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CHAPTER FIVE

Declaring Bankruptcy

Back in Greenwich, in a dismally bright building next to the station, a line of people are queuing to shout personal details at a wall of perspex. Many are referred to another queue behind which a line of phones leads to yet more queues in a distant call centre whose operators have been well schooled to speak British truth in Seeleyan English. Here there are five windows and only one teller – but what really holds the line up is less the disinterest of the tellers or the semi-anonymous others milling around behind them, than the fact that the solo teller is required to insert two elements into every communication with a customer: one a studiously ad-libbed question about plans for the weekend or the holidays, and the other an attempt to sell debt. Regular customers of British banks casually deflect such attempts, often maintaining a veneer of friendly conversation above their impatience, in a way that might almost be described as instinctual. Still, all are required to queue, to spend an unspecified time waiting to fund a bank whose income depends on nothing more than the fact that its claim is precedent. Just as on the railway platform, the quotidian violence of this situation is too normal to attract comment: every worker is required by law to have a bank account, and most are quite accustomed to this culture of debt, loans, credit card brochures, ‘housing ladders’. This is an environment which bespeaks disenfranchisement: the space of the bank is ultra-private and minutely monitored and even more packed with surveillance cameras than the streets outside, and yet everywhere posters and ads seem to gesture towards a public life, an imagined familiarity and a friendly nod to the shared realities of life. This contradiction is one of the first things to strike those who arrive in, or who return to, the UK.

And this is not sometime in the 1990s, but in 2012 – four years after the banking panic and the widespread dis-crediting of the financial system, when a huge amount of ‘public’ funds were passed into the hands of the somehow necessary purveyors of debt, against a background of Burkean threat that the failure of banks would destroy a ‘way of life’. Even in 2012, despite an almost total lack of trust, so powerful is the ideology of debt as citizenship that queuing to listen to the tellers’ pitches is seen as valid, even

as necessary human interaction. And so the indebted citizen lives out her alienating time, waiting for a point when she will be able to communicate with the teller who is telling her to buy the debt which would force her to wait for another time when she could pay it back, and so on forever, with the promise of experience hanging, while both she and the bank know it will never really arrive. So naturalized is the distance between experience and the meridian in this moment of indebted realism that, in Burkean form, spotting violence would require an unthinkable moment of rupture, and the environment works hard to make this impossible. The taboos on the violence of debt also conceals physical effects on the body: as numerous studies have shown, dependence on anti-depressants, illegal drugs, and alcohol, have risen rapidly with the structural inequality which is necessary to a post-imperial British economy.¹

However – despite the compulsory shows of confidence in this place, where the scale of private debt is so great as to be unsustainable in consensual terms, the idea of a shared British future must also be seen to be emptied out. Intimations of this emptying-out are already at hand, and a whiggish media are increasingly struggling to convince their readers that tax revenues really do go straight to ‘public services’, implying schools, hospitals, leisure centres, rather than on maintaining debt.² Can parliamentary sovereignty still control this debt with no imperial markets into which to expand, and without the 2000s housing equity bribes which kept people voting as a surveillance state was built up around them?³ As is now widely appreciated, what has been known since 2010 as ‘austerity’ (a term nostalgically connoting the consensual 1940s) could have been paid for by the income increase at the top end of the scale: it is not that too much was spent on public services during the 1990s–2000s, but that what remained of a British public had been converted to debt for the maintenance of the financial form of the state.

As this book has argued, a unified British constitutional culture has been reliant on this indebted, anti-national form since the end of the seventeenth century, and then again in stronger constitutional terms from the time of the Napoleonic Wars – as encouraged by that ‘first novelist’ Daniel Defoe, who pamphleted for Union in financial terms in the 1700s.⁴ And this process, being anti-formal and unaccountable, is cultural: if debt does indeed structure the ‘canonicity’ of the British constitution, then English Literature is its queuing mechanism. But what happens when parliamentary sovereignty fails to adapt to the runaway inequality implied by the queuing-to-queue

at the Bank of Greenwich Meridian – if this civility is *seen as* belonging to the interests of capital rationalization? What space is left then for English Literature's traditional civilizing mission?

Of course, the debt taken on by the government in 2008 and presented in ideological terms as 'public' has to some extent been reflected across Western economies in general – and yet there is also something quite unique about the central and 'natural' status of debt financing in the Anglosphere.⁵ Perhaps somewhat despite Keynes's own worries, state-Keynesians have made a debt-based growth model central to the maintenance of constitutional culture as a way of life, even as the good life⁶ – and yet the widespread appreciation of the scale and systemic nature of this debt creates problems for any apologia for the vicissitudes of parliamentary democracy (the idea that it's worth some political 'corruption' to keep the engines running). Rather than being limited to one or even two parliamentary cycles, this kind of debt has come to cross over many elections and many reinventions of parties. The debt is increasingly recognized as being a debt to the franchiser that is the state, not to any one executive or faction. Under the right circumstances, this realization could prove too much for informal British parliamentary sovereignty – it could end in a bankruptcy of constitutional culture as such. And hand-wringing in the mainstream British press about how the nation is to manage this debt misses the more obvious possibility that the state-nation may well *not* sustain this debt in its present form. If the modernized whig model of pan-British democracy was difficult to sustain in the Golden Age of the 1940s to the 1970s, there has been almost nothing left of it since, even as the BBC and the press have continued to promote a debt-driven economy right up to and through the crash of 2007–8. And as British constitutional culture is attenuated, so also is the long-accepted authority of English Literature.

The 1942–2008 period may then have been the last long modernization of the tight knit between British civilization and constitutional culture as a disciplinary mechanism of 'canonical debt'. If the genius of the British ideology of 1942–2008 lay in its ability to present state-capitalist policy in terms of a public understood through an informal and inaccessible constitution, the late 2000s banking panic suggests that these realist terms may no longer hold the powers they once did. The connection of state economics to violence across the parliamentary 'spectrum' could be seen in the neo-Keynesian response to 2008, for which the need to demonstrate public projects triggered the renewal of the nuclear missile system Trident, a

long-obsolete and useless weapon reliant on a reincarnation of an ultimately anti-Jacobin Europhobia (and housed in the one nation least willing to accept it).⁷ It has been this kind of intervention which has made it difficult to conceal the way that what J. K. Galbraith described as ‘military Keynesianism’⁸ bequeathed to the 1942–2008 British state the kind of anti-social stasis that Burkean conservatism had bequeathed to the 1790–1832 British state. And Britain’s turning-inwards in the absence of new markets has underscored the centrality of the financial City in a way which has increasingly been seen as suicidal and unsustainable.⁹

The perennial British-left explanation through the new conservatism from the mid-1970s is, in sovereignty terms, both misleading and quite understandable: the Thatcherite era did see the appearance of a new Burkeanism, as well as a revived Europhobia building on a combination of Soviet communism and the EU,¹⁰ and was perhaps the last phase during which a precedent-based form of English Literature seemed saveable. And it is worth remembering that until the widespread loss of faith in the canonicity of a unified British culture in the 1970s and the rise of democratic deficit, in the English departments of even modern universities, English Literature still largely took for granted a canon built along more or less Leavisite lines of authority. In Willy Russell’s *Educating Rita* (1983, stage play 1980), when a hairdresser-turned-mature student asks her tutor how he knows which books to read, he reacts as if the question has never occurred to him: ‘Well, I suppose one’s always just known, really.’¹¹ The class-fix is easy to see here, but this is also backed by the Burkean time of English: the reluctant tutor gradually realizes that for him questioning the authority of precedent also means questioning what he had thought of as instinctual value, and he becomes increasingly uncomfortable with Rita confusing her new student experience and her sense of what she *should* do. ‘Of course’, she says well into her studies, ‘you can’t do Blake without doing *Songs of Innocence and Experience*’.

The tragicomic element here lies in how Rita’s progress also points to Dr Bryant’s own fall from experience towards alcoholic cynicism, coinciding with Rita’s entry into what, like Leavis’s Lawrence, she calls Life, but which Bryant sees as drawing the life from her: although her education in English gives her a few middle-class opportunities, these come at the cost of replacing her own experience with an interpolated authority based on precedent and lying beyond her. Rita’s case of course echoes that of the ‘scholarship boy’ described by Raymond Williams and others of the New Left, but in this new

Burkean era, English is newly estranged since the welfare state has more fully embedded the ideology of meritocratic reward, while the public is *seen* to be have lost its meaning.

In the same early 1980s moment of Burkean revival, Alasdair Gray's celebrated *Lanark* (1981) marked a move towards constitutional scepticism within an environment which saw the beginning of a general and cultural revival of the idea of national popular sovereignty. Published in the year which probably represented the peak of democratic deficit – the year in which an elected UK MP died on hunger strike protesting Ireland's entrapment by the Diceyan assumptions of the constitution¹² – *Lanark* often describes as cannibalistic and savage the struggle for civic life through continuant bureaucracy.¹³ Pointedly anti-realist, it also undermines authorial self-ownership in an 'Index of Plagiarisms', in a Gothic character doubling mechanism, and in contradictory story 'codas'.¹⁴ And in an attack on Burkean alienation, in *Lanark* time is to be purchased from the municipal authorities on credit.¹⁵ Thaw's experience in Gray's novel also suggests, contra Dicey, that large states block democracy by 'armouring' themselves (the book is published at the height of the New Cold War),¹⁶ as is seen on a personal level in his skin disease, which shields him from the touch of others.¹⁷ In David Peace's (2004) depiction of conflict between constitutional continuity and the popular mob in the Miners' Strike (1984–5),¹⁸ the European invader has become a communist enemy within¹⁹ – and reaction naturalizes surveillance and anti-terror measures imported from Dicey's Ireland.²⁰ In a ferocious parody of the mid-1980s, Irvine Welsh's *Trainspotting* (1993) describes a group of Edinburgh junkies literalizing economic liberalism by 'marketizing' the NHS, liberating its products, turning every encounter into entrepreneurship, and creating for themselves individuated, self-maximized lives built around addiction – embodied debt – in an empty time made up of a series of surrogate presents.²¹ These derelict estates of the Enlightenment city belong on a continuum with the regions of the Opium Wars which had fallen to post-1815 free-market Britain,²² in the key of the widely exported J. S. Mill's Edinburgh-tinted *On Liberty*, in wars lobbied for by the traders of that city.²³ (And perhaps the only thing more ironic than this book's description of the liberating, 'opportunistic' culture of neoliberalism is the way an ultra-whiggish film adaptation in 1996 was successfully marketed for export under the umbrella of Cool Britannia, directed by the choreographer of the enclosure-happy 2012 London Olympics Opening Ceremony.)²⁴

The era of democratic deficit then sees the *appearance* of a latent battle over the experience of time, showing how despite claims of rolling back the state, the state got stronger and the public smaller, through a process of, as David Punter put it in his 1980 Gothic exploration, ‘sealing off questions, shepherding discontent into permissible channels’.²⁵ Increasingly, state-nationalism has been able to press a form of Jennings consensualism into ahistorical use as heritage²⁶ – but rather than as inaugurating neoliberalism, this period might be seen as *amplifying* an existing culture of constitutional precedent, and triggering a widespread loss of faith in the political class.²⁷ The self-determination struggles in Scotland, and to an extent Wales, carried out by literary means as demanded by the anti-formal constitution, also drove a disruption of constitutional continuity in the Gothic mode described above – elsewhere I described the new ‘Gothic’ in terms of the examples of the Scottish Literary Renaissance, industrial music, and nuclear war television docu-dramas.²⁸ This last example of course again recalls the renewal of Trident, as well as the spectre of the walking dead, who trouble Burke’s continuant time in which ‘the dead’ have never really lived or died. The existential threat of the Cold War, the way its potential abolition of time threatened living time itself, could perhaps be placed out of mind, but when made visible through dramatization, this violence was returned in a way which made continuity difficult.²⁹ The nuclear explosion, real or epistemological, also recalls Franco Moretti’s model of the ‘waves’ of literary influence which spread from epicentres – uncontrollable ripples of energy which contrast with the apparently pacific organic trees in the Wordsworthian understanding of nature.³⁰

Looking directly at the ‘rupture’ of nuclear horror, that is, threatens to reactivate historical time by establishing death *as an action*.³¹ Thus the (Foucauldian) importance to post-1790s and then post-1940s Britain of the disciplining move away from spectacle in making the visibility of death a taboo;³² from Burke to Jennings in various forms constitutional culture had to seem to have the ‘public will’ at heart, while making the theft of life by banks or train queues *realistic* – meaning that the revelation of the ‘train crash’ of death as action now seems an unconscionable shock. Burke’s *Reflections* was quite specific about how resistance to the anti-Jacobin constitution represented a kind of graverobbing, making the dead real when the continuant constitution required them to be timeless and abstract. Britain’s taboo on death remains, of course, in the surveillance-as-welfare of the NHS,³³ as

well as in the horrified fascination with death as action personified by those figures, from suicide bombers to health service whistleblowers, willing to deal with the terms of life and death, gazed on by British mass media in something like the way Victorian Gothic monuments were gazed on by those imperfectly certain that they remained cushioned.³⁴ A constitution-sceptical criticism would aim to *historicize* these moments of rupture or action, to make them visible and open to action.

The process, of course, is uneven: the Gothic pressure on constitutional culture during the time of the democratic deficit would lead the ‘popular-aligned’ region of Scotland to the Constitutional Convention of 1988–95, which is generally acknowledged as forcing devolution as an *open-ended* process. Whatever its direct influence on policy, the Convention represents one of the most important articulations of the moments of making-visible, of the changes which had been visited on unified British constitutional culture during the long 1942–2008 period. Based, like mid-1790s movements, in Edinburgh, the 1988 Convention declared itself concerned with ‘fundamental flaws in the British constitution’, and saw the common slippage between ‘English’ and ‘British’ not simply as a mistake to be corrected in multicultural mode, but as a correct description of how the dis-placement built into constitutional culture since the eighteenth century had had to abandon any accountable territorial sovereignty.³⁵ A balance of powers based on limiting the textual (and so the historical) registration of rights had left a state form which was ‘now mainly embodied in the Prime Minister . . . who . . . has further formidable powers of patronage [and] as head of the Executive . . . controls Parliament’.³⁶

This concentration of executive power, of course, gives the lie to Jennings’s balanced parliamentary rule as reflecting a public mood, as well as the more forthright Diceyan rule of law. Such constitutional scepticism was answered in the British press by a gradual ‘partification’, peripheralization, and latterly personalization and infantilization, of almost all constitutional questions in the mainstream press (Alex Salmond’s photograph next to every newspaper story on constitutional change). The Convention’s *Claim of Right* (1988) anticipates, over two decades in advance, this tendency to reduce pressing UK sovereignty questions to ethnicity or pride or party,³⁷ and how one of its effects is to exclude over 90 per cent of the UK population from questions about their own governance. The convention also suggests that the ‘inflexible’ attachment of the Conservative and Unionist Party to

parliamentary sovereignty in fact makes them a party of *disunion*, presaging the way that, as Gerry Hassan described in 2008, constitutional rupture might arise from a combination of ‘grudge-nationalist’ Tory revolt on one hand, and Scottish cultural pressure for self-determination on the other.³⁸ The *Claim* explicitly revisits the anti-Jacobin embedding of constitutional culture as continuity to make a comparison with the ‘transformation . . . found in France, where the Estates General of 1789 turned themselves into a National Assembly with the remit of drafting a constitution’.³⁹

Also revealing are the contrasting reactions published alongside the *Claim* in its 1989 edition by Polygon, an imprint usually associated with literary fiction.⁴⁰ Michael Fry’s is an instructive Burkean apologia, describing how no Convention can achieve legislative responsibility, since to do this would be to assume rights prior to the state.⁴¹ Neil MacCormick’s ‘Unrepentant Gradualism’ on the contrary claims that ‘democracy requires that the popular exercise of power is an intelligent one made by persons who understand the constitution within which they are working’ – in contrast with the persistence of ‘what Lord Hailsham used to call an elective dictatorship’.⁴² Christopher Harvie parallels the (Diceyan) 1880s Home Rule movement and the 1980s one – and the *Claim* had indeed discussed the centralization implied by the creation of the Westminster-controlled Scottish Office.⁴³ Harvie also questions, in what we might now call a Gothic exposure of violence, whether the continuant constitution really does yield the most peaceful settlement possible, or whether it has become liable to let its locked-in violence slip:

when [the UK government’s] backers consider their interests threatened, we do not see a ‘pillar of the constitution’ in Ivor Jennings/Harold Laski terms – a great institution-of-state acceding to ‘moderate’, consensual leadership – but a feral creature capable of doing a lot of damage to such concepts and persons as get in its way, the ‘rule of law’ included.⁴⁴

And Bernard Crick’s ‘For My Fellow English’ demonstrates – on wide territory, as the title implies – how action is blocked through an ‘ideology of parliamentary sovereignty [which] arose because from the end of the seventeenth century [and whose] major business . . . was holding the United Kingdom together’.⁴⁵ Restoration, instinct, and Burkean prejudice (the latter term again less taboo in the mid-1980s) had swamped the whole field of participation, so that even ‘while Mrs. Thatcher has turned her back on

Burke, Labour's leaders still echo him . . . [l]ike Burke . . . Labour's present leaders also believe in "unlimited and supreme . . . sovereignty" but want it in their hands'.⁴⁶ Crick also reminds us, in a way that would become crucial at the end of the 2000s as a concrete constitutional challenge began to come into view, that the assumption of parliamentary sovereignty in the Acts of Union is not backed by international laws, and that its reliance on precedent can only be self-referential.⁴⁷

In the 1988 *Claim*, the England-based organization Charter 88, named 'to mark our rejection of the complacency with which the tercentenary of the Revolution of 1688 has been celebrated [and] to reassert a tradition of demands for constitutional rights',⁴⁸ also described the rending of the constitutional fabric of the United Kingdom after the exposure of some of the myths of consensualism during the period of democratic deficit and the exposure of the social consequences of the reinforcement of parliamentary sovereignty:

We have been brought up in Britain to believe that we are free: that our Parliament is the mother of democracy . . . [but t]oday such beliefs are increasingly implausible. The gap between reality and the received ideas of Britain's 'unwritten constitution' has widened to a degree that many find hard to endure.⁴⁹

Here as in Arendt's 1951 account, the fact that the British social contract is not formulated and yet is universalized is seen by both the *Claim of Right* and Charter 88 as leaving it particularly prone to rule by bureaucracy. The structural power of the constitution is never declared in an undivided sense as personal action, but is rather disciplined into separate specialized pressures, none of which can ever threaten the whole – so a 'British belief in the benign nature of the country's institutions encourages an unsystematic perception of these grave matters; each becomes an "issue" considered in isolation from the rest'.⁵⁰ The 'Restoration' of 1688, the anchor of constitutional power and of the civility of English Literature, merely shifted the absolute power of the monarch into the hands of the parliamentary oligarchy, 'enabl[ing] the government to discipline British society to its ends . . . in the name of national security'.⁵¹ An alternative constitutional culture was then imagined by factions on both sides of the border – and seen as retracting the timeless claims to informality, and, in the case of Charter 88, as signalling the need

to '[d]raw up a written constitution, anchored in the idea of universal citizenship'.⁵²

But despite and because of the careful management of devolution (and the skills of the British left in maintaining the disenfranchising mandate of Westminster parliament), the sceptical moment of 1988 was largely recuperated, especially in England, through re-inflationary promises of a more equitable capitalism representing something like an updating of Croslandite consensus. Constitutional culture this time, for perhaps the last time it would be allowed to happen, was now corroborated by the rebranding moment of Cool Britannia, which attempted, among other things, to claw back the gains of the Scottish Literary Renaissance, with Scottish authors presented as members of a whole saleable British family.⁵³ And with finance explicitly replacing industry in what might be a terminal imperial move, the compulsory performance of the UK shrank back to a perpetual precedent of expansion – a 'heritage-time' – becoming, as Tom Nairn described it, retro-, music hall, theme park, 'a parody-Britain served by a stranded City cash-nexus'.⁵⁴ In terms recalling the Polanyian turn, it was increasingly appreciated in a sceptical Scotland that a 'disinterested' managerialism had taken over where politics had failed.⁵⁵

Nairn's 2002 account of this process also explicitly echoes Stuart Hall's 1983 use of the idea of Gramscian *transformismo* to describe the new Burkean moment – apparently revolutionary events staged to conceal the fact of a rational widening of inequality and a block on popular participation.⁵⁶ Where structural change is blocked, democracy is played out as an adversarial pantomime – a gentlemanly contest which can nevertheless be suspended as necessary, as it has been on numerous occasions from the 1790s to the 2000s.⁵⁷ A condition of perpetual *transformismo* can make the apparently liminal state seem permanent, a continuity of endless invisible coups, or a form of the 'state of exception' described by Giorgio Agamben.⁵⁸ The continuous demand for change within the terms of the same means that, as Nairn puts it, 'the only course left is 'to reproduce "tradition" in ever more berserk forms, *in order to avoid replacing it*' – a 'profoundly Burkean original vision',⁵⁹ and one 'compell[ing] a displacement into an improbable alternative: the "realism" of management boards, growth (or decline) tables, and share or property ownership'.⁶⁰

Moreover, this 'national' discipline has gradually been seen as having forced the national experience of England to recede, and English Literature

described less in terms of conservation than of loss. The realization of this loss colours the largely Burkean commentaries published around the time of the enactment of devolution, of which Roger Scruton's *England: An Elegy* (2000) is typical: although apparently written as a wistful defence of 'England' to be rediscovered through an Eliotic organicism, this account really gets more elegy than it bargains for, in pointing up how the England projected by the state-nation from the turn of the seventeenth to the turn of the twenty-first century was imaginary and extrinsic, leaving England itself buried by the export needs of the 'flexible' constitution.⁶¹ But during the 2000s the national sovereignty of England would come to be more contested than it had been at any time since the Act of Union – and already, accounts like that of Scruton have encouraged forms of contest which would doubtless confound the aims of the publication itself.

Since the turn of the 2000s the stretching of constitutional culture, in Krishan Kumar's terms the long double movement of the British Union then empire, has been increasingly called to account in terms of the absence of representation for England the place.⁶² It is not that (as Scruton implies, and as, from a different ethical stance, Jed Esty would imply soon after) England has *shrunk*, but on the contrary that England the place has begun to appear, and to threaten a revival of formal legislation. Other faux-bewildered popular accounts of around 2000 (Simon Heffer, Jeremy Paxman, Andrew Marr, John Redwood, among others) similarly search for a phantom national, in fact struggling to describe the ongoing jurisdiction of a universalized informal state, tending to fall back onto an aggressively anti-systematic position of 'listing' the imagined qualities of England, a jumble of what is experienced and what is projected through English Literature – with its contradictions often described as part of the country's organic charm.⁶³ Defining England *as territory* or in civic terms has been taboo since it might undo the instinctual, expansive, universalist, cultural binding which had held the sovereignty forms together. (Meanwhile, though, Labour think-tanks have their belated admission of English 'identity' swamped by assumptions of natural conservatism, ignoring the possibility of a national reconsideration of the terms of representation.)⁶⁴

An increased awareness of competing sovereignties has also encouraged a rebirth of interest in the legal contest surrounding Diceyan truisms, an interest which had arisen from the 1950s apparently as part of a minority concern within Scots Law, but had become commonplace in the era of

democratic deficit. *MacCormick v. Lord Advocate* (1953) was nominally based on the right of the reigning monarch to call herself Elizabeth II (she was Elizabeth I of Great Britain), but its ruling that ‘the principle of the unlimited sovereignty of Parliament is a distinctively English principle which has no counterpart in Scottish Constitutional Law’ has been much-celebrated and much-debated since.⁶⁵ After a gradual blooming of popular-sovereignty-oriented thinking following this case and its afterlives, Sections 5 and 6 of the 1998 Scotland Act were carefully drafted to avoid any more such fundamental claims and to reserve all constitutional matters to Westminster.⁶⁶ However, as Gavin Drewry has recently observed, the conduct of the 1995 Constitutional Convention and the 1997 referendum may themselves be seen as having confirmed popular consent:⁶⁷

[B]oth through the Convention [1995] and in the referendum, the wishes of the electorate may be seen as authorizing the institution of devolution and its fundamental terms; hence popular consent, in one form or another, becomes a prerequisite for any subsequent changes to the devolution ‘settlement’.⁶⁸

So, to the more clearly national Scottish contest pressed by the 1980s Literary Renaissance and its contexts, must now be added the way that, especially after the demonstrations of 2010–11, popular sovereignty has begun to appear as a general goal throughout the whole of the UK. The Scottish question does play a part in this – not one to be simply transposed onto the English question, but nevertheless its prominence does make popular constitutional change more concretely thinkable throughout the region.

In general, also, Diceyan constitutional compacts work much less well in the post-2008 environment: for one thing, there is a growing awareness of the class-fix which lies behind even the modernized Diceyan version of justice, and for another, the breakdown of consensus through the related crises of self-determination and credit bubble have revealed the clash of sovereignties that still exists. Informal constitutional culture has always failed to specify *which* rights are instinctually known to be shared – leaving its legal authority based on a culture which is expansively ‘sticky’, or, in the most aggressive Diceyan sense, ‘flexible’.⁶⁹ Another received wisdom about the effectiveness of sovereignty has broken down with the very widespread loss of faith in the

political class, and in the political economy of the post-imperial UK.⁷⁰ The result is a growing realization that the sovereignty question must be seen as contested – whether in its broadest sense as constitutional culture, or more specifically as English Literature – even if its outcome seems formally legal – for as we know from Dicey himself, constitutional commentary *stands for* the law.⁷¹

The building desire for popular sovereignty after 2008 might then be seen as ‘national’ not in terms of (ethno-)nationalism but in the sense of the reclamation of public place open to common control and ownership. For Michael Keating, negotiated sovereignty is a likely outcome of the untying of a UK constitution which has over-strained logic to stick to precedent (though Keating writes without specific address of the uncoded constitution’s need for a literary-cultural cohesion).⁷² Keating also points to Peter Katzenstein’s suggestion that more national, smaller bodies might be more open to post-Keynesian policy possibilities – following the collapse of the Diceyan super-state, which had clung on and reinvented itself over the course of two world wars.⁷³ And the fear of giving up the British state-capitalist growth model is understood as primarily a *political* fear: the outcome of the ‘permanent quasi-boom’ which followed post-imperial stagflation has only served to lock parties into a continuant culture for short-term gain.⁷⁴

And yet despite the cultural binding of incommensurate sovereignties, even among left-leaning academics there has been, at least until very recently, a reluctance to historicize the era of ‘British national’ culture, to see it as an ideology or as an exceeding of constitutional remit. In Terence Ranger and Eric Hobsbawm’s celebrated *The Invention of Tradition* (1983), modern Scottish nationality is quite casually described as having been created for instrumental purposes, but the same analysis is not performed on the much more influential realm of Britishness, even though many in the northern parts of Britain at this high point of democratic deficit were busily trying to de-invent the form, with its tremendous reach over global inequalities.⁷⁵ There is indeed a need to demonstrate the ‘invention’ of British culture: Even if all constitutions of all kinds are to an extent positivistic in that they interpolate and legitimize the people who are to be subject to it,⁷⁶ the limitation of literacy as limitation of franchise called for by capital rationalization reveals a loaded and state-metaphysical ‘aesthetic governance’. During the high period, till around 2008, the most common result was a jumble dependent on peripheral civil society painted as holding up an imaginary centre. So

Keating asks, for example, why despite the happy coalescence of interests described by Linda Colley's *Britons*, often still taken up as a credible model by academic commentators, Scotland has nevertheless survived as a nation, where it might have had a more comfortable position as a region under the English constitution.⁷⁷ The answer to this lies in the cultural nature of informal sovereignty models, which rise and fall, and which every political indicator shows to be shifting.

So, four concluding thoughts while we queue for our perspex confession. First, we might, against the grain of the British left, see welfarist sovereignty from the 1940–2 consensual fear of invasion, for all its immediate material benefits, as inevitably leading to an over-stretching of a state-capitalism in a form it could never maintain – rather than staying too attached to 1979 and the wave of ‘privatizations’, even if the latter moment did accelerate and make explicit the much longer disenfranchising process. Second, given the congruence of the parameters of English Literature as a management of writing as historical action and the parameters of the British constitution as an unwritten management of action, we might begin to see the emergence of a criticism able to chart ruptures in the constitutional ‘text’ which has sought to enforce an ideal continuity throughout the United Kingdom, and more widely the empire. Third, we might recognize, post-2008, that the entirely informal, untouchable, and reactive form of parliamentary sovereignty almost unique to the United Kingdom is unsustainable not only on ethical but also on economic terms, as the credit form on which it was built has revealed the real extent of its problems.

Fourth, and worthy of a final detour here, we might appreciate that where unified constitution and unified culture are most likely to fray is in the fate of the long civilizing mission of university education, most centrally in the ‘permanent’ para-constitutional glue of English. For if there is one overwhelming factor that brings together the explicitly national (in terms of self-determination) and ethical fears over ‘indebted citizenship’, it is the explosion of university fees. Indeed, the narrowing of franchise in trebling fees in an era of economic meltdown may signal the last gasp of English Literature’s control over continuant values. The post-2012 English ‘home’ student embarking on a course of English Literature either comes from a narrow band of privilege which assumes entitlement, or knows that she will have to pay for the education with an indefinite amount of debt, with, that is, temporal alienation. Unsurprisingly given the needs of higher education

to seem a public and British institution (debt management is undertaken by 'Universities UK', implying sovereignty convergence), official efforts to sell student loans sound much like the rhetoric of banks, presenting fees as if they belonged to a projected future self rather than to the experiencing self of the present, leaving the student better off, even as a canny investor.⁷⁸ What the literary intern-client is left with, of course, is an accelerated version of the displacement of the present also felt by those waiting on the railway platform and in the bank queue. A cultural acceptance of the attrition of experience is now built on a continual displacement: where debt as alienation was a normal part of enfranchisement, 'student experience' now takes the place of experience itself.

I have been arguing that what makes the discipline of English Literature, in its roughly two-century-long sense, so specific in this context is the way that money-debt – alienated time or precedent over present – structures both English canonicity and British constitution, and how the former is the cultural framework of the latter. Now, however carefully English study is presented as an investment, as an experience forming a whole person through an expensively bought cultural capital, there is a clear if unspoken understanding that interest flows inevitably to the managers of debt, and so the self-determination education brings is also always slipping away. The long-term mission of English to uphold British capitalism is, in other words, laid bare in a way that would have shocked Matthew Arnold, and for which we may have to go right back to eighteenth-century 'improvement' for an analogy.

The 'English' ideology is certainly stretched thin here: in a way that recalls Colin Crouch's 'shareholder sovereignty', the October 2010 Browne Report, led by the ex-head of BP and a director of Goldman Sachs, while recommending lifting the fees cap and withdrawing teaching support, also made claims to be encouraging student-centredness, connoting a return to Lockean self-ownership which takes on a more visibly 'total' form on this side of the empire. 'British' (English) universities had of course already been largely absorbed into an explicitly market-led model of teaching, research, and access, with Peter Mandelson's 2009 'consumer revolution' in education reflected in the Quality Assurance Agency.⁷⁹ The Humanities, subjects which guarantee no return unless rigorously 'hardened' (re-canonized), are particularly prone to stagflation, and 'soft marking' easily points towards a 'growth' of grades as ideological justification for a contracting labour

market. The difficulty of judging degrees for indebted paying customers while maintaining institutional integrity now also really troubles the ideal of a disinterested clerisy or meritocracy, which is sacrificed to the unforgettable need for a 'semi-permanent boom'. The *visible* return of Britain's stagflationary form makes the idea of English as a meritocratic aspiration difficult to sustain.

Such are the pressures on the disinterested ideal of the aesthetic elite, which had survived in English all the way from the clerisy to state-multiculturalism. In a 2012 article describing the rise of the 'overclass', Peter Osborne describes a transatlantic (or an Oceanic) significance in the American sociologist Charles Murray's description of a 'cognitive elite', a caste which becomes separated off by the way cultural capital is increasingly restricted to a narrow inter-generational socioeconomic band.⁸⁰ The cognitive elite is formed from the most debt-proofed students entering the highest-ranked universities, joining an interpretive community (or a canonical fix), learning to speak the same language, forming relationships, and having children to whom they bequeath this cultural capital – leading to a literary elite more acute than anything bargained for by Coleridge or Leavis, or even Carlyle, Arnold, or T. S. Eliot.

Particularly arresting in Osborne's description of the overclass is the way it is concentrated in desirable British postcodes,⁸¹ corresponding to the specialization of the kinds of school able to connect with the university's civilizing mission – and his citing the vested privileges of the French ancien régime, a Jacobinesque note which may seem surprising (Osborne's Tory politics are well-known). The ancien régime comparison had already famously been made by the left-wing civic nationalist Tom Nairn, in his diagnoses of 'terminal' Britain as the end of a rotten British dynasty, or 'Ukania'.⁸² And the study behind Osborne's account, Richard Herrnstein and Charles Murray's *The Bell Curve* (1994),⁸³ had posited a move by the cognitive elite to preserve their increasingly separate, and potentially dysgenic, status by protecting access to key spaces – implying gated communities, but quite readable in terms of the space of the English department as guarantor of civility, the university's own enclosure. The separation of a cognitive elite would nevertheless be somewhat familiar for English, since it would act like a new form of the typology of 'race', the creation of discrete roles or experiential 'temporalities'. Working within that subject most invested in the saleability and economic rationalization of a Meridian form, fees for English are crucial

in their ability to separate experience from the *performance* of experience.⁸⁴ And the first signs of the cognitive elite's peeling off *along national lines* – that is, underneath and undermining the integrity of Britain – became visible right after the great fees hike: in the first year of £9000 fees, home university applications went down 9.9 per cent in England, but only 1.5 per cent in Scotland, while non-UK EU applications to Scottish universities went up 6 per cent, and to English universities down 16.5 per cent.⁸⁵

There appears then the possibility of returning to an era even before anti-Jacobin Romanticism, before the establishment of English Literature as a progressive-conservative informal constitution. All gestures towards egalitarianism might be dropped altogether, and English Literature spirited backwards to leapfrog the welfare streaming that the 1950s scholarship society claimed to ameliorate, the post-First World War 'rise of English' and the Northcote-Trevelyan/Civil Service restructuring which led to it, the Arnoldian best self, and even the late Romantic clerisy – to go all the way back to an eighteenth-century model of betterment thinkable only within a gentlemanly class, allowing of a narrower behavioural and linguistic conception of individual improvement than any with which we are familiar.

But after all a return to an eighteenth-century improvement made generational and ideally 'permanent' would not be all that surprising in this discipline: it would be like the closing of an arc, returning English to a period before the height of British imperial ascendancy. Especially as a 'hard' subject, English is largely happy to accede to the phasing out of working-class students, researchers, and faculty, and will become more so as it self-selects those staff most versed in the interpretive codes of the cognitive elite. Many faculty would be placated by a multiculturalist language of Widening Participation, even if this – as is likely – turned out to *narrow* the class basis of access. This new protection of English from the commons would increase its saleability by streamlining it – on one side, towards the higher-ranked sixth-forms' ideas of methodology which often still owe much to Leavisite ideas of plot, character, and sensibility, and on the other side to the mobilization of 'skills' demanded by a precarious labour market forcing students to compete for dwindling resources. It is possible to imagine a time, not that far away, when English departments are filled with people none of whom can remember when the 'good postcode' and the elite university were not joined in a shared language virtually impenetrable to anyone outside the cognitive elite.

However, it is precisely the entanglement of English Literature and sovereignty that stands in the way of this type of class apocalypse. The doubts introduced into constitutional culture make it more difficult for English to maintain the disciplinarity of the imperial meridian. If the Arnoldian universalization of Burkean Romanticism made English Literature powerful because it was placeless and always seemed to preclude any form of participation, this is seriously jeopardized by a reterritorialization of the kind implied by the recent uneven recursion of popular sovereignty. The last defence of English as constitutional culture may have been state-multiculturalism, forcing a separation, classification, and queuing under the rubric of equality – which is still how large sections of the fields of postcolonial literature and World Literature work. At base a reinvention of the category of race, multiculturalism stood for the continuity of an organic franchise, ‘flexible’ in the Diceyan sense – that is, absorptive and standardizing – and a continuity of the basis of parliamentary sovereignty itself. In his Irish discussions, Dicey had already suggested that the fact that Home Rule federalism might miss out ‘minorities’ was another reason the ‘English’ franchise had to be universal.⁸⁶

And the logic of multiculturalism has also been the logic of interdisciplinarity, a duplicitous term which has increasingly channelled funding and priorities within the Humanities. Under audit conditions, practitioners in English have had to continually rebrand through gestures towards interdisciplinarity which have in practice meant that each field has had to be delineated anew, disciplined, and strengthened, to make way for the *performance* of crossing them.⁸⁷ Interdisciplinarity should be sharply distinguished from the mostly Scottish tradition known since the 1960s as intellectual generalism, for which specialisms are not assumed: just as multiculturalism separates and underlines ‘cultures’ (races), interdisciplinarity separates and underlines specialized methodologies which then have to be seen to be exceeded, *returning* disciplinarity, as assuredly as the validity of the constitution is returned by reform. Generalism on the other hand usually refers to a branch of thinking from around 1960 when G. E. Davie historicized a contest between a socially engaged, active, and public criticism and the more specialized education associated with imperial management (a specialized education which today might be described in terms of ‘skills’). What is important here is not so much how ‘true’ Davie’s account was, as its resistance to imperial disciplining, also seen by Davie in terms of the imperial Civil

Service exams, which date from the same year as the more comprehensive Scottish General-then-Honours degree (the three- or four-year degree that remains free to home students), exams whose Arnoldian assumptions he documents.⁸⁸ Working in part through the peer-testing of these, and willing to reach into the social generalism might be seen as something like an educational popular sovereignty.⁸⁹ Long before postcolonial studies emerged as a sub-field of English, specialization is revealed as necessary to British geopolitical authority⁹⁰ – as in the 1872 Education (Scotland) Act which helped unify linguistic standards.⁹¹

After the unification running from the Civil Service Reforms through the Education Act to university English, as Davie implies, Cambridge thought in particular would rest heavily on the ‘disinterested’ proposition, increasingly leading to ideal enquiry without context, and link Leavisism, Practical Criticism, Language Philosophy, and state-Keynesianism.⁹² The common quality in all of these is a narrow understanding of positivism – the literary-philosophical positivism tied to the realist canon, the legal positivism going back to Locke and rising through Dicey, and the propositional truths of logical positivism (a movement conspicuously missing from the 1980s ‘rise of English’ accounts, though it was an important part of the intellectual background of the early stages of the discipline). In all of these state-modernizing modes of thought, the coding of informal government is central – but these consensual assumptions no longer hold as they did.

So if generalism might be described as having a ‘national’ valency, it is not just in the obvious sense of its Scottish specificity, but rather in the sense of its critical relation to sovereignty. This is the sense in which ‘national’ also applies to the protests of 2010–11 – and the argument here has been that English the discipline has been bound to the ideological definition of a ‘national’ community as continuant rather than a more serious definition as participatory. In *The English Question* (2008) Thomas Docherty recalls Karl Jaspers’s 1923 argument that the university has the potential to help reinvent a wounded nation:⁹³ in the British situation though, the healed ‘nation’ would first both have to be a constitutionally bounded territory or territories, and to assume some level of formality. This in turn would require a challenge to English as the constitutional culture of a ‘permanent’ nativist sovereignty:

English is, as it were, now a supposed multicultural English; yet it is simply that we have changed the description of what it might mean to be

English – being English remains the quarry and goal. Better, and much more fundamentally, *being* is the goal: being, and not *becoming*, is what has become important.⁹⁴

That is, English in its current form remains a quest for identity and ontological permanence (*being*, not *becoming*), and ultimately a perpetual realignment to fit the impossible time I have described as rising with anti-Jacobinism. ‘Being English’, with its Diceyan-Seeleyan overtones of an Anglosphere of civility taking on a central ‘tempo’, is only ever able to legitimize what seemed already fixed.⁹⁵ For Docherty a participatory desire returns the possibility of a ‘clandestine’ English able to counter instrumental uses of a subject ‘whose capital has lain more or less explicitly in questions of legitimation, valuation, and power’.⁹⁶

As the post-2008 era unwinds, literary study may *already* be reinventing itself as a clandestine activity: the unsustainable debt settlement tied to the sovereignty form is quite possibly already killing the old parameters of English Literature, however energetic the bureaucratic attempts to maintain it as a ‘hard’ subject. This question concerns not only pre-established nations, but also a wider scepticism over the constitution and its political class, arising through the combination of movements towards self-determination, the unevenness of university fees across the UK, and the 2010–11 protests and their afterlives, all troubling the anti-formal, legal-positivist settlement of English.

It is important then to see how since 2008 the ‘national’ of self-determination movements has come to look like the ‘national’ of the student and Occupy movements, often offering popular-sovereignty-related critiques of the dis-crediting of the political class, with the explicit aim of retaking common space. Many of the 2010–11 protests throughout the UK, taking in students and activists as well as large proportions of what could be renamed the ‘general public’, took place on campuses, and were galvanized by the linking of education to huge debt. In the foreword to Dan Hancox’s account of the student protests *Fightback* (2012), Anthony Barnett connects the centralization of City credit to the long growth of fees policy:⁹⁷ Under a rubric of choice, students enter a world in which all the affective choices have already been made,⁹⁸ in a familiar presentation of inequality as chance.

Elsewhere Barnett persuasively suggests that the student protests of 2010 might be at least as significant as those of 1968, especially given that the

strategies of the earlier period were often imagined to have been co-opted within the parliamentary system, particularly Thatcherism, whereas what is now increasingly in question is the continuant sovereignty of the British state itself.⁹⁹ Recently there has been much speculation as to why the Occupy movement ‘failed’¹⁰⁰ – wilfully misreading the way that the movement opened up unpredictable forms of action and non-instrumental relationship, often undertaken in reclaimed common space. Of course, just as 1968 has been commodified, so will 2010–11, but this does not mean the ‘failure’ of its moves to take the commons, especially since these effects are by definition hard to quantify when measured in relation to the metrics it was rejecting – programmes of demand, voting patterns, abstracted representation, legislation.¹⁰¹ The historical problematic of the Britain of the turn of the 2010s is the movement of action away from the parliamentary fundament, rather than towards what used to be called its left.

And this can be read back into the definition of the national as a conduit which coalesces movements for active or unalienated possibilities defined by people in terms of their own experience. As well as being beneficial in itself, the experience of commonality against ‘civility enclosures’ multiplies in unpredictable ways to make whig continuity less certain. The enclosure has been facilitated by the reduction of the national to identity: identity, which might be seen as mutually exclusive with collective experience, demands the confirmation of a reified self based on commodity relations, and so is particularly appropriate for the British form (and thus the answering of constitutional scepticism with ‘self-owning’ Moreno questions). As the English-then-British imperium had entered early into primitive accumulation and alienated labour, it was *more* in need of an informal constitution foreclosing negotiation, and so more bound to keep producing reified identity answers to sovereignty questions (for example as noted earlier, ‘black British’, in one of the most recent incarnations of English Literature). The desire for permanence seen most signally in Dicey would suggest a perpetual reification into fixed identity, making the British constitution unusually ‘total’ and prone to consumer relations. In this sense, self-determination doesn’t mean that any one territory of Britain has to be ‘independent’ in a discrete sense (though this is one possible route out of the anti-formal constitution at the moment): The outmanoeuvring of identity measures of nationality is certainly difficult, but self-determination points to a territorialization as participation – and so an end to the ultimate dis-placing discipline.

There were indeed odd hints of a more communal and cross-class version of the Jacobinesque in the 2010 protests: days of action took on a new temporality in social media space, looking something like a 'Revolutionary calendar', as *#dayx* and *#dayx2* became common twitter hashtags. Many of the Occupations took place in university libraries or other contested spaces of literary franchise, and one of the biggest, with great irony for whig constitutional culture, in the Jeremy Bentham room at UCL. Many actions involved teach-ins or talk-ins in quasi-public spaces whose enclosure had come into contest, most famously in stations – a 'train crash' waiting to happen.¹⁰²

None of this really depends on comparison of the scale of post-2008 demonstrations with previous post-1945 demonstrations, but rather on seeing how the contest over British constitutional culture at the turn of the 2010s took the apparent settlement of Humanities education unawares (including the unions, which looked comfortable in an Industrial Relations model not far from the Butskellism of the post-war settlement) – and how this was particularly noticeable in literacy management. The police response of kettling protestors in 2010–11 also recalled anti-Jacobin reactions by *creating* a 'mob' in order to control it, compressing groups made of some of the most literate and some of the most excluded from literacy. And, recalling how colonial management rebounded back onto the mainland during the Miners' Strike, many of the police techniques now commonly used to combat direct action had originally been introduced to the mainland by Frank Kitson's 1971 plan for operations in the key Diceyan space of Northern Ireland.¹⁰³

In Michael Bailey and Des Freedman's account of the 2010 protests, John Rees similarly points out that the Hungarian protest moment of 1956 was also student-driven before it was union-driven (and the moment of 1956, like the Algerian War of Independence, may have made inroads into English Literature as great as that degree zero for 'Theory', 1968, since it gave rise to the Cultural Studies which often insisted on lived-experience and which proved difficult to fence off).¹⁰⁴ Often based on contests over political, physical, and canonical space, the 2010 demonstrations pointed to a shift which asked not only what was studied – they did not ask to *rearrange* the canon – but more widely how and why the boundaries of cultural value were formed. Seen in the terms described in this essay, the cracks revealed in the mandate of the political class do threaten to significantly change the correspondence between state and literary value – though of course, a time-lag has been created by a mainstream media still reliant on presenting

the state response as the ‘public’ one. Even so, Guy Aitchison and Aaron Peters note that even the BBC’s chief political correspondent, Nick Robinson, at one stage reported that the government had ‘lost control of the streets’, or had ceded public space – and similar, as Rory Rowan has pointed out, can also be mapped onto social media, whose textual power relations are still little discussed in the study of English.¹⁰⁵ Aitchison and Peters describe this shift in terms of a move to the anti-ideological bazaar of knowledge and away from the Cathedral of knowledge – tellingly recalling the terms of the lay clerisy inflected in the Scotto-British *Encyclopaedia Britannica*, key carrier of the whig disciplining of scholarship, as well as flagging the contest over occupied St. Paul’s, image of British consensualism.¹⁰⁶ Adam Harper has discussed the use of the ‘book bloc’, an originally Italian protest technique in which demonstrators carry polystyrene shields made to look like the kinds of works of philosophy or literature which have challenged the canonicity of English.¹⁰⁷

Albert Toscano has suggested that student protests pressured the question of experience versus debt in a way that suggested a new *temporal* solidarity¹⁰⁸ – which of course would trouble the Burkean settlement which has been, as I have argued, the fulcrum of the discipline. Even as student debt was being presented as a (Polanyian) choice to create a generation of brave new sovereign subjects,¹⁰⁹ those who had had their futures pre-sold were still willing to create collectives in a way that shows the difficulty of sustaining alienated constitutional investment:

That the ideology of the consumer-subject is a vast existential Ponzi scheme is beginning to dawn on many. But to see in this a re-edition of a lived-experience of ‘no future’ would be insufficient . . . [compared to] the formation of a solidarity between those who have no future – except one encompassed by debt and by the near-total absence of collective control over the spaces and times of everyday life.¹¹⁰

After the state-Keynesian consensus, an active criticism of constitutional culture is also a withdrawal of participation from indebting cultural institutions. Alongside the ethical problems, for parliamentary sovereignty there is also the practical question of whether such debt can still be indefinitely extended through disciplinary precedent and informal constitution. This book has argued that the civilizing role of English *as constitutional culture*

also gives it a particular role in citizenship as debt, and suggested that the time of literary experience is reclaimed as a central act in taking experience from the constitution more generally. This might mean refusing to queue for a promise of the centralized 'tempo', whether in the salons of cultural capital or in banks amongst cheery propaganda posters. It might mean questioning the departure board in the station – an inconsequential act in one sense of course, since we know trains are late all over the world – but in another sense crucial, since access to the duplicitous text of the departure board more widely opens up the shared experience of text produced in common space. It might mean mobs of Britons queuing on railway platforms rising at the same time and saying, the train is not on time.