

WRITTEN EVIDENCE SUBMITTED BY MR DR BEN STANFORD

(RH002)

Introduction

The protection of human rights is a constitutional principle essential to the United Kingdom's democracy. In the absence of a codified constitution and legally entrenched principles, this becomes even more fundamental to preserve the UK's constitutional identity. This submission outlines how what is often referred to as a 'culture war' – that is, a clash between core values and beliefs held by society – as well as the notion of 'woke politics', is currently sweeping through political discourse and threatening to undermine the protection of human rights. This has a toxifying effect on public debate, eroding the space for a genuinely free exchange of ideas on serious human rights matters. To guide the submission, parliamentary discourse and legislative developments between the period 2019-2023 are examined to identify the issues that are most often addressed and associated with the context of a 'culture war' and 'woke' politics.

Culture Wars in the United Kingdom

The notion and rhetoric of a 'culture war' has attracted much journalistic commentary and analysis from political scientists [in recent years](#). Whilst the underlying meaning of a culture war in terms of a clashing of views has always existed in democratic societies, insofar as the freedom of thought and free speech is essential to a healthy democracy, the use of the term in its more contemporary and controversial sense is often traced to James Davison Hunter. Writing in the early 1990s to describe events in the United States of America, Hunter suggested that this metaphorical conflict revolved around competing and contradictory views, the ultimate goal for each side being the ['domination of one cultural and moral ethos over all others'](#). This struggle involved 'allegiances to different formulations and sources of moral authority'. In the USA this clash has historically, and still noticeably today, involved bitter disputes between conservative and liberal groups over issues such as multiculturalism, gun ownership, abortion, drugs and gay rights.

The rhetoric of a culture war and woke politics has generally not taken root in the UK until recently. The prevalence of newspaper articles mentioning 'culture wars' has increased dramatically in recent years according [to one study](#), particularly since 2016 at the time of the EU Referendum. The study also suggests that the themes associated with a culture war in the UK have evolved over time with four identifiable phases. Initially, between the 1990s and early 2000s, the concept of a culture war was used in reference to 'political culture and identity politics, specifically based on class, religion, national identity and gender', as well as 'coverage of immigration and elitism in the arts'. This expanded in 2008 to include 'morally-charged issues, specifically abortion, gay marriage, racism and public service broadcasting'. Then, in 2016, we witnessed an 'intensified interest in political identity and free speech' surrounding the build-up and aftermath of the UK's divisive referendum on membership of the European Union. Finally, the fourth and current phase which began in 2018 has brought attention to a 'wide range of divisive issues in the news' such as the mandated wearing of face masks during the COVID-19 pandemic, Black Lives Matter and Extinction Rebellion protests, trans rights, and the legacies of empire and slavery.

In the UK many of these issues have been subject to legislative proposals, reviews and reforms, identifiable in party manifestos, public speeches, and other forms of commentary. For example, the [Conservative Party manifesto](#) for the 2019 General Election pledged to look at the 'broader aspects of our constitution', namely, 'the relationship between the Government, Parliament and the courts; the functioning of the Royal Prerogative; the role of the House of Lords; and access to justice for ordinary people'. Moreover, making no attempt to conceal a

sense of irritation at recent significant legal challenges, [the manifesto](#) also pledged to 'update the Human Rights Act and administrative law to ensure that there is a proper balance between the rights of individuals, our vital national security and effective government'.

Parliamentary Discourse

As the notion and rhetoric of a culture war in the UK is '[primarily a top-down, elite-driven phenomenon](#)', it becomes important to assess the contributions of politicians for at least three reasons. First and most obviously, politicians are lawmakers and have a direct role in creating and reforming legislation, and so their views and engagement with the rhetoric of a culture war in parliamentary debates matters. Second, and more importantly, given the UK's fragile constitutional identity and its informal network of constitutional principles which supplement the legal and non-legal sources of the UK Constitution, the consideration of parliamentary debates becomes even more important. In other words, as much of the UK's constitutional identity is built on constitutional principles that are not legally entrenched, the use and understanding of these principles by political elites could have profound consequences, possibly even extending to affect the very meaning of constitutional principles. Finally, the constitutional identity of the UK can be analysed by looking at the relation between the constitution and the culture in which it operates. Given the UK's unique constitutional identity and the prominent role of parliamentary sovereignty, an assessment of parliamentary discourse is one of the strongest ways of identifying a link between an emerging culture war and its impact on human rights.

[Hansard](#) demonstrates how the notions of a 'culture war' and 'woke' politics have surged in political discourse in the Houses of Parliament in recent years. As of 31 December 2023, there have been approximately 300 recorded mentions of the phrase 'culture war' or 'culture wars' in Parliament, with the vast majority of these occurring since 1 January 2019. Of these mentions, the phrase has been used mostly in the House of Commons accounting for approximately two thirds of all recordings compared to the House of Lords. The phrase has mostly been used by opposition politicians, particularly Labour Party representatives who have contributed more than half of all mentions. In contrast, mentions by Conservative Party politicians account for only a small minority of all contributions.

Linked to the concept of a culture war, there have been approximately 200 recorded mentions of the phrase 'woke' politics, 'wokery', 'wokeism', 'wokeification' and 'wokerati' in Parliament for the same five-year period of 1 January 2019 to 31 December 2023. Similar to the concept of a culture war, it has been used mostly in the House of Commons accounting for approximately two thirds of all mentions compared to the House of Lords. In contrast to the notion of a culture war, however, the phrase has mostly been used by Conservative Party politicians, accounting for almost half of all mentions.

The inferences that can be drawn from these findings are political, but at the very least it shows that the engagement of the notions and rhetoric of a 'culture war' and 'woke' politics in parliamentary discourse is not balanced or consistent across political divides or chambers. The notion of a 'culture war' has clearly been embraced more by opposition parliamentarians as a way of describing the Government's approach to some issues, whereas the notion of 'woke' politics has been embraced more by parliamentarians belonging to the party of Government, the Conservative Party, as a way of describing attitudes to some issues. Lastly, parliamentarians in the House of Commons have been much more willing to engage in both notions compared to peers in the House of Lords who have been much less willing.

As such, when debating the divisive issues of the day, parliamentarians have adopted contrasting framing positions. Whereas representatives of opposition parties have emphasised the developing 'culture war' as a reflection of divisive politics, representatives of

the party of Government have emphasised the ‘woke’ nature of social attitudes on divisive issues.

Recent Issues and Legislative Reforms

In parliamentary debates concerning human rights, the notions of a ‘culture war’ or ‘woke’ politics have been invoked by parliamentarians on issues such as:

- **human rights generally** – 16 October 2019 Vol.666 Col.282, per Angela Rayner; 1 July 2021 Vol.698 Col.491, per Charlotte Nichols.
- **marriage and relationships** – 25 February 2019 Vol.655 Col.11WH, per Shabana Mahmood; 16 May 2019 Vol.660 Col.188WH, per Andrew Selous.
- **gender recognition and trans rights** – 9 September 2019 Vol.664 Col.509, per Dawn Butler; 19 October 2020 Vol.806 Col.1277, per Lord Herbert of South Downs; 1 July 2021 Vol.698 Cols.485-486, per Sarah Owen and Kim Johnson; 15 November 2021 Vol.816 Col.112, per Baroness Chakrabarti and Baroness Fox of Buckley; 21 February 2022 Vol.709 Cols.19WH-31WH, per Mary Kelly Foy, Mhairi Black, Luke Pollard and Kim Johnson.
- **immigration and asylum** – 13 April 2021 Vol.692 Col.62WH, per Kate Osamor; 11 May 2021 Vol.695 Col.104, per Lee Anderson.
- **inequalities and discrimination** – 20 October 2020 Vol.682 Col.952, per Wera Hobhouse; 30 June 2021 Vol.698 Col.80WH, per Claudia Webbe; 1 July 2021 Vol.698 Col.439, per Claudia Webbe; 13 July 2021 Vol.699 Col.99WH, per Rachel Hopkins; 17 March 2022 Vol.820 Col.73GC, per Baroness Bennett of Manor Castle.
- **black history month** – 20 October 2020 Vol.682 Cols.951-997, per Neil O’Brien, James Sunderland, Sir John Hayes and Bob Seely.
- the **Black Lives Matter movement** and England footballers’ responses – 14 July 2021 Vol.699 Cols.364, per Keir Starmer and Boris Johnson; 22 July 2021 Vol.699 Col.1234, per Chris Stephens.

In terms of legislative proposals impacting human rights in some way, the notions have recently been invoked by parliamentarians in debates leading to the passage of several Acts of Parliament:

- the **Nationality and Borders Act 2022** – 19 July 2021 Vol.699 Cols.726 and 774, per Nick Thomas-Symonds and Marco Longhi respectively; 20 July 2021 Vol.699 Col.881, per Paul Blomfield; 28 October 2021 Public Bill Committee Col.434, per Neil Coyle.
- the **Police, Crime, Sentencing and Courts Act 2022** – 15-16 March 2021 Vol.691 Cols.109-249, per Charlotte Nichols, Dame Angela Eagle, Jeff Smith and Catherine West; 1 November 2021 Vol.815 Col.1062, per Baroness Jones of Moulsecoomb; 3 November 2021 Vol.815 Col.1322, per Baroness Chakrabarti; 8 November 2021 Vol.815 Col.1453, per Baroness Chakrabarti; 15 November 2021 Vol.816 Col.112, per Baroness Chakrabarti and Baroness Fox of Buckley; 18 March 2021 Vol.691 Cols.592-599, per Gareth Bacon, Marco Longhi and Christopher Pincher.
- the **Higher Education (Freedom of Speech) Act 2023** – 12 July 2021 Vol.699 Cols.72-111, per Sir John Hayes, Danny Kruger, Kevan Jones, Marco Longhi, Michelle Donelan, Mary Kelly Foy, Paul Blomfield, Sarah Owen and John McDonnell.

- the **Public Order Act 2023** – 23 May 2022 Vol.715 Cols.85-86, per Jonathan Gullis; 18 October 2022 Vol.720 Col.628, per Suella Braverman; 1 November 2022 Vol.825 Cols.146-161, per Lord Paddick, Baroness Chakrabarti and Baroness Hamwee.
- the **Strikes (Minimum Service Levels) Act 2023** – 16 January 2023 Vol.726 Col.105, per Mhairi Black; 30 January 2023 Vol.727 Col.92, per Alan Brown; 21 February 2023 Vol.827 Col.1572, per Baroness Chakrabarti.
- the **Illegal Migration Act 2023** – 13 March 2023 Vol.729 Col.634, per Andy McDonald; 26 April 2023 Vol.731 Col.831, per Yasmin Qureshi; 13 March 2023 Vol.729 Col.628, per Caroline Lucas; 7 June 2023 Vol.830 Col.1461, per Baroness Chakrabarti.

These non-exhaustive examples illustrate that the notions and rhetoric of a ‘culture war’ and ‘woke’ politics have now entered into political discourse on matters impacting human rights, even to the point of influencing the law-making process. Moreover, each of these examples concern matters or mechanisms that contribute to the safeguarding of human rights and other fundamental principles in the UK’s Constitution. Most importantly they all engage the rule of law – a principle of even greater importance in the absence of a codified constitution – in the sense that they engage in or provide means of transparency, accountable government and scrutiny.

In various ways key mechanisms of accountability and scrutiny in the United Kingdom have faced review, reform or proposed amendments. For most, if not all, this has led to policy or legal changes that weaken, rather than strengthen, their effectiveness and ability to safeguard the rule of law, democracy and human rights. Some have gone so far to label this sliding trend of unaccountability as a [‘disease within Government’](#).

Conclusions

Constitutional principles such as the protection of human rights help to define the constitutional identity of the United Kingdom. When there is a clash of values and beliefs on deeply contested issues concerning human rights in society, as we are now witnessing in parliamentary discourse, this can threaten to undermine the protection of human rights whilst also impacting the UK’s constitutional identity in profound ways. Most concerningly, the rhetoric of a ‘culture war’ and ‘woke’ politics is not conducive to genuine and serious debate on important matters.

(May 2024)