**UKCLA Blogpost**

**Celebrities, Social Media, and New Sites of Political Constitutional Accountability**

Over the course of the Covid-19 pandemic, Manchester United footballer Marcus Rashford has been credited with being [instrumental in securing a series of government u-turns](https://www.bbc.co.uk/news/uk-53065806) on free school meals. Although Rashford’s campaign has been frequently discussed in the [traditional](https://www.bbc.co.uk/sport/football/55338104) [media](https://www.theguardian.com/education/2021/jan/12/not-good-enough-marcus-rashford-condemns-free-school-meal-packages) and in [Parliament](https://hansard.parliament.uk/Commons/2020-06-16/debates/198986A3-041A-4FAF-ABA3-B80FE907E0E4/FreeSchoolMealsSummerHolidays), Rashford has also repeatedly turned to social media not only to campaign but to engage in public exchanges with political actors including [the Prime Minister](https://twitter.com/BorisJohnson/status/1349341935199285248). This raises important questions about the role of both high-profile private individuals and of social media as emerging sites of constitutional accountability within the UK’s political constitution.

High-profile private individual exercising public scrutiny functions

Clearly Rashford’s success cannot be used as conclusive evidence that celebrities are consistently able, when they so desire, to hold Government to account. [Various celebrities](https://www.euractiv.com/section/uk-europe/news/a-nation-divided-what-uk-celebrities-said-about-brexit/) have publicly commented on political issues, both off and online, with no real suggestion that they are exercising a public scrutiny function.

Nevertheless, the Rashford example provides a useful case-study for potential future developments given the number of Government u-turns on free school meals; the clear willingness of political actors on both sides of the House and of the traditional media to name Rashford as a (or *the*) key player in bringing about each policy change; Rashford’s systematic approach to scrutinising Government policy; and his success relative to ordinary members of the public.

Both the Labour Opposition and the Conservative Government have consistently credited Rashford with effecting change as regards free school meals. The first u-turn occurred in June 2020 when the [Government announced](https://www.bbc.co.uk/news/education-53049911) that the [voucher scheme](https://www.gov.uk/government/news/voucher-scheme-launches-for-schools-providing-free-school-meals), which it had introduced during the first national Covid-19 lockdown to enable parents of those children normally entitled to free school meals to buy food while schools were closed, would not continue during the Summer holidays. On 10th June, Rashford used Twitter to ask if anybody knew ‘[who [in government] I can talk to about the Government food voucher scheme](https://twitter.com/MarcusRashford/status/1270783180568748034)’. On 15th June, Rashford wrote an open letter to MPs asking them to u-turn. The Opposition tabled a [parliamentary motion](https://edm.parliament.uk/early-day-motion/57119/free-school-meals-during-the-summer-holidays) on the issue on the same day. This not only referenced Rashford’s ‘powerful letter’ but, interestingly, explicitly requested that the Government meet with Rashford to discuss the matter. Following the Government’s subsequent u-turn, various politicians on both sides of the House used the parliamentary debate over the motion to congratulate Rashford. Maria Eagle MP (Labour) [stated](https://hansard.parliament.uk/Commons/2020-06-16/debates/198986A3-041A-4FAF-ABA3-B80FE907E0E4/FreeSchoolMealsSummerHolidays) that Rashford had ‘just won his first political campaign’. Gavin Williamson MP, Conservative Secretary of State for Education [extended](https://hansard.parliament.uk/Commons/2020-06-16/debates/198986A3-041A-4FAF-ABA3-B80FE907E0E4/FreeSchoolMealsSummerHolidays) his ‘particular thanks to Marcus Rashford for using his public position to amplify the voices of those who must and should be heard’. More broadly, Labour leader Keir Starmer, [tweeted](https://twitter.com/Keir_Starmer/status/1272971461867733006) ‘Well done to @Marcus Rashford for leading a campaign which has made sure that 1.3 million children do not go hungry this summer’. The Prime Minister was [quoted](https://www.bbc.co.uk/news/uk-53065806) in the media as saying he was glad of Rashford’s contribution to the debate. [Various](https://news.sky.com/story/marcus-rashford-prompts-government-u-turn-on-free-school-meals-12008076) [broadcast](https://www.bbc.co.uk/news/uk-53065806) and [print](https://www.theguardian.com/politics/2020/jun/16/boris-johnson-faces-tory-rebellion-over-marcus-rashfords-school-meals-call) [media](https://www.thetimes.co.uk/article/victory-for-rashford-as-johnson-makes-u-turn-on-free-school-meals-fwqltq62r) outlets also drew a causal connection between Rashford’s campaign and the policy change.

When the [Government once again refused](https://www.bbc.co.uk/news/uk-54687985) to make the scheme available over October half-term, Rashford began tweeting about those [local councils](https://twitter.com/MarcusRashford/status/1320759219092672512), [charitable foundations](https://twitter.com/MarcusRashford/status/1320784753218461703) and [private businesses](https://twitter.com/MarcusRashford/status/1319403837749415940) that were providing meals over the holidays. Crucially, though Labour’s [parliamentary motion](https://hansard.parliament.uk/commons/2020-10-21/debates/79C0CA8D-CADF-4562-9317-5A51810BB5DE/FreeSchoolMeals) on extending the scheme over Christmas 2020 and Easter and Summer 2021 was defeated by 61 votes, by [7th November](https://www.bbc.co.uk/news/education-54841316) Boris Johnson had, it seemed, considered it prudent to phone Rashford to inform him of a further u-turn. The media [cited](https://www.thetimes.co.uk/article/marcus-rashford-wins-u-turn-over-free-school-meals-in-holidays-vxh7gb252) Rashford as responsible for bringing it about.

In January 2021, another national lockdown was announced and schools once again closed their doors to the majority of children. On 11th January, Twitter user @RoadsideMum, whose children were entitled to free school meals, [tweeted a photograph](https://twitter.com/RoadsideMum/status/1348646428084760576) of the food parcel she had received from private contractor Chartwells instead of the £30 vouchers she had received during the previous lockdowns. Listing the parcel’s contents, @RoadsideMum commented that she ‘could do more with £30 to be honest’. Rashford [retweet](https://twitter.com/MarcusRashford/status/1348726328930004993)ed her posts, plus a follow-up tweet stating that ‘[children deserve better than this](https://twitter.com/MarcusRashford/status/1348734935096553474)’. By 12th January Chartwells had [issued an apology](https://www.bbc.co.uk/news/uk-55628428) and had met not only with Children’s Minister, [Vicky Ford MP](https://twitter.com/vickyford/status/1349101251909328898), who had launched an investigation into the parcels, but also with Rashford. On 13th January, Rashford [tweeted](https://twitter.com/MarcusRashford/status/1349310804064137218) that he had ‘just had a good conversation with the Prime Minister. He has assured me that he is committed to correcting the issue with food hampers and that a full review of the supply chain is taking place…’. Johnson [replied](https://twitter.com/BorisJohnson/status/1349341935199285248), ‘I totally agree with you @MarcusRashford, these food parcels do not meet the standards we set out and we have made it clear to the company involved that this is disgraceful…’.

Throughout the pandemic, then, Rashford has been credited with effecting change and invited to discuss Government policy and contracts. This demonstrates the capacity of private individuals to play a functional role within the UK’s political constitution but, in turn, raises further questions as to which elements bring private participation to prominence. Is the extent of such involvement dependent, for instance, on the (in)adequacies of existing formal processes of accountability which might ebb and flow according to the relative strengths of the Government and its Opposition and their respective seats in Parliament? Arguably, it is implicit in then-Shadow Secretary of State for Education, Rebecca Long-Bailey MP’s parliamentary [statement](https://hansard.parliament.uk/Commons/2020-06-16/debates/198986A3-041A-4FAF-ABA3-B80FE907E0E4/FreeSchoolMealsSummerHolidays) that ‘it should not have taken a public campaign from a well-known national hero to push the Government into making this decision’ that Rashford, not Labour, had been the driving force of the Government’s June u-turn. Similarly, while the Prime Minister was in touch with Rashford over the Government’s change of policy regarding free school meals over Christmas 2020 and Easter and Summer 2021, the Opposition had already failed to force such a change in Parliament. Interestingly, these questions marks over the relevance of formal political actors might extend to the Government itself. Clearly Chartwells considered it to be at least as important to meet with Rashford as with the Minister for Children over its food parcels and the Prime Minister viewed it as politically prudent to reassure Rashford [publicly](https://twitter.com/BorisJohnson/status/1349341935199285248) on the matter. Against a background of frequent outsourcing of public services to the private sector, the holding to account of a private company by a private individual in the context of public service provision is arguably indicative of the changing dynamics of administrative accountability in the 21st century UK.[[1]](#footnote-1)

The extent of Rashford’s public function is perhaps further underpinned by the manner in which he has conducted his campaign. His systematic approach to scrutinising Government policy might at times be likened to miniature public inquiries informed by calls for evidence. When, in June, the Government announced the discontinuation of the voucher scheme, Rashford [asked](https://twitter.com/MarcusRashford/status/1271497972421931021) his Twitter followers to send him ‘short videos’, for his reference only, highlighting the impact that the termination of the scheme would have on them. Likewise, when the Government refused to extend the scheme over October half-term, Rashford [reached out](https://twitter.com/MarcusRashford/status/1320864814063886336) to businesses for information on the number of free meals they had provided to children in place of the scheme.

Rashford’s ability to hold the Government to account has seemingly also been bolstered by his fame. The experience of @RoadsideMum suggests that not all private individuals are able to execute this public function to the same degree. Despite her tweet going viral (30.4k retweets and 49.5k likes) – and indeed attracting the same number of retweets as [Rashford’s](https://twitter.com/MarcusRashford/status/1348726328930004993) on the subject[[2]](#footnote-2) - @RoadsideMum pointed out in an [interview](https://bylinetimes.com/2021/01/28/marcus-rashford-can-get-a-meeting-with-the-government-about-my-lunch-and-i-cant-thats-ridiculous/) that, although ‘Marcus’ impact in this debate has been nothing but pure positivity… Marcus Rashford can get a meeting with the Department for Education and Chartwells and I can’t. And it’s about *my* lunch’. It appears that, while social media provides a direct route for public dialogue between political actors and ordinary members of the public, fame generates particular political attention.

Social media as a new site of constitutional accountability

We might ask, therefore, whether it is social media, or celebrities themselves, that are emerging as new sites of political constitutional accountability. Certainly, Rashford is not the first celebrity to use his position to question Government policy. Before the dawn of social media, Joanna Lumley led a campaign that sought to change the UK residence rights of Gurkhas. Having already met with then-Prime Minister Gordon Brown to discuss the issue, Lumley was ‘shocked’ to hear that four Gurkhas’ settlement applications had subsequently been rejected, and [confronted](http://news.bbc.co.uk/1/hi/uk_politics/8037181.stm) then-Immigration Minister Phil Woolas at the BBC’s Westminster offices. The result was an impromptu press conference and an [eventual change](https://www.bbc.co.uk/news/uk-wales-12776301) in policy.

It seems clear that Lumley was able to use her position to gain access to key political decision-makers. Nevertheless, she remained reliant on the media to publicise her campaign even if she was, presumably, able to draw on a network of contacts. Social media changes this dynamic, providing individuals with (several) platform(s) with which to speak directly to potentially vast audiences and to politicians. Though Rashford’s campaign has received widespread media attention, press reports have often been [reactive](https://www.theguardian.com/education/2021/jan/12/not-good-enough-marcus-rashford-condemns-free-school-meal-packages) in nature, tracking, the progress of his Twitter campaign. Furthermore, social media was central to the systematic approach, outlined above, that Rashford employed to hold Government to account. He teased his 15th June Open Letter to MPs on [Twitter](https://twitter.com/MarcusRashford/status/1272237001719373829) the day before, generating 34.7k retweets before the letter was even published. It was via Twitter that Rashford subsequently [distributed](https://twitter.com/MarcusRashford/status/1272302819819823105) the letter with the accompanying hashtag #maketheuturn, receiving 156.7k retweets and 304.4 likes. Rashford used Twitter to request evidence on the impact of the discontinuation of the voucher scheme and on the amount of private businesses stepping into provide meals. While Lumley had to seize her opportunity to hold a Government Minister to account publicly by questioning him in front of BBC offices, Rashford used Twitter to [ask](https://twitter.com/theresecoffey/status/1272789819354161152) Conservative MP Therese Coffey directly why her only interaction with his Twitter campaign on free school meals had been to question his claim that a family’s water supply might be disconnected.

As well as enabling direct communication between high-profile private individuals, politicians and the general public, the instantaneous nature of social media gives it the capacity to outpace formal accountability checks. As we have seen, by the time the Opposition brought a motion before Parliament to debate the extension of the voucher scheme over Summer 2020, the Government had already u-turned. As regards Chartwells, images of their ‘hampers’ went viral on 11th January, Chartwells had [issued an apology](https://www.bbc.co.uk/news/uk-55628428) by 12th January, and Rashford had already posted a [Twitter thread](https://twitter.com/MarcusRashford/status/1348951009196969984) outlining the contractor’s explanation to him by 13th. All this before Labour leader Keir Starmer MP could [raise the issue](https://www.bbc.co.uk/news/live/uk-politics-55641564) in Prime Minister’s Questions and [the House of Commons Education Select Committee](https://committees.parliament.uk/oralevidence/1496/html/) could question Gavin Williamson about the parcels.

At first glance, the contrast between the Rashford example and Lumley’s Gurkha campaign suggests that social media has created an opportunity for high-profile private individuals to act as separate sites of accountability within the UK’s political constitution. Rashford seemingly need not join forces with established sites to deliver his message but can challenge Government publicly via an individual Twitter account.

However, a closer examination demonstrates that Rashford himself is keenly aware that his high profile alone is insufficient to hold Government to account. On the day of his open letter to MPs, Rashford [reminded](https://twitter.com/MarcusRashford/status/1272407790238212098) his Twitter followers of the power and techniques of social media, ‘Retweets and tags are so important today. If you’re not sure who your MP is you can enter your postcode and find out below’. Indeed, though Lumley has taken to Twitter recently to interrogate the Government’s Green Energy Policy, her [posts](https://twitter.com/JoannaLumleyUK/status/1369371678476754949) have not generated many retweets and the campaign is yet to gain much traction. Thus, just as the Opposition derives legitimacy from their seats in Parliament and the media draws on readership and viewing figures, individual social media users appear reliant on soaring ‘likes’ and ‘retweets’ to demonstrate collective support for their position. Interestingly, while a political position is explicit in a voter’s decision to back the Opposition, and often implicit in a person’s choice of newspaper, Rashford’s political Tweets garner a large number of retweets and likes from social media followers who likely originally followed him as a footballer. Indeed, the perceived (though not unchallenged) position of sport as a-political might even have been advantageous to his campaign.

Ultimately, it is social media that introduces these new dynamics to the UK’s political constitution. Since high-profile private individuals have always enjoyed privileged access to political decision-makers, they are not, themselves, emerging as new sites of political constitutional accountability. Rather, social media is becoming established as such as site, providing celebrities with novel ways to exercise public scrutiny functions.

Scrutinising celebrities’ social media posts

The emergence of social media as a new site of constitutional accountability as regards Government activity introduces reciprocal questions about whether and how the accuracy of, and potential for bias behind, the social media posts of high-profile individuals should be scrutinised as public statements by political actors. Furthermore, to what extent can celebrities draw legitimacy, and claim representativeness, from the amount of followers they have? What conclusions can be drawn from the amount of ‘likes’ or reposts garnered by social media statements, particularly when one considers the influence of internet algorithms on exposure to online content and the associated so-called social media ‘echo chambers’ these can create?

Initially, the Rashford example might indicate that interactions between high-profile social media users, the Government, the Opposition and the wider media operate as constantly shifting checks and balances between all of these actors. Not all celebrities with large numbers of online followers whose political posts generate significant ‘likes’ or ‘retweets’ enjoy Rashford’s political influence.[[3]](#footnote-3) Though the new methods for scrutinising Government provided by social media firmly establish it as a new site of constitutional accountability, political credibility is perhaps dependent on varying elements including the root of an individual’s fame – Rashford has been referred to as a ‘national hero’ within [Parliament](https://hansard.parliament.uk/Commons/2020-06-16/debates/198986A3-041A-4FAF-ABA3-B80FE907E0E4/FreeSchoolMealsSummerHolidays); the legitimacy of their contribution – frequent reference has been made to Rashford’s ability to draw on his [own experiences](https://www.bbc.co.uk/sport/football/55338104) of poverty; but also the extent to which the subject-matter of a post, or campaign, coheres with calls from other constitutional actors such as the Opposition and the fourth estate. While this requires focused future research, it might be this combination of factors which mean Rashford, for example, is invited to discuss his commendable campaign with the Prime Minister but the [various](https://news.sky.com/story/coronavirus-stone-roses-star-ian-brown-faces-backlash-for-anti-vax-tweet-12064735) [celebrities](https://news.sky.com/story/coronavirus-noel-gallagher-refuses-to-wear-face-mask-despite-uk-laws-12072712) questioning mask-use or the Covid-19 vaccine are not.[[4]](#footnote-4)

Nevertheless, broader questions must also be asked about the indirect impact social media posts can have on public debate, which in turn can influence political activity, particularly given [concerns](https://www.sciencedirect.com/science/article/abs/pii/S2211883718300881) about the speed with which ‘fake news’ can travel online. Though set against a novel backdrop, the question of how to respect the clear constitutional function of private actors in holding Government to account whilst scrutinising that activity, given its own public influence, has persisted since the dawn of the fourth estate. The political reporting of both public and private broadcasters is regulated under ss.5-6 [Ofcom’s Broadcasting Code](https://www.ofcom.org.uk/__data/assets/pdf_file/0016/132073/Broadcast-Code-Full.pdf), which is legally underpinned by ss.319-320 [Communications Act 2003](https://www.legislation.gov.uk/ukpga/2003/21/section/320). Following the [Leveson Inquiry](https://www.gov.uk/government/publications/leveson-inquiry-report-into-the-culture-practices-and-ethics-of-the-press) newspaper content remains self-regulated via the voluntary [Editors’ Code](https://www.ipso.co.uk/editors-code-of-practice/), drafted by the Independent Press Standards Organisation. Crucially, despite the age of the press, the [debate](https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-923X.2013.12033.x) around the outcomes of Leveson shows that questions about the sway of owners and editors, the impact of the commercialised relationship between newspapers and their readership, and the blurred lines between editorialising and reportage are as live as those about algorithms and echo chambers.

The extent to which public law will seek to tackle these challenges in the context of social media remains to be seen. For now, the *de facto* approach is to rely on a marketplace of ideas. Indeed, the decision of various celebrities to [voice](https://www.theguardian.com/tv-and-radio/2021/feb/11/gina-carano-fired-from-the-mandalorian-after-abhorrent-social-media-posts) political views online has exposed them to a level of scrutiny and to consequences that they would not have faced in a pre-social media age. The private social media giants are also engaging in (individual) self-regulation. Twitter, for example, [announced](https://news.sky.com/story/twitter-to-relaunch-blue-tick-verifications-after-pausing-process-over-white-supremacist-controversy-12141897) in November 2020 that it was to review its policies after coming under fire for granting a blue tick – which formally confirms the user of an account as genuine but also inevitably marks them out as ‘notable’ – to an alt-right activist. This raises further questions, which remain pertinent also as regards the traditional media, about how such forms of public pressure are generated and gauged and the extent to which responses are a matter for public law or private companies.

Those questions reflect broader themes identified in this post about the emergence of social media as a new, private site of accountability within the UK’s political constitution and the various elements that might influence the degree to which it performs this function: the fame of the social media user; whether that user combines skilled use of social media with a systematic method of scrutinising Government; the respective strengths of the Government and its Opposition and the level of consequent need for additional checks and balances; the even faster pace of politics in the social media age; and the level of correspondence between topics trending on social media and those discussed in the wider media. Since social media is here to stay, it seems inevitable that public lawyers must now grapple with the question of when, how and why these various elements interact within the UK’s political constitution.

1. It should be noted that Chartwells was also a member of Rashford’s child poverty taskforce [↑](#footnote-ref-1)
2. Though Rashford’s received significantly more ‘likes’ (183.5k combined) [↑](#footnote-ref-2)
3. Twitter’s [@Verified](https://twitter.com/verified) account, for instance, lists 357.2k ‘blue tick’ Twitter accounts [↑](#footnote-ref-3)
4. Media reports on Covid scepticism are (rightly) often carefully prefaced with a general statement outlining the risks of the coronavirus and the importance of [mask-wearing](https://news.sky.com/story/coronavirus-noel-gallagher-refuses-to-wear-face-mask-despite-uk-laws-12072712) and the [vaccination programme](https://news.sky.com/story/coronavirus-stone-roses-star-ian-brown-faces-backlash-for-anti-vax-tweet-12064735). [↑](#footnote-ref-4)