

Contents lists available at [ScienceDirect](https://www.sciencedirect.com)

Discourse, Context & Media

journal homepage: www.elsevier.com/locate/dcm

“Enemies of the people”: Populist performances in the *Daily Mail* reporting of the Article 50 case

Ruth Breeze

Instituto Cultura y Sociedad, Universidad de Navarra, Campus Universitario, 31009 Pamplona, Navarra, Spain

1. Introduction

One burning issue arising out of the Brexit process was the constitutional question about how the British government could initiate formal withdrawal from the European Union. Ruling in the case brought by investment manager Gina Miller (*Miller v Secretary of State for Exiting the EU*) on 7 November 2016, the High Court declared that the government could not trigger Article 50 without an Act of Parliament. The UK Supreme Court upheld this decision on 24 January 2017. The controversy around this high-profile legal challenge brought many of the latent tensions in post-EU Referendum Britain to the surface. Both court cases sparked dramatic media responses, with reactions in the popular press described as “outrageous” and “a toxic mix of bigotry and uns subtle hints of violence” (Barber and King, 2016). In particular, the *Daily Mail*'s front page lead under the headline “Enemies of the people”, blazoned across a page carrying photographs of the three High Court judges who heard the initial case, came in for harsh criticism in other UK newspapers and earned the *Daily Mail* over 1000 complaints to the newspaper watchdog IPSO.

To exacerbate matters, around the time of the hearings both Gina Miller herself and the judges involved were subjected to vitriolic personal attacks. The *Daily Mail*, again, was particularly virulent, not only in its attacks on Miller, but also in denigrating the judges on both personal and professional grounds. Importantly, the issues were framed by the *Daily Mail* as politically motivated: Miller wanted to undermine the referendum result, hamper arrangements for Brexit, and thereby attack democracy, while the judges were colluding with this “attack on democracy” by pronouncing judgment in her favour. By contrast, from a legal perspective, the issues involved in the court cases were relatively clear and the rulings were perfectly consistent with standard constitutional theory. Indeed, some leading lawyers commented that “the most surprising thing about the decision (...) is that so many people have found the decision surprising” (Barber and King, 2016). Far from attacking democracy, the legal view was that the hearings were designed to uphold democracy and ensure that correct constitutional procedures were followed. There was manifestly a huge rift between the view of this case presented in the popular press and the legal understanding of it in the courtrooms, which is problematic because, in the words of Lord Neuberger,

president of the Supreme Court during the appeal (BBC News, 2017), “The rule of law together with democracy is one of the two pillars on which our society is based. . . and therefore if, without good reason, the media or anyone else undermines the judiciary that risks undermining our society.”

The Miller case and its repercussions thus constitute a critical event in post-referendum British politics. Within this, the *Daily Mail*'s reporting on this issue has a significant role. The *Daily Mail*, launched in 1896 as Britain's first popular daily, is famous for its campaigning stance (Bingham and Conboy, 2015). In recent years it has gained notoriety for its xenophobic and Eurosceptic politics (Henderson et al., 2016). Although its “vigorously anti-European agenda” is shared with other newspapers, most notably the Murdoch group (*Sun*, *Times*) and the *Daily Telegraph* (Daddow, 2012), the *Daily Mail* played a particularly outspoken campaigning role during the EU Referendum, to the extent that Henderson et al. describe it in this context as “Britain's most influential newspaper. . . the authentic voice of ‘middle England’” (2016: 187). Regarding the Miller case, not only did the *Mail* offer the most extreme instances of side-taking and hostility, but as Freedon (2017: 7) notes, it also set a tone that was to be echoed in other media, triggering a process of “linguistic and ideological seepage” that even influenced government ministers and other significant spokespeople. Moreover, as the *Daily Mail* was, after the *Sun*, the UK newspaper with by far the largest circulation during the Brexit campaign and aftermath (daily sales averaging just over 1.5 million during the years 2015–2017, compared to 400,000 for the *Times*), its potential influence was considerable.

The present article therefore takes the *Daily Mail*'s reporting on the legal challenge to triggering Article 50 as a case study on pro-Brexit media discourses in the aftermath of the EU Referendum. My account is based on two premises: first, that discourse is central to any study of the media, and second, that the impetus behind the ongoing Brexit campaign can best be understood in terms of (media and political) populism. Regarding the first point, it is widely accepted that social and cultural movements in contemporary society exist as discourses, as well as in extra-discursive trends that run parallel to these (Fairclough and Chouliaraki, 2005: 4). Discourses are here understood as context-dependent semiotic practices which are both “socially constituted and socially constitutive” (Reisigl and Wodak, 2009: 89), that is, they are conditioned by social structures and relations, but they also have an ongoing effect on the way these structures and relations are

E-mail address: rbreeze@unav.es

<https://doi.org/10.1016/j.dcm.2018.03.008>

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continually reconfigured. Within this dynamics, discursive strategies are deployed, for example, in representing social actors in particular ways that reflect underlying ideological frameworks (van Leeuwen, 2008). These representations in turn condition future social actions and interactions (Reisigl and Wodak, 2009) – a process in which the media have a key role (Fairclough, 2003; Wodak, 2015). By critically examining newspaper discourses, we can come to a deeper understanding of the underlying representations being adopted and propagated around particular issues in broad sectors of society at a particular time (Wodak, 2015: 50–54).

The second basis for my analysis is located in the literature on populist discourse, which provides a grounding for analysing these discursive strategies in a broader perspective (Taggart, 2000; Mudde, 2004). Both tabloid newspapers and the Brexit campaigners have been classified as having a “populist” style of communication (Conboy, 2006; Goodwin and Milazzo, 2015), inviting an exploration of how political and media discourses overlap in particular cases. My approach to populism is based on Moffitt (Moffitt and Tormey, 2013; Moffitt, 2016), who builds on Laclau (2005) and Mudde (2007), to examine the common ground between populist politicians in 30 different contexts, identifying key features of their self-presentation and performance that cut across traditional political dividing lines such as right and left. These features constitute what he terms the “populist style”. Predictably, they include the need for strong identification with a homogeneous “people” (inevitably only representing one part of the real people of a country, but presented as an indivisible unity) (Taggart, 2000). However, populist performances also involve strategies for widening the discursive divide between the people and its enemies or adversaries (who are both denigrated and delegitimised). Moffitt (2015, 2016) also emphasises the imperative need to generate and perform a sense of crisis, often through highly emotive discourses, and to perpetuate this crisis for as long as possible. This sense of crisis acts as a crucial mechanism to legitimise drastic action against the people’s “enemies”. This understanding of populism sheds light on current political trends, but is also helpful for the analysis of media texts.

The present paper asks how the *Daily Mail* presents *Miller v Secretary of State for Exiting the EU*, focusing on the representation of social actors including “the people” and its “enemies”. The patterns that emerge are interpreted in terms of populist discourse (Moffitt, 2016), showing how the populist style enters into a productive synergy with the sensationalising discourses of the tabloid press (Conboy, 2006; Johansson, 2008), generating powerful persuasive effects.

2. Texts and methodology

The texts for this study were selected using Lexis Nexis to include all the available articles from the print versions of the *Daily Mail* and *Mail on Sunday* concerning the two court cases launched by Gina Miller concerning the mechanism by which Article 50 should be triggered. The search was set to begin on 14 October 2016, when Miller’s intention to start legal action was made public, and to end four months later, three weeks after the Supreme Court delivered judgment on 24 January 2017. This sample of texts can thus be considered representative of the way this issue was represented to *Daily Mail* readers over the crucial period in which the case was being decided, first in the High Court, then in the Supreme Court, and the immediate aftermath of the decision. The initial search yielded 68 texts, but after duplicates and mere mentions had been eliminated, a final set of 38 texts was compiled, consisting of around 30,000 words. Regarding analysis, a qualitative approach was adopted (Fairclough, 2003): the texts were read and re-read to identify themes of interest, then instances of each

theme were compiled and compared. In parallel to this, some relevant quantitative data were extracted using the SketchEngine corpus linguistics platform in order to validate the qualitative findings (Partington, 2004). For the purpose of triangulation, comparisons were also made with corpora compiled from other UK newspapers (*Times*, *Guardian*, *Daily Telegraph*, *FT*, *Daily Mirror*) in the same time span using the same search criteria, but a detailed analysis of these comparable corpora falls beyond the scope of the present paper.

In what follows, my analysis begins with the representation of social actors as individuals or groups, and the way these are habitually categorised, since this is crucial in the ideological underpinning of any discourse (van Leeuwen, 2008). I therefore first look at the main (individual or collective) actors in the case and the way they are portrayed by the newspaper reports. Among the collective actors, I devote special attention to the way in which “the people” is represented in relation to other protagonists. Particular analysis centres on the way divisions are opened and widened discursively, and the way that a sense of ongoing crisis is generated, which, I argue, is crucial to understand the functioning of populist discourses of this kind. Where appropriate, the qualitative analysis is complemented by quantitative data. In my conclusions, I relate these findings to theories of populist performance, and populist discourse in the media.

3. Main actors in the news reports

To set the scene for the qualitative analysis, it is important to have an overview of who the main actors in these texts are, and how often each is mentioned. A distinction must be made between whether people are identified as individuals, or whether they are referred to as groups, in what van Leeuwen terms processes of “collectivisation” and “assimilation”, which anchor certain collectives as players with homogeneous interests and ideas (2008: 37–38). Table 1 provides an overview of the frequency with which individual actors in the case were named, and the number of references to collectives (“the government”, “ministers”, etc.).

As Table 1 shows, the main named protagonists in the reports were Gina Miller and the Prime Minister (May), followed by one of Miller’s former husbands (Maguire), the leader of the opposition (Corbyn), the president of the Supreme Court (Neuberger), and the Minister for Exiting the European Union (Davis). Of the individuals with roles in the text, Prime Minister May is generally treated as a neutral actor, the subject of verbs of saying and the object of verbs such as “stop” or “force”. Davis and Gove are also presented as neutral sayers and doers. Corbyn and Pannick, on the other hand, are represented more colourfully (Corbyn is “embattled” and has an “appalling relationship with his own party”, Pannick has “two creamy dimples in his cheeks”).

Regarding the collectives mentioned, they are generally classified in terms of professional/functional roles (van Leeuwen, 2008: 40–41), reinforcing the sense of a society made up of fixed, confrontational blocs. The frequent mention of institutions such

Table 1
Frequency of main individual and collective actors (raw frequency).

Individual actors	Collective actors
(Gina) Miller 104	Government 112
(Theresa) May 58	Judges 79
(Jon) Maguire 25	MPs 83
(Jeremy) Corbyn 20	Parliament 91
(Lord) Neuberger 12	People 87
(David) Davis 12	Lawyers 50
(Charlie) Mullins 10	Remainers 22 (Remoaners 4)
(Deir Dos) Santos 10	Ministers 20
(David) Pannick 9	Judiciary 19
(Michael) Gove 7	Brexiters 7

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