't leave at all]' (Selvon, [1956] 2006: 44). The room becomes a site of temporary encounters hidden from public view, which ultimately suspends full integration into the urban landscape. Thus, this illustrates how classed and racialised characters are constantly exposed to a disorientating paradox: the very space that provides them protection also provides harmful limitations.

In both texts, London emerges as a city explicitly structured according to race and class. As well as situating private interaction separate to public monitoring, housing articulates borders within the metropolis and positions implicit boundaries upon the characters. In Londoners, Moses ruminates upon the exclusionary geography of London, analogising it as 'divide up into little worlds, and you stay in the world you belong to' (Selvon, [1956] 2006: 60). With this, London is reduced to territories and split into 'worlds', a word which implies independence and distinction in opposition to the 'other'. It points towards the capacity for space to delineate and fix identity.

Furthermore, Moses defines himself in opposition to areas where he is made to feel unwelcome by 'them rich people' (Ibid.: 60). The distancing pronoun 'them' and the notion of discrete 'worlds' underscore the social and spatial alienation produced by these divisions. Though the phrasing 'London divide' is (ibid.: 60) reflects the speaker's non-standard English vernacular, the grammatical construction places 'divide' under the city's command, assigning the city agency to impose order. This renders the infrastructural arrangement and splitting of space as nameless and systemic. A similar sense of London as a divided place and a 'complex and socially dense canvas of…systemic traps' (Alcalá & Chung, 2016: 50) is evident in Dunn's Junction. The characters intermittently reference slum clearances, where they 'lived till it got demolished… they moved us out to lousy Roehampton' (Dunn, [1963] 1966: 34). Here the character Dave recounts his displacement from Battersea and spatial uprooting. He reveals how private dwellings become vulnerable to metropolitan planning bodies concealed beneath an anonymous 'they', illuminating the characters' lack of agency and subjection to a wider system of marginalisation. This shows how street-level life demands continual negotiation, as characters navigate the imposed limits on where they can live and what spaces they can claim as their own.

Material landscapes and knowing one's 'place' defined by class and race
An up-close, street-level perspective also permits rich details of the material reality of local environments. In both texts, such descriptions are inflected with a sense of fondness and intimacy, as well as injustice. With this, social class emerges as a 'tangible formation felt most

distinctively through the experience of "knowing one's place"' (Lee, 2022: 1), as illustrated by the critic Lee. This sense of 'knowing' is layered, denoting a pride in the local and familiar, alongside a recognition of imposed spatial boundaries and expectation to stay in one's 'place'. In Junction, when describing the landscape of Battersea, the speaker observes the configuration of the housing, which form 'little rows' that 'cluster round the gasworks' (Dunn, [1963] 1966: 31). The description is fraught with tension: the word 'cluster' carries a condemnatory tone, as if from someone living outside of the area, suggesting overcrowding and insalubrity, while 'little rows' conveys a sense of affection and familiarity. Londoners contains a similar recognition of the characters' material poverty, evidenced by the narrator's observation of 'old and grey and weatherbeaten' (Selvon, [1956] 2006: 59) housing. Moses wields these material details as creating a 'communal feeling with the Working Class and the spades' (ibid.: 61) and a shared experience of poverty, which forms a moment of imbrication across communities integral to the Londoners text. While Junction's material attention unites those already familiar with the place, Londoners presents these marginalising environments as also uniting people who are forced to move there. In this case the Caribbean immigrants operate under similar deprived circumstances as the working-class communities they live adjacent to. Thus, while street-level perspectives are broadly marginalising, they also facilitate moments of intimacy and togetherness.

Subverting urban boundaries through movement

While space is largely presented as fixed and unyielding in both texts, the boundaries of the city are also occasionally broken and twisted by the characters. The Caribbean boys in Londoners possess an awareness of the regions they belong in and the ways in which space is demarcated for them. However, their frequent wandering and spontaneous encounters across the city work to generate 'space with their gestures, movements, and spatial relations' (Colombino, 2013: 1). Their activities are not guided by boundaries imposed upon them, partially emancipating them from their environment, which determines their otherness. For example, although Cap is homeless, he deploys his nomadic state as a liberation. In pursuit of a girl he desires, he is able to 'comb the whole of London...taking tube ride on the inner circle just in the hope that he might see she' (Selvon, [1956] 2006: 51-2). Thus, his

wandering is not strictly aimless, but is in fact subversive in its impulsivity. The verb 'comb' implies meticulous observation and engagement with his environment, yet it is tinged with irony, as his method involves travelling around the underground repeatedly in the mere 'hope' of encountering the girl. While his wandering is constrained by the tube's fixed routes, he also asserts authority over his journey in refusing the notion of a predetermined destination. Kelly describes this wandering, exhibited by many of the Caribbean boys, as an 'unstable but potentially creative position of mapping the city with their own grounded footprints' (Kelly, 2017: 78). So, whilst the characters' unpredictable manipulation of space upsets the order of the metropolis, acting as a mode of productive resistance, it is also a method of survival.

In mapping out their own social geography, the characters in Selvon's Londoners often find themselves invisible and able to traverse the city with command. This invisibility is simultaneously liberating and symptomatic of their marginalised existence, as they remain unrecognised as permanent citizens. As Kelly points out, their deviations from conventional pathways allow the boys to cross into '"spaces that cannot be seen" from above' (de Certeau in Kelly, 2017: 67). While their race often makes them highly visible, their poverty and nomadic status keeps them off the metropolitical radar. For example, Cap's act of repeatedly 'taking tube ride on the inner circle' (Selvon, [1956] 2006: 51-2) provides subterranean concealment, hidden from a panoramic view of London and below the city's threshold of visibility. Kelly also notes this as a condition specific to the Caribbean boys' status as immigrants, propounding that 'late-and post-colonial travellers' experiences of places are mobile and multi focal' (Kelly, 2019: 64). In fact, this is represented in the structure of the novel itself, which assembles multiple character experiences, fluidly transitioning and shifting between them. This parallels the wandering movement of the characters, unsettling the conventional structures of a chaptered book just as they destabilise the boundaries of an ordered metropolis. As well as going underground, Cap remains difficult to trace on ground-level; moving between areas of London, the narrator remarks that 'one day you would hear he living Caledonia, another time he move to Clapham Common' (Selvon, [1956] 2006: 34). Undeterred by the borders enforced by area distinctions, Cap acquires an almost animal-like nomadism and mythical status, unable to settle anywhere but liberated in the process. With this, the text

demonstrates how classed and racialised subjects adapt to, and at times subvert, urban space.

Reclaiming space through idioms and place names

Place names operate as both marginalising and empowering ways of constructing borders in the two texts. The boundaries in Dunn's London in Junction are sharply enforced and realised. The novel's short, vignette-style chapters mirror the fragmented, ordered, and bordered arrangement of the city. The names of the chapters are also specific to working-class Battersea, for example 'Dinner Hour' (Dunn, [1963] 1966: 35) refers to the time they go to the local café. With this, the manipulation of idiomatic terms reinforces the localised shaping of space, and thus the 'boundary between working-class Battersea and the rest of the city… [is] acknowledged and policed' (Brooke, 2012: 431). When a male character approaches the narrator and her friends, he describes a job 'cleaning the windows in some posh flat in Kensington' (Dunn, [1963] 1966: 34). Despite the physical proximity of the area to Battersea, the character signals the narrowness of his permission of access to it, which is entirely through work. The addition of the modifying and othering terms 'some posh' further underscores the distance he feels from the 'posh flat'. Here, housing acquires political significance, serving as a marker of class, authority and wealth, and delineating social division. By contrast with the distant Kensington, Battersea is deliberately rendered intimate, delineated through familiar names. The narrator navigates the street according to 'the sweet smell of cow-cake from Garton's' which 'blows up the road with the violet smoke from the Power Station' (ibid.: 49). The attention to the small business 'Garton's' anchors her spatial understanding in repetition and familiarity, reinforcing a linguistic bordering, and thus a sense of belonging. Here, the narrator's street-level navigation reveals her intimate understanding of her area, a fact of her exclusion from the broader city which she embraces.

In Londoners, names also uphold significance as a way of drawing attention to the boundaries within the city. However, the characters' recent migration to the city means they are unable to manipulate language as freely as the characters in Junction, and instead use their growing familiarity with the names of London areas in an effort to feel at

home. For the Caribbean boys, akin to their wandering, the ability to apply names to their spatial orientation often transcends the significance of their destination. For example, upon meeting up with a love interest, Galahad is described to 'make a big point of saying he was meeting she by Charing Cross... to say he was going there made him feel big and important' (Selvon, [1956] 2006: 71-72). The repetition of the word 'big' indicates his desire to take up space and uphold a metropolitan identity, as well as the scale of his wonder at his ability to travel to the place. The manipulation of iconic London names such as 'Charing Cross' also points towards the city's post-colonial identity as a 'symbolic centre of empire that coalesces around [particular] spaces and institutions' (Phillips, 2011: 107). Hence, Galahad's ability to freely utter and travel to 'Charing Cross' is ironically undercut by his inability to entirely assimilate into the metropolis, evidenced by his near veneration of the location. This reveals how the characters' attempts to map out their own social geographies are persistently marked by the discrimination that shapes their experience of the city.

Conclusion

To conclude, in both texts London acts as a 'psychic-phenomenological grounding' (Colombino, 2013: 4) where the characters' sense of personal identity and community is integrated into the urban infrastructure and the spaces they navigate. The city is predominantly presented as a place where its physical arrangements function to marginalise those deemed on the fringes of society. They are pushed out of sight and into segregated areas. The working-class characters in Up The Junction are repeatedly othered by their lack of mobility outside of the locality of Battersea, exacerbated by their shallow permission into other areas of London. Despite their fixity to the local, they navigate and animate their area through an intimate knowledge of their surroundings and lively social encounter. While Tanty experiences a comparable sense of locality in Londoners, the Caribbean boys remain unassimilated and unstable in both the interior and exterior spaces they traverse. Their wandering movements, however, provides a creative agency and allows them to surpass the order and divisions of the metropolis. Thus, Selvon and Dunn engage in changing the metropolis from a static, lifeless background into an unpredictable cultural labyrinth to be navigated and survived. Both texts draw attention to the characters' material poverty

and constant spatial uprooting, with references to slum clearances in Junction and the Caribbean boys' dwelling within singular rooms, or no rooms at all, in Londoners. While this deprivation often determines the characters' mobility, they also overcome the notion of the city as an agent of marginalisation and division through subtle methods of survival and resistance. Thus, this reveals a new consciousness of the systemic causes of poverty present in post-1945 urban fiction, as people rebuilt from World War II, subtly transcended the 'social scripts' imposed upon them and contended with the new world they found themselves in.

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What Does It Mean to Live Together? Oral History and Memories of Communality at Felin Uchaf

Olive Morgan

The following oral history paper explores how narratives surrounding communes and counter-cultural movements in the 1960s and 70s have often been distrusted within by academics within oral history. My mother and her siblings grew up in North Wales, on a 'commune.' This project was made up of series of interviews conducted with the people who were a part of the creation of these spaces, and explores how memories of this period can be distrusted.

Stories in the oral tradition, within family in particular — hold historical and cultural meanings that, as Valerie Yow has noted, 'contribute to the shaping of individual's lives […] and illuminate changes and experiences that are experienced on a societal level.'[1] It is the stories I heard growing up from my mother — of the 'commune' that she and her siblings grew up on, that has inspired the writing of this oral history paper. Tales of no electricity; river and waterfall to play in; rug instead of a front door; outdoor compost toilet; smell of woodsmoke.

In the early 1970s, my mother's stepfather, Peter Collis, and a few others, bought Felin Uchaf ('upper mill' in Welsh), a dilapidated corn mill with seven acres of land near the village of Cynwyd, North Wales. My grandfather, around the same time, bought Druid Mill, a few miles down the road — and later on, Peter bought Commerce House, nearby the butchers in Corwen, another village nearby. All three places, as well as a few surrounding properties, became a home to many people. Some for weeks or months — others for many years. This paper concentrates specifically upon Felin Uchaf; however, the spaces were highly interconnected, and many people moved from one place to another.

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[1] Valerie Yow, Recording Oral History (3rd ed.) (London: Rowman and Littlefield, 2015), p. 283

The research for this project consists of four interviews conducted with four of the people (two couples) who lived at Felin Uchaf with my grandmother Linda and her partner at the time, Peter – Helen Guyon, Fransis Guyon, Ralph Aldhous and Maryke Brevet. Both couples have been together since living at Felin Uchaf in the early 1970s and raised children there alongside my mother and her siblings, before eventually moving away in the late 70s. I have known the four of them throughout my life, as part of my extended 'family.'

Most of the hippie communes that rose out of this period were, like Felin Uchaf, relatively 'short-lived' and 'un-momentous' – yet their radical legacy somehow continues to fascinate.[2] It is the meaning, impact and memories that have been formed from these modes of alternative living that constitute the focus for this paper. My interest here is not in how the communes have been defined as a political movement by the existing historiography; but instead, where the relationships and boundaries between collective and individual memories of communes exist, and what oral history, personal narratives and the 'life story' can illuminate about their meanings. Oral history has traditionally been criticised in its ability to understand areas of history that are strongly impacted by collective memory, as the 1960s and 70s were. Sixties narratives have often been deemed unreliable, too blinded by nostalgia to accurately recall the 'truth' of the past. I argue here that this approach fails to integrate and understand the variety and abundance of meanings that have been created by these experiences. That it is because rather than in spite of the 'peculiarities' of oral history's methodology that allows these multiple meanings and versions of the past to coexist. The life stories I heard from the four of them, and the conversations that arose from each of our interviews brought up unique, insightful memories, and I left each conversation carrying different parts of this story with me.

Memories of Communality
Barry Shenker argued in 1986 that the 'central fact,' the raison d'étre of the intentional communities was their 'ideologies.'[3] Using this ideological framework in understanding intentional communities can, in some ways, allow us to develop a method of categorising communities, as well as

[2] Barry Shenker, Intentional Communities (London: Routledge & Kegan Paul, 1986) p. 4
[3] Ibid, p. 71.

allowing us to define and place them within the historical movements in which they exist. The idea central to the Israeli kibbutz movement is that man is fundamentally good and inherently communal, whereas Hutterite framework is centred on the act of communal living as being an expression of one's connection to God. Many of the other communal ventures of the last few centuries fixated upon the power of mysticism to guide their way of life; such as the Diggers and the Shakers. Aldous Huxley's utopian vision in Island, also based upon the principles of the mystics, continued to stoke the desire for oneness and connection with the 'Ultimate Reality' into the twentieth century's communal experiments. Where the commune movement of the 1960s differed from previous movements, however, was in their vastly more individual, decentralised nature.

Although a formal Commune Movement did exist from the mid 1960s, membership was relatively small, even at its peak.[4] Most communes were unaffiliated with the official movement, and the applicability of shared ideologies between different communes of this period therefore becomes problematic.[5] Many of the 60s and 70s communes had an individualised relationship to spirituality, mixing atheistic, religious and spiritual beliefs together. Each group existed with different rules, priorities, and economic systems. Some held very strong beliefs, such as Findhorn in Scotland (one of the most successful and longstanding British communes), for others it was simply an experiment, done 'on a whim.'[6]

Going into the interviews, I wanted to understand what their own relationship was to the language and pre-existing identities of communality and 'communes.' Cultural memories of this time did seem to partially inform — or was at least a contributing factor — in how they framed these experiences; most of them brought up the phrase and concept of 'commune' organically and without suggestion from myself. Their engagement however, with these cultural scripts was not a passive

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[4] Andrew Rigby, Alternative Realities: A Study of Communes and Their Members (London: Routledge & Kegan Paul, 1974),
p. 98.

[5] Phillip Abrams & Andrew McCulloch, Communes, Sociology and Society (Cambridge, Cambridge University Press, 1976), p.4.

[6] Abrams & McCulloch, Communes, p. 84.

act. Both Ralph and Helen noted that it was not themselves who originally classified Felin Uchaf as a 'commune,' this was a label largely given to them by others. In Ralph's description of how he and Maryke came to live at Felin Uchaf, he describes how he noticed how these ideas were applied to them.

We had developed an idea – Maryke and I, that we would go to go live in the country somewhere with some people, because that was that was in the air at the time – there was a lot of talk about communes. And I mean, that word wasn't so important then as it subsequently became. So, it's one of these things – you know, the word 'commune' and the word 'hippie' which you will also hear were kind of grafted on to the past subsequently... But I mean, what we were doing was not [sighs] – it's this thing about, oh, well, it was a commune. But we didn't call it that at the time. Say, yeah, we're living in the commune – we were just there. So, we were not using that kind of language. And it subsequently becomes cleaned up and made part of a sort of historical movement. Which it kind of was, because it was part of the zeitgeist, it was what was happening at that time. And there's an awful lot of literature about it. And actually – I think that, you know, our generation subsequently did change the world. Not necessarily for the better, or the worse, it just changed it. You know, things that we did. The way that, you know – there was a huge, huge difference in Britain, between, say 1965 and 1975. A massive cultural revolution. And we were a part of that.

The complexity in how collective and individual memories can interact is brought up and commented on here; he accepts and even identifies with the wider historical meanings that places like Felin Uchaf hold, acknowledging their importance and reality, whilst asserting how, during this period, these meanings were not fully present – 'We were just there.' While speaking to Maryke, I noticed she didn't use the word commune at all, instead choosing language like 'community' and 'living communally.' The following anecdote highlights some of the ways she noticed the tensions between other people's conceptions of communal living, versus other lived experiences.

There was another hotel in Corwen. I think it's called The Red Lion. One had the rotary and the other one had the lions – you know what I mean?

And they were equal in status. Anyway, we went to the launderette, and I think we hitched. It was Linda, myself - I don't know if Helen was there. Or Helen and myself. With laundry. And this man picked us up. It was right in the beginning, in the really early times, and we didn't have anything - we had the river, but we had nothing to wash with. And this bloke picked us up. He was the publican of The Red Lion and he was – it was the early 70s you have to remember. And he said, 'Oh, and you all live together? Orgies and things?' NO! We haven't got time for that. You know what I mean! We have to get water from the river and dig the garden and look after the kids. And cut wood – you know?

Her story echoed a sentiment expressed by Bob Ploss, that the practical and the economic side of alternative living was largely ignored by the outside world – that 'sex drugs and rock/roll stories were much more entertaining and vastly more likely to sell newspapers.'[7] Perceptions of others evidently concentrated much more on the sensational, rather than the things that made up their life experiences, raising their children, taking care of the garden. Maryke remembered how they would all eat together – 'Everything. Breakfast, lunch, and dinner. And Christmas meals.' At the end of the interview, I asked her if there was anything else important that she felt she wanted to talk about. 'No,' she said. 'I just want to emphasise the positivity. Because I'm sure I wouldn't be like I was. Like I am. If I hadn't been there.'

During my conversation with Fransis, the conversation ventured for a while about the meaning of communes more broadly, what they meant, and how they managed to survive, why so many of the communal projects split up in the end. He spoke of Tipi Valley, an eco-commune in mid Wales, where they knew some people – how, like Felin Uchaf, they ended up in family units rather than a more communal structure.

FRANSIS: Well, I thought it was communal, but it didn't think it actually was. Not, you know - I'm not being very clear. I think Felin Uchaf started off as a commune. But the people, the characters involved, the personalities involved, didn't communicate. Well, yes, they

[7] Nancy Janovicek, "If you'd told me you wanted to talk about the '60s, I wouldn't have called you back': Reflections on Collective Memory and the Practice of Oral History', in Anna Sheftel and Stacey Zembrzycki (eds), Oral History Off the Record: Towards an Ethnography of Practice (New York: Palgrave MacMillan, 2013), p. 191.

communicated. But it wasn't a commune as I'd sort of imagined it. But I wasn't particularly disappointed. I was more interested in being with Helen. And being in Wales, then in the commune aspect of it.

OLIVE: So, for you, it was more that you enjoyed just enjoyed living with these people in this place, rather than it being an idealistic thing?

FRANSIS: Yes. I mean, I had come across communes — by reputation and visiting, and things, because there were lots around and I had got the impression that they needed a vision to be — to work as a commune, it either needed a vision, or a very charismatic leader. And that wasn't what was happening at Felin Uchaf. And that's not a criticism. It's just how it was… I don't think there was really a vision at all. Except that it was a group of people living together. Only they weren't really living together. They would, you know — Peter and Linda were in the house with your mum and Denzil and Jasper. Possibly Tom, I can't remember. Ralph and Maryke in the barn. And I can't remember whether we eat together, or we eat in the bus. And Ralph and Maryke eat in the — you know, I can't remember how together we were.

Although also discussing and engaging with these wider questions and meanings, Fransis suggests that his sense of meaning was about something more than Felin Uchaf's political identity and how closely they were identified with any historical movement. That his connection to this time was most closely felt through being with his family — 'being with Helen. And being in Wales.' He told me later on — 'my memory of it all was idyllic.' His testimony suggests there is something more to the story of the communes that political activism or radical countercultural identities, that there are dual meanings in existence that involve all aspects of how life was experienced — more about family and community, than 'visions' and politics.

From Helen too, it was her stories about the garden, the children, living with others that seemed to appear at the forefront of her memory. One story she told me (which I heard from Fransis also), about the day she was picked up from hospital after the birth of their children, Merion and Rhiannon, seemed to capture the importance of these meanings.

It was the day Fransis was coming to pick me up out of hospital – so he didn't pack anything away – he got to Druid and things like lentils and tea and rice and everything had fallen out and all over the floor. And it was a mess in the bus, and then he couldn't get the bus into their back garden. So, there was Donna and Freddie, and I think Linda and Peter, they were all there trying to help. And they just said to Fransis, go – go and get Helen, because I think that time that weren't going to let me out after a certain time because, you know, babies. So, Fransis came over to get me – didn't tell me any of this. So, when we got back, the bus was in situ. And it was tidy, and there was – Oh! There was an apple pie and there was bread. It makes me cry to think of it! And they'd just all got together and done it. Flowers. Oh, god! Yeah. Amazing.

I remember smiling, as I heard her tell this story. Later on, I asked her whether she would have lived at Felin Uchaf again, if she could go back to that time. 'Yes,' she said. 'I like community living. I think we're social beings. My friends have always been very important to me, because I didn't have my family when I was younger. They were in India. My friends were my family. So, they were my family at Felin Uchaf. My friends now – you know, all of you. I still think of you all as my family.'

As I moved through all the interviews, the aspects that seemed to feel the most tangible communications of meaning were these stories of simply sharing this space together – stories that had stayed with them over the course of their lives. Although there was clearly an awareness of the ways they were being conceptualised by others, both at the time and subsequently, as well as the wider significance of living in a commune – it seemed these external frameworks were much less important than the actual lived experiences of their lives – stories about Nell, the goat, or how they had ruined the beans one winter by 'over-salting them.' I realised that, although I was careful to give them the space to self-describe their own experiences my initial focus on political visions and whether Felin Uchaf had 'achieved things' may have simply entrenched the pre-existing historical presentations of the communes, and the cultural meanings they are assumed to hold. What also became clearer, was the ways in which Felin Uchaf, Druid and Commerce House engaged in many significant differences to general discourse about 'drop-out' and counter-culture movements, that Mark Donnelley

described as 'functioning primarily as a kind of short-lived, utopian parallel universe for the disaffected young middle class.'[8] What I was left with instead, was the sense that it was the smaller memories of living here, working together and creating this space that had remained with all of them.

The Value in Trusting Individual Remembrances

After the advent of poststructuralism and the linguistic turn in the late sixties there seemed, increasingly, to be 'little space for the consciously reflective individual' within the oral history testimony, in lieu of a postmodern focus upon the cultural scripts that are embedded within our memories.[9] Green argues that oral history during this period was in danger of rejecting the individual's agency and capacity to engage with their own histories.[10] Understandings of memory and subjectivity within the discipline have since expanded with greater and greater nuance, and there now exists a rich oral history theory explaining the strengths of subjectivity and intersubjectivity, forgetting, selective memories and self-censorship. Some historians, however, even in more recent years, continue to heed caution in working with oral narratives of the sixties generation. There can be a marked tendency to dismiss these narratives as blindly nostalgic — over identified with the cultural motifs and collective memories of the period. As Shenker writes, 'of course, the history of communal movements is fraught more with failure than with persistence, and it is only too easy for the insider to over-romanticise, distort, apologise or be defensive within his own frame of reference.'[11] This perspective is what has allowed criticism of the individuals involved in the counterculture movements, as well as oral history's legitimacy in analysing their narratives.

Canadian oral historian Nancy Janovicek notes this preoccupation with collective memory in the discipline, stating how her colleagues would often joke about making sure her 'bullshit detector' is on whilst

[8] Mark Donnelley, Sixties Britain (Harlow: Pearson Eduction Limited, 2005), p. 123-4.

[9] Anna Green, 'Individual Remembering and 'Collective Memory': Theoretical Presuppositions and Contemporary Debates', Oral History, Vol. 32, No. 2 (2004), p. 42.

[10] Ibid.

[11] Barry Shenker, Intentional Communities: Ideology and Alienation in Communal Societies (London: Routledge & Kegan Paul, 1986), p. 5.

interviewing activists from the 1960s.[12] She remembered how, at conferences, doctoral students who presented papers involving oral testimonies from the 60s were met with questioning about the reliability of the memories of those they interviewed.[13] In her own work, Janovicek challenges the premonition that all 60s narratives involve nostalgic memories of the time. As she noted in her article about interviewing the back-to-the-land movement of the West Kootenays – popular culture tends to straighten and homogenise the movement into an 'uncomplicated celebration' of youth culture, protest; sex, drugs and rock and roll.[14] What she found was that her own research fit 'uncomfortably' with the accepted narratives of the '60s – that the stories she heard from the interviews were diverse, and often more interested in centring their experiences of farming, local communities and the environmental impact of their lives than in contributing to a collective history of the 1960s and 70s.

At Felin Uchaf, many of the 'tropes' typically associated with the commune movement were present; they lived rurally and relatively self-sufficiently, keeping animals and planting a variety of plants and vegetables; money was put in a communal kitty; childcare and the running of the place was a communal activity, living spaces and eating was done (to some degree) communally. Whether it had spiritual or political meanings at the time remains specific to each individual, but many aspects typically associated with the 'hippie' movement were present; in many of the interviews we talked about the music that was there, Hendrix, the Stones, Pink Floyd; of IT and OZ magazine, the Whole Earth Catalogue; the origins of Glastonbury. The ideas behind Felin Uchaf were cultivated with political motivation, and an aversion to the way 'straight' society was run. There were clearly 'political' aspects to Felin Uchaf which were included in their narratives – the severance of which from its whole meaning would be untruthful. My argument is not that one should dismiss the political reasons for the existence of communes in our remembrance of them. It is simply that the meanings of life experiences should be decided by those who have lived them. Part of oral history involves an acceptance that our relationship with our

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[12] Nancy Janovicek, 'Collective Memory and Oral History', p. 186.
[13] Ibid, p. 188.
[14] Ibid, p. 187.

subjects involve a power dynamic – that we are responsible for interpreting and analysing narratives, choosing which words we deem important enough to hold 'historical significance.' We get to decide which histories are written about, whose life stories we decide to talk about, how to frame them.

What I noticed, during my own research, was how their narratives diverged from one another, each remembering and focussing on very different aspects of Felin Uchaf. Some of the conversation in the interviews contradicted each other or presented very different pictures of organisation. For instance, Maryke's claim that they ate 'everything' together, versus Fransis' feeling that they lived more separately – that he couldn't remember whether they ate together regularly at all – highlight the inconsistencies of oral testimony that Portelli claims make oral history so unique. The notion that contradicting, or 'wrong' statements are still psychologically true is important to remember, as we look for the individual forms of meaning making that are involved in the memory process.[15] It remains, within all areas of history, important to reaffirm the value in individual testimony and remembering – and to trust the ability of individuals to critically engage with their own histories.

As Paul O'Farrell wrote in 1979 – oral history is transitioning into 'the world of image, selective memory, later overlays and utter subjectivity. [...] And where will it lead us? Not into history, but into myth.'[16] His words reminded me of Jeanette Winterson's beautiful passage in Oranges Are Not the Only Fruit... that 'people like to separate storytelling, which is not fact, from history which is fact. They do this so that they know what to believe and what not to believe.'[17] The crux of meaning here, is that oral history is storytelling, unavoidably so. The stories we tell – to others, and to ourselves, are an act of active remembrance of the past. It is the meaning that we draw from these narratives that is what allows us to make sense of our histories, both collectively and as individuals.

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[15] Alessandro Portelli, The Death of Luigi Trastulli And Other Stories (New York: State University of New York Press, 1991), p. 51.

[16] Paul O'Farrell, 'Oral History: Facts and Fiction', Oral History Association of Australia Journal, no. 5 (1983), pp. 3-9.

[17] Jeanette Winterson, Oranges Are Not the Only Fruit (London: Grove Press, 1985), p. 93.

Conclusion

My mother's stories of this time I carry within me, as with my own imagination. There are many versions of this story, many different truths. The words and stories drawn from this process were unique, not only from one another's narratives but were also from the generalisations given to those involved in the counterculture movements. The 'management of meaning' that has become normalised in listening to sixties and countercultural narratives do not allow us to fully listen to these narratives, and consequently may cause some of the deeper meanings to become lost in historical translation.[18] It seems that when you really listen — you hear. After each interview, I came away with a difference sense of 'what had happened' and what it had meant to them, as well as finding myself impacted emotionally in different ways, as several dynamics in subjectivity and intersubjectivity revealed. Oral history, allows, as Alistair Thompson beautifully put it, 'the many layers of individual memory and the plurality of versions of the past' to exist in symbiosis with one another.[19] Felin Uchaf, along with the countless other places during this period of evolving living spaces and lifestyles, are connected to the wider meanings of the communes, but can only really become understood when looked at as composites of the individuals who make it possible, who created it for themselves. The life stories then — of 'a few people' who lived together in an old corn mill, in rural North Wales, can provide an introspective insight into one of the 70s communes,' how communality is understood, and what it meant for those whose lived experience was such. The narratives involved in my research for this project have illuminated the delicacies in subjectivity, not only in their own experiences, but also of my own — and the ways in which these have interacted to begin to tell some of the stories of Felin Uchaf.

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[18] Nancy Janovicek, 'Collective Memory and Oral History', p. 196.

[19] Alistair Thomson et al, 'The Memory and History Debates: Some International Perspectives' Oral History, Vol. 22, No. 2 (1994), pp. 33–43.

Figure 1: The Garden at Felin Uchaf.

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Identifying Factors Limiting Refugee Access to Healthcare and Potential Measures Which Combat Them

Gwen Wolda

Refugees and asylum seekers (ASRs) face many hardships and hindrances throughout their displacement and integration into their host country. These circumstances have led to the under-utilisation of healthcare within this population. This paper aims to identify factors which limit the utilisation of healthcare amongst ASRs using the current literature and intends to propose measures which reduce the impact of said factors. 10 studies were included in this review after a thorough search across three literature databases and 10 common themes were acknowledged as barriers to ASR access to healthcare. This included communication, lack of information and intersectionality, to highlight a few. Various potential measures including adequate training of staff, increasing the availability of translated information and community outreach programmes were proposed to tackle the recognised barriers. The implementation of these measures aims to increase the accessibility of healthcare and reduce health inequalities faced by the ASR population.

As of midway through 2024, there were over 122 million people worldwide who have been forcibly displaced from their homes.[1] This is a number which has doubled within the last ten years.[1] Reasons for its dramatic increase include ongoing and new wars, gender-based violence, climate change, political instability and natural disasters.[2] These circumstances create unsafe and uninhabitable conditions which force people to undertake journeys to seek safety and stability in a new place.[2] However, it is not always so straightforward, sometimes the journeys themselves are a risk to life or as they reach their new destination, there can be uncertainty about whether they will be allowed to stay in these locations.[1] This is why there are different terms to describe people within these populations. The term "refugee" describes the forcibly displaced population who have been granted (usually temporary) citizenship within the country they have

travelled to for safety.[1] Whilst "asylum seeker" (AS) refers to the forcibly displaced who have submitted an application to be granted citizenship whilst their country is unsafe to live in.[4]

In the UK, the forcibly displaced population can enter as either resettled refugees or AS.[3] Resettled refugees are those who enter the UK after already having been accepted to a resettlement scheme by the home office they were referred to by the United Nations High Commissioner for Refugees (UNHCR).[3] AS arrive to the UK where they are initially interviewed before they can apply to become refugees.[3] During the time AS wait for their application to be reviewed, they are not able to work or access benefits and although they may receive help from charities and organisations, most AS live in poverty.[3] This process can prolong AS registration to primary healthcare.[3] Both AS and refugees (ASRs) are entitled to free healthcare during the application process and if they have been granted asylum in the UK.[1] If refused asylum, ASRs are no longer entitled to free healthcare in England, however it does not affect their entitlement in the rest of the UK.[1] Many ASRs may not have been able to see a doctor since their transit to the UK as Doctors of the World UK found that over 80% of ASRs asked for help trying to register with a GP.[7] Knowing their entitlement and how to access the NHS is crucial as this population are likely to have been exposed to conditions which predispose them to requiring healthcare.[3,8]

ASRs are vulnerable to mental and physical health conditions due to what they have experienced before, during and after fleeing their country.[8] Such experiences may include witnessing violence, injury, unsanitary living conditions, malnutrition, no access to clean water, and abuse.[3,8] The displaced population are at an elevated risk of infection of communicable diseases due to the circumstances of their journey to a host country and the impoverished living conditions they are subject to throughout and following their transit.[8,9] Tuberculosis and Hepatitis B are infectious diseases which are prevalent in this population and therefore should be screened for.[9] ASR women commonly first present to healthcare when they become pregnant.[8] It is crucial that pregnant ASRs obtain maternal healthcare as both mother and child face worse outcomes than that of the host

population.[8] Pregnant ASRs may also need a mental health screen as ASR women and girls are more vulnerable to sexual violence during travel and upon arrival to their new host country, especially if they were unaccompanied.[10] Khouani et al.[11] (2023) found that 75.7% of female AS in their study had experienced sexual violence before arriving in France and 26.8% had experienced it after arriving in France. Sexual abuse is only one of the experiences that puts those who seek asylum at larger risk of developing mental health issues, which is why it is important for them to have access to mental health services.[12] Other experiences which contribute to a decline in mental health in this population include physical violence, torture, exploitation, and gender-based violence like female genital mutilation.[12] The uncertainty of their right to remain in a country can also add to their mental stress as well as affect their physical health.[13] Another risk factor for poorer physical outcomes (such as myocardial infarction, cerebrovascular accidents and malignancy) are changes in lifestyle between their home and host country as ASRs tend to partake in less healthy practices like exercising less and eating unhealthily in their host country.[14] All of these factors and more prove that ASRs require accessible healthcare in their host country.

However, the under-utilisation of healthcare continues to be a challenge within the forcibly displaced population.[15] This is due to circumstances affecting their ability to gain access to it which are recognised as "barriers to healthcare".[16] Barriers to healthcare can occur at an individual, community, population or systematic level.[16] Examples include financial concerns at an individual level, lack of public transport at a community level, cultural differences at a population level, and long waiting times at a systematic level.[17] Additionally, many ASRs are more vulnerable to health inequalities in the National Health Service (NHS) due to the stigmatisation of their population and their placement in impoverished conditions in the UK.[18] These experiences contribute to difficulty accessing and receiving adequate and appropriate care therefore generating further barriers to healthcare for this population.[18]

Healthcare organisations worldwide strive to optimise health services for everyone by investigating into barriers to healthcare and trying to

combat them.[15] Despite this, there is very little research into the barriers affecting ASRs in the UK specifically. Therefore, the objective of this review was to analyse the current literature on ASR access to UK healthcare and identify overarching themes that may limit its utilisation. Furthermore, another intention of this study was to highlight potential measures for application in future research which could reduce barriers to UK healthcare for the forced migrant population.

Methods

The studies used in this literature review were found using three separate research databases - PubMed, SocINDEX and ScienceDirect – as well as searching through the citations of studies. The last search was conducted on: 30th November 2024.

The search terms used to narrow down the number of studies included "refugees" or "asylum seekers", "access", "healthcare", and variations of "UK". These were accompanied by search limitations such as studies had to be published within the last five years and in the English language.

The results accumulated from these searches were then whittled down by their title and abstract to identify if these studies were relevant to this review. And finally, the remaining journal articles were then reviewed using the inclusion and exclusion criteria seen in Table 1.

The themes derived from the selected publications were chosen due to their reoccurrence throughout the reading process.

Results

From the literature search ten studies[19-28] were deemed to be relevant to this review and in-keeping with all the inclusion and exclusion criteria, as shown in Figure 1. All ten studies[19-28] were carried out within the last 5 years (2019-2024) in the UK.

Seven[19-21,24-26,28] of the studies used interviews alone in their study design, whilst one[23] study used a questionnaire to collect data.

Two[23,27] of the studies used focus group discussions to gather information, one[27] of which used these discussions alongside interviews in their study design.

Eight[21-28] of the studies collected information from the ASR population. Five[19-22,26] of the studies gathered data from those who work closely with ASR populations.

The over-arching themes identified which hinder access to healthcare for these populations include lack of information, communication, service access, affordability, health beliefs/literacy, cultural differences, prioritisation, transience, intersectionality, and psychological factors.[19-28] Communication[19-22,24-26] and service access[19-23,25,27] were recognised as a hindrance to healthcare access in seven studies. Affordability was highlighted in six of the studies as a barrier to healthcare.[19-21,23,25,26] Lack of information[19-21,25,26] and intersectionality[20-22,26,27] were each identified in five studies as a barrier to healthcare. Health beliefs/literacy[20-22,24] and transience[20,22,23,25] were themes identified in four studies as a barrier to healthcare. Psychological factors[20,24,25] were recognised in three studies as a barrier to healthcare. Cultural differences[20,22] and prioritisation[20,28] were themes identified in two studies as a barrier to healthcare.

Table 2 shows a breakdown of each study, the year it was published, the journal it was published in, its study design, the population it collected data from, and the themes identified which restrict access to healthcare.

Quality of the literature included was examined using the following criteria of credibility, dependability, confirmability, transferability and reflexivity.[29] It was concluded that all studies were of a good standard as the findings were clearly represented and described, their methods were sound and replicable, and their findings aligned with one another as well as other existing research.

Discussion

The themes highlighted from the ten papers analysed are discussed below in the subsequent sections.

Lack of information

ASRs struggled with utilising healthcare services as they had not been given clear information or assistance with how to do so.[19-21,25,26] Some ASRs were even unaware of their entitlement to free healthcare in the UK.[19] This unfamiliarity with the processes of registering with a GP, booking an appointment, and the referral system were shown to challenge ASRs as they were different from those of their home country.[21] One study included a quote which captured the uncertainty of ASRs when it came to registering with a GP:

"When I arrived to the UK, I was pregnant in my seventh month so I have to go and register … it was very difficult for me because I didn't know anything about the system".[25]

However, a lack of information was not only the problem for ASRs, but those who work with them as well.[20,21] Healthcare professionals and organisations which work with ASRs also struggled to advise them on their entitlements to healthcare in the UK and how to access it.[20,21]

"I don't think the NHS does a particularly good job of communicating out through local authorities and with organisations that support vulnerable groups. So, often organisations themselves don't know how to access dental services or how to signpost individuals to advise on oral health".[20]

Healthcare professionals also had a gap in their knowledge when it came to ASR health.[21] So, although ASRs had been able to utilise the NHS, it may not have been the most conducive consultation as the healthcare professional was unfamiliar with ASR health problems, therefore hindering their ability to treat them effectively.[21]

"These barriers arose not only in relation to healthcare professionals' limited awareness of… but also in relation to the professional understanding of the particular healthcare backgrounds of refugees and asylum seekers, many of whom have considerable mental and physical health needs arising from histories of trauma and/or torture". [21]

Previous studies[30-33] largely agreed that a lack of information obstructed ASR access to healthcare. Adding that, due to their forced displacement, ASRs would have been unable to research the healthcare system beforehand.[32] And that the insufficient knowledge surrounding ASR health held by healthcare professionals leads to scepticism of the care provided.[33]

Communication
Many ASRs speak a limited amount of English which made booking health appointments difficult due to the nature of needing to make a phone call to arrange one, and the possibility of being dismissed due to the services' inability to accommodate their needs.[19-25] Language is commonly acknowledged as a barrier to healthcare for ASRs within existing literature.[30-35]

"… or you have limited English, then it's very difficult to even make that call". [20]

"Like for example, when I want to book an appointment, they say that you have to wait for the Arabic GP, because they've got an Arabic GP there." [25]

ASRs also may feel as though they are not able to authentically convey their symptoms and feelings to their doctor in English which makes them hesitate to try to do so.[20,21,25] Khanom et al.[34] (2021) found that feeling ill or anxious may intensify their inability to explain further. Additionally, the assumption that they will be misunderstood due to the language barrier can lead to their refusal to contact their GP.[35]

"For the translation I think it's not very helpful, sadly… I mean every expression or word I give out has a certain feeling to it, and for a translation it might not give out the proper meaning or it won't come out the intended way, I believe". [24]

Language also interferes with the ASRs' ability to understand what doctors explain to them surrounding probable diagnoses, investigations and treatment.[20-22,24,25] A lack of understanding of the information being told to them also introduces difficulty for the healthcare professional when trying to consent ASR patients.[21,24,25] Due to misunderstanding, explaining medical terminology or procedures may be time-consuming and ASRs find that some healthcare professionals are impatient in these cases.[30]

"I think that's the biggest thing, the language, because medical terminologies you know are very difficult, especially psychological ones […] the language...".[24]

"Their accent is very difficult for me. I cannot understand anything. I remembered that I was calling my husband and crying because I didn't understand anything, anything at all, yeah".[25]

A lack of understanding of diagnoses and procedures was only further exacerbated by the insufficient amount of written information provided to ASRs in different languages.[20,21,26] A different study[34] found that ASRs preferred to receive this translated information digitally rather than a physical printed medium.

"We've had one learner who's sent me pictures of a letter from a consultant at a hospital to his GP, which he's been copied into, and it's all in English, he doesn't speak any English, so he hasn't received any kind of translated version of it… but it's really important the stuff that it's talking about…".[21]

Certain aspects of using interpreting services also limited ASRs' access to healthcare due to a lack of adequate services or the use of interpreters creating an uncomfortable environment for ASRs. Restricted access for ASRs was often the result of interpreters being

unavailable.[19-22,25,26] Also due to the various dialects in languages such as Arabic, occasionally the presence of an interpreter did nothing to resolve the language barrier.[26]

"… people have been rejected because there was no available interpreter at that time".[20]

Uncomfortable environments created in consultations were a result of multiple factors. Interpreters sometimes noted that the doctors ended up ignoring the patient as they addressed their questions to them instead of the ASR.[22] Some ASRs did not feel comfortable with a stranger who was not a healthcare professional being present during the consultation.[24,26] And in a few cases, it was noted that interpreters had imparted their own opinions on the situation to the ASR without the knowledge of the doctor.[26] One existing study[32] found that these factors regarding interpreters were caused by a shortage of funding, a lack of standards set for interpreters and healthcare professionals receiving no training to work with interpreters.

"I told them also that the presence of a translator will not make me feel comfortable… sometimes you want to say personal things, or things straight from your heart, so to have a third person as a translator, it will be a bit difficult".[24]

Accessibility
Registering for primary care can be a near-impossible process for ASRs due to the requirement of identification and proof of address.[19,21,24,26] Existing literature[32,33,36] corroborated that providing documentation was a barrier experienced by ASRs across Europe. This was due to the governments' ability to access ASR medical records which deters them from registering in the first place in fear of deportation.[19,23,25]

The physical location of health services or where the ASR was placed also tends to impact their healthcare, especially if they are placed within a detention centre.[20,27] Residing in a detention centre is thought to be associated with limited medical care due to lack of staff, mistrust

and inadequate training.[37] Palattiyil et al.[27] (2021) described the experiences of asylum seekers being detained and their struggle to follow their HIV medication regimen throughout that period of time.

Being unable to afford or not having access to a phone or internet also had a negative impact on the ability of an ASR to access healthcare.[20,22,25]

Accessing healthcare is also delayed by misconceptions surrounding the affordability of it and the travel to and from appointments being too expensive.[19,21,23,25,26] Tomkow et al.[38] (2020) identified that 45% of ASRs they interviewed were not aware of their entitlement to free primary care.

"Oh well we walked for two hours to get here, if we'd paid for the bus we wouldn't have enough food for the day".[21]

Dental health is a sector which is not guaranteed to be covered by the NHS for ASRs, the inability to pay for appointments and treatment results in poorer oral health within this population.[20,25,39]

Health and Cultural Differences
ASRs may delay or refuse to utilise healthcare services in certain circumstances due to their health beliefs which differ from those typical of the UK, for example, this is common in mental health presentations.[19,21,23] This is a result of problems such as mental health not being recognised within their cultures and therefore having no reference for how it presents.[40]

"A lot of people come from cultures where mental health wouldn't be something that was even recognised as an issue, so being able to describe that in the first place [is a barrier]…".[21]

Also, not knowing what to expect when accessing healthcare impacts their experience as they do not utilise it in fear of the unknown.[20,22] This can be due to the unfamiliarity of investigations or treatments required to diagnose or manage conditions.[40]

Cultural differences between ASRs and the host country potentiated difficulties when discussing health with professionals as they either did not have any insight to the ASRs culture or ASRs and/or translators were uncomfortable with the topics being discussed.[20,22] Certain cultures may require specific topics of conversation to be discussed with the appropriate conditions e.g. discussing women's health may require only female doctors and interpreters be present.[41] Existing literature[40] revealed that healthcare professionals' lack of understanding towards an individuals' culture produced interactions that ASRs perceived as disapproving and insensitive, which in turn breaks down any rapport they have established.

The Asylum Process

ASRs were more likely to put their health on hold as concerns regarding their asylum status, living conditions and financial concerns took precedence.[20,28,35]

"Once in the host country, other 'pressing priorities', such as, 'what is happening with my case?', 'where am I going to live? How am I going to get money for food?', take precedence over oral health". [20]

Transience of the ASR community results in difficulty registering for and receiving continuous healthcare which results in poorer health outcomes.[20,22,23,25] It also creates difficulty to build rapport with ASRs as each move means they must begin all over again.[42]

"…they are highly likely to be moved regularly and without warning to other accommodation, providing further challenges in accessing the healthcare system as constant re-registration is required".[25]

ASRs face multiple levels of discrimination due to their asylum status, race, sex and their past medical history which make them more hesitant to access healthcare services due to how they are treated.[20-22,26,27] In the UK, seeking asylum has been vilified in the media which has resulted in a rise in discrimination towards ASRs.[32] This can have detrimental effects to refugee health services as it can lead to the defunding of them.[32]

"It is just because I am black? Is it just because I am a woman? Is it just because I am HIV? Is it just because I am an asylum seeker?".[27]

ASRs were reluctant to speak to doctors due to the doctors' lack of similar lived experience, believing they would not care about what ASRs have been through, or due to the healthcare environment reminding them of past traumatic experiences.[20,24,25] Paudyal et al.[24] (2021) described his interviewees' disinclination to talk through their experiences with British-born doctors due to their inability to understand or relate to what they have been through.

Structural Barriers to Healthcare
It is important to highlight that only four papers included in this study outrightly mention governmental and institutional policies which affect ASR interactions with healthcare.[19-21,23] However, nine of the studies identify barriers to healthcare which are a result of structural processes.[19-27] For example, although four studies[20,22,23,25] comment on transience as a barrier to healthcare, only one[23] of these studies acknowledges the government's role in creating this systemic barrier.

Potential Measures to Combat Limitations
Potential measures to combat the barriers identified above are required to increase the utilisation of healthcare by ASRs and in turn improve their health outcomes as well.

One such measure thought to increase the likelihood of ASR attendance to healthcare is the appropriate training of staff.[19-22] This training would include learning about other cultures and their practices so that all staff within a practice or health service can competently work with ASRs and create a safe space for them.[43] The implementation of this training may reduce the limitations to ASR healthcare involving lack of information, communication, health and cultural differences, intersectionality and psychological factors.[43] Additionally, introducing ASR health into medical students' curriculum may expand future doctors' abilities to care for ASRs and allow for better ASR experiences within healthcare.[44]

Another means to promote the use of healthcare services by ASRs are community outreach programmes targeting this population.[20,21,23,24] ASR community health programmes were shown to provide health education in a way which is easily understood and accounts for cultural differences.[45] They promote the awareness of health risks and allow for a voice for the ASR population.[45] These programmes decrease the effect of barriers to healthcare involving lack of information and communication, accessibility, health and cultural differences, and psychological factors.[45] One programme introduced ASRs to locations where they could access healthcare, this was found to help their understanding of the healthcare system despite a language barrier.[21]

"Actually the most useful part was when a visitor came to my home and he actually took me and my husband to the places and he was speaking English but he tried to show how the places looked like, I didn't understand everything he said but it gave me the idea how to get used to the system, so he actually took us to the places and, yeah, tried really hard to explain . . . ".[21]

Increasing the availability of the appropriate translators and translated information is another measure which is believed to improve the use of health services by ASRs.[20,21,25] By providing these services more availably, they lower the number of challenges faced by ASRs involving lack of information and communication.[45]

Another initiative proposed to improve ASR utilisation of healthcare includes services specialised towards the health of ASRs.[21,24,27] The establishment of these services may improve the health of ASRs via the introduction of specifically trained staff and ASR healthcare models.[46] This reduces the barriers to health involving lack of information, communication, and intersectionality.[46]

Limitations
Limitations of this review include the singular author, the screening process excluding non-UK studies, and the lack of formal quality assessment. Having one author means that there was no strict oversight on the screening of papers which can mean that potential titles were missed. The exclusion of non-UK studies may mean that

this study is non-transferable to ASR populations situated in other countries due to a difference in experiences and healthcare and asylum systems. Furthermore, the lack of formal quality assessment introduces a risk of bias within this study, however this risk was mitigated as much as possible through regular contact with a supervisor well-versed in ASR literature who could identify areas of bias.

Conclusion

The purpose of this review was to analyse current literature on ASR access to healthcare, recognise difficulties that may limit its use and produce potential measures which may improve its utilisation in the ASR population. The literature search identified ten papers where themes relating to lack of information, communication, accessibility, health and cultural differences, and the asylum process were consistently recognised as barriers to ASR healthcare. Potential measures identified to tackle these barriers include adequate ASR training for healthcare staff (including translators), the availability of translated information, community outreach programmes, and specialist ASR services. To improve ASR healthcare, future research should conduct studies surrounding the implementation of such measures and follow the ASR population's response and outcomes as a result of them.

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Appendix

Inclusion Criteria	Exclusion Criteria
Conducted within the last 5 years (2019-2024)	Conducted out-with the last 5 years
Conducted in the UK	Conducted out-with the UK
Focused on the refugee and asylum-seeking population	Includes economic migrant or non-migrant populations
Has a focus on the accessibility of healthcare	No focus on the accessibility of healthcare
Methodology includes interviews/questionnaire to acquire results	Methodology does not include an approach to collect qualitative data
Obtains qualitative data	Does not obtain qualitative data
	Systematic or Scoping Reviews

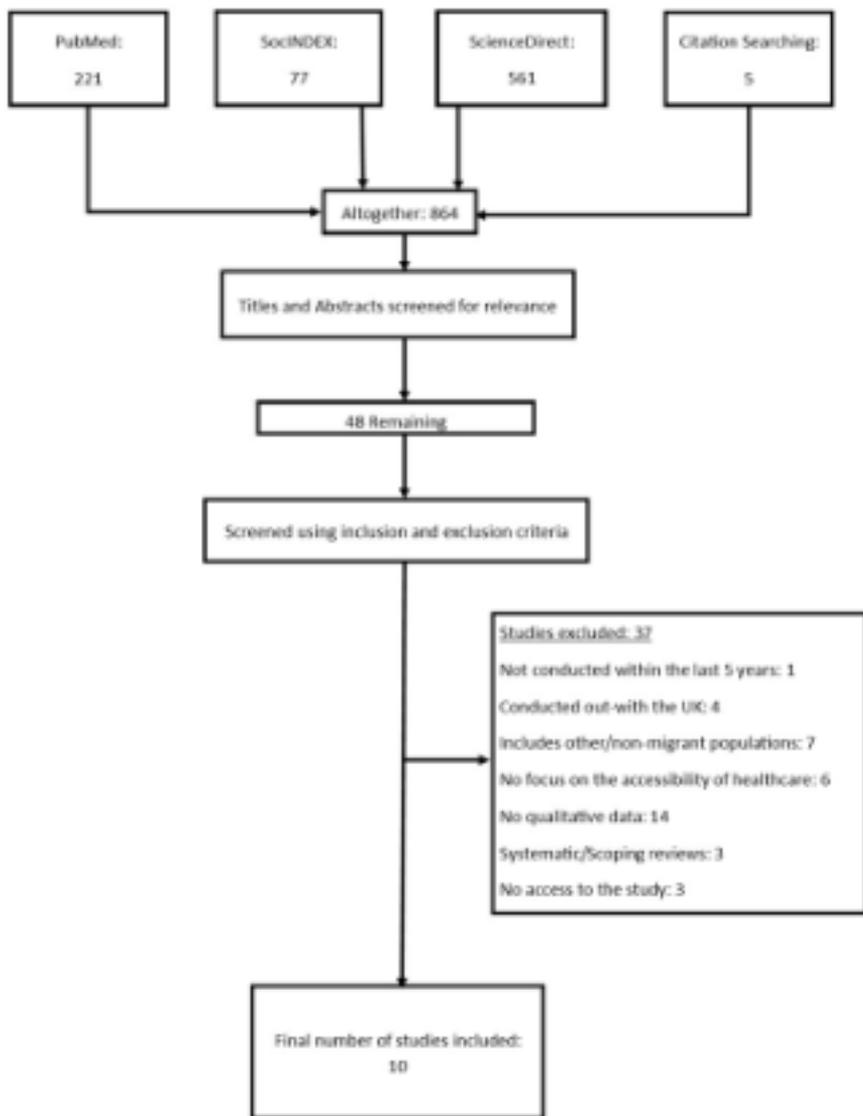Table 1: Inclusion and Exclusion Criteria for Literature found in the Database Search.

PubMed:

221

SocINDEX:

77

ScienceDirect:

561

Citation Searching:

5

Altogether: 864

Titles and Abstracts screened for relevance

48 Remaining

Screened using inclusion and exclusion criteria

Studies excluded: 37

Not conducted within the last 5 years: 1

Conducted out-with the UK: 4

Includes other/non-migrant populations: 7

No focus on the accessibility of healthcare: 6

No qualitative data: 14

Systematic/Scoping reviews: 3

No access to the study: 3

Final number of studies included:
10

Figure 1: PRISMA diagram of literature search.

Author(s)	Year	Journal	Study Design	Population(s) Interviewed?	Themes Identified
Asif and Kienzler [5]	2022	SSM – Mental Health	Interviews	Caseworkers who volunteer with ASRs	Lack of Information, Communication, Service Access, Affordability
Patel et al. [25]	2022	British Dental Journal	Interviews	Those who work with ASRs	Lack of Information, Communication, Service Access, Affordability, Health Beliefs/Literacy, Cultural Differences, Prioritisation, Transience, Intersectionality, Psychological Factors
Moffat et al [21]	2023	International Journal of Environmental Research and Public Health	Interviews	ASRs and those who work with them	Lack of Information, Communication, Service Access, Affordability, Health Beliefs/Literacy, Intersectionality
Scott, Forde and Wedderburn [22]	2021	Journal of Immigrant and Minority Health	Questionnaires	ASRs and those who work with them	Communication, Service Access, Health Beliefs/Literacy, Cultural Differences, Transience, Intersectionality
Madziva bibwa et al [23]	2021	Journal of Immigrant and Minority Health	Focus Group Discussions	Refugee and immigrant community health champions	Service Access, Affordability, Transience
Paudyal, Tattan, Cooper [24]	2021	British Medical Journal	Interviews	Refugees	Communication, Health Beliefs/Literacy, Psychological Factors
Tallos et al [26]	2024	International Journal of Migration, Health and Social Care	Interviews	ASRs	Lack of Information, Communication, Service Access, Affordability, Transience, Psychological Factors
Trueba, Axelrod and Ayeb-Karlsson [19]	2023	Journal of Ethnic and Migration Studies	Interviews	ASRs and their support workers	Lack of Information, Communication, Affordability, Intersectionality
Palattiyil and Sidhva [27]	2021	Journal of Human Rights and Social Work	Interviews and focus group discussions	AS with HIV	Service Access, Intersectionality
Isaacs et al [4]	2022	Critical Public Health	Interviews	ASRs	Prioritisation

Table 2: Information extracted from each study included in this review.