

## Gambling in the Moral Economy

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## Gambling in the Moral Economy: A Case Study of Law and Regulation in a Pandemic

*Abstract:* This article adapts the concept of the moral economy and applies that adapted concept to UK gambling regulation during the early years (2020-21) of the COVID-19 pandemic. I extend the moral economy concept beyond the eighteenth-century English food riot, and beyond food staples. I also examine the role of law and regulation in the moral economy and highlight charity's importance to moral economy debates. I then consider gambling through a moral economy lens by exploring the pandemic-era regulation of horserace betting, lotteries, and bingo. I show that gambling in some forms (horserace betting and lotteries) was important to pandemic recovery projects and to spectacles of national coming together. Via lotteries, for example, the state sought to adjust customary expectations about the role of volunteers in providing essential services. Although regulators generally ignored bingo, there was a pandemic resurgence in self-organized games that is especially significant for work on the moral economy. I conclude by identifying some broader implications of this study, including on how essentiality is legally constructed, and on charity and volunteering within the moral economy.

*Keywords:* gambling; moral economy; charity; pandemic

### I. Introduction

*If I did father the term "moral economy" . . . the term has long forgotten its paternity. I will not disown it, but it has come of age and I am no longer answerable for its actions. It will be interesting to see how it goes on.*  
—E.P. Thompson (1991, 351)

*What does it mean to understand certain historical moments as being more or less shaped by gambling?*  
—Fiona Nicoll (2019, 117)

Lockdown measures to control COVID-19 have prompted intense debates, in many countries, about what constitutes necessary or essential consumption and leisure. Legal, political, and customary boundaries between essential and inessential activity are thus of acute material and intellectual significance in a pandemic context. In the four nations of the UK, for example, laws and guidance tried to parse the meaning of essential consumption, leading to divergence over the

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status of garden centers.<sup>2</sup> After the Welsh government introduced regulations to restrict the sale of nonessential items in supermarkets, it subsequently had to decide whether children's clothing, clingfilm, lightbulbs, sanitary products, or stationery counted.<sup>3</sup> When Scottish pubs were instructed to only serve alcohol with a "main meal," guidance was required to clarify the status of crisps.<sup>4</sup> A similar dispute occurred in England over pork pies and Scotch eggs.<sup>5</sup>

I open this article with such seemingly mundane examples to suggest—along with many others—that academic inquiry into political economy needs to take the "lowly" law and regulation of everyday consumption seriously, including by being attentive to the role of law in co-constituting essential goods and services.<sup>6</sup> Here, I offer a contribution to this goal by clarifying the concept of the moral economy, via a case study of COVID-19-era rules about different gambling sectors in the UK. My aim is twofold: to adapt the concept of moral economy so as to increase its utility to research at the intersection of law and political economy, and to apply that adapted concept to gambling.

In Part II, I explain the concept by reasserting E.P. Thompson's founding definition: that the moral economy is concerned with collective customary expectations about social and economic rights to culturally defined notions of subsistence. Drawing on research in and outside of law, I offer a four-part adaptation to this concept that may increase its utility for studies of Law and Political Economy. As Amy Kapczynski (2018, 182) has argued, Law and Political Economy approaches share an interest in how law constructs markets, and how the distribution of economic power shapes law (see also Harris and Varellas 2020; Grewal, Kapczynski, and Purdy 2017). I aim to zero in on what the moral economy concept can add to this literature. I make four adaptations.

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<sup>2</sup> Garden centers were classified as inessential in Level 4 restrictions introduced in Wales in December 2020, which ordered "all but essential shops closed," <https://gov.wales/alert-level-4-summary>); they were classified as essential in England. For media coverage of the discrepancy see, for example, "Covid: Frustration as Garden Centres in Wales Stay Closed." *BBC News*, January 6, 2021, <https://www.bbc.com/news/uk-wales-55559690>.

<sup>3</sup> See The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, specifying that a reasonable excuse to leave the home included to obtain food, medicines, and "supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person," No. 1149 (W. 261) Public Health Wales (part 2, para 3). Initial Welsh guidance, issued on October 22, 2020, was intended to prevent supermarkets from selling a wide range of goods—including clothes—when specialist (often independent) retailers had been forced to close. Some supermarkets misapplied it (including by, in one case, refusing to sell sanitary products). It was updated on October 27 to clarify that essential products included those used to prepare, eat, and store food (such as clingfilm and cutlery), cleaning and maintenance products (such as lightbulbs); toiletries and cosmetics; and stationery. See <https://gov.wales/coronavirus-covid-19-closure-businesses-and-premises-html>, and newspaper coverage in Hughes (2020).

<sup>4</sup> See The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, Scottish Statutory Instrument No.344, schedule 3, part 2, requiring closure of "drinks-only public house businesses," defined as "any public house which does not have available on its premises facilities to allow the preparation and service of a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal" (para 4(3)). As one leading law firm noted, following the issuance of Scottish government FAQs on the topic, "what it means to sell alcohol alongside a 'main meal' is not clear-cut. A main meal must be more than crisps or nuts, but it could be a sandwich served with a side" (Clancy 2020, n.p.).

<sup>5</sup> During late 2020, under English restrictions, pubs in some areas could only serve alcohol with a "substantial meal." This issue was covered in the *Wall Street Journal*; see Chaudhuri (2020).

<sup>6</sup> On lowly law, see Valverde (2011) and Bedford (2019). On "low brow" money politics, see Feinig (2020). For a general, pre-pandemic review of law and policy relating to essentials, see Rahman (2018). See Soper (2007) on the need to accept "actual professions of need and patterns of consumption as evidence of authentic needing" (Soper 2007, 217). On essentiality under COVID-19, see, for example, Stevano, Ali, and Jamieson (2020) on key worker status, showing the deadly correlation between being classified as "essential" and being treated as disposable; Liverpool-Tasie, Reardon, and Belton (2021) on how poor understanding of Nigerian food supply chains led to misclassifications of essentiality; Black (2022) on labour struggles around essentiality in Canada; and—in a very different vein—Storr et al. (2021), using Hayek to argue that policy-makers should leave entrepreneurs to meet consumers' definitions of essential goods and services. On whether alcohol should be an essential product under lockdown see, for example, Reynolds and Wilkinson (2020); Neufeld (2020).

First, I extend the moral economy concept beyond the eighteenth-century English food riot. Second, I highlight the contested role of law and regulation in mediating and co-constructing the moral and market economies, and in customary legitimation invoked by different groups. In so doing, I contend that the state's efforts to shape the moral economy, including via law, do not *constitute* it. In other words, the moral economy is intertwined with, and shaped by, law, but not defined by or contained within law. Third, I extend the moral economy beyond food staples (bread and rice), to note the key role of alcohol (and I show later, gambling) within debates about essentiality and custom. Here I differentiate moral economies from moralistic debates about essentials that tend to replicate austere notions of subsistence. Fourth, I highlight the contested role of charity—differentiated from mutual aid—in the moral economy, drawing on Thompson's discussion of charity as both target of crowd anger and potential resource for (re)asserting collective claims to subsistence.

In Part III, I explain why this refined concept of the moral economy is helpful to research on gambling law and regulation specifically. 43 percent of British adults report having gambled in the last four weeks, making it a far from niche pastime (Gambling Commission 2021d). However, including gambling within our conversations about the moral economy can be unsettling. Many feel that play and leisure have no authentic place in debates about subsistence, especially not in a context of crisis such as a pandemic. Including gambling in the remit of this journal, and other allied Law and Political Economy projects, thus cuts to the heart of how we understand the subfield and its boundaries. This provocation, I hope, can be productive.

Of course, the legal distinctions made to separate gambling from legitimate speculation have long been of interest to critical scholars, especially in relation to insurance and commodities futures trading.<sup>7</sup> Gambling is often theorized solely through a commercial lens in this literature, notwithstanding the importance of non-commercial gambling (including charitable gambling) in many jurisdictions. In contrast, I approach gambling as a multifaceted phenomenon, with diverse relationships to the moral and market economy. States may regulate gambling as an immoral, and/or unproductive form of speculation; as a legitimate form of commercial leisure; as representing national unity (for example, with iconic horseraces); as a revenue stream for essential services; and/or as a realm best left to charities. Several questions follow from this wider lens on gambling, including: How has state regulation of different gambling sectors developed in the context of the pandemic? How have mutual aid gambling economies fared compared to commercial or charitable gambling economies? And what can that tell us about the broader encounter between law and the moral economy? In raising those questions, I seek to bring gambling into conversations about law and the moral economy, a little later than it should have arrived.

As a first step towards answering these questions, Part IV offers an extended case study of how the UK government treated different gambling forms in the early years of COVID-19 (2020 and 2021). I briefly summarise the pre-pandemic direction of regulatory travel, and the general approach taken to gambling in the first national lockdown (March 2020), before comparing three sectors that experienced the pandemic very differently: betting on horseracing; lotteries; and bingo.<sup>8</sup> Horserace betting is an example of commercial gambling as staged entertainment. Lotteries

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<sup>7</sup> On how insurance was distinguished from gambling see, for example, Clark (1999); Kreitner (2007); and Part III below. On stock markets, see Stäheli (2013); De Goede (2005); Randalls (2013); Loussouarn (2013), and Part III below. See also Susan Strange's (1997) book *Casino Capitalism*, which expanded Keynes's critique of stock markets as risky "whirlpools of speculation" to discuss the new products and practices associated with deregulated financial markets, including hedging, spread betting, and derivatives trading. On the limits of using casinos as metaphors for stock markets, see Bedford (2019).

<sup>8</sup> I set aside the Gambling Commission's proposed regulatory reforms to address harm, potential harm, and vulnerability in *online* gambling, outlined in a November 2020 consultation, because these are addressed elsewhere

are an example of charitable gambling. Bingo can be run as a commercial, charitable, or mutual aid activity, with mutual aid distinct from charity.<sup>9</sup> By focusing on how these three sectors were regulated during the pandemic, I identify the multifaceted nature of the state's attempt to shape the role of gambling within the moral economy. Stricter controls on some forms of gambling—especially online—have become central to a government narrative of “building back better,” and are echoed in a growing media and political backlash against gambling. However, other forms of gambling have been supported by the state, shaping the moral economy of collective customary expectations about essentials. National spectacles of gambling in flagship horseraces have been bolstered, including by cementing the statutory relationship between betting and horseracing. Gatherings associated with prominent races were encouraged, and opportunities to bet on the results were considered essential steps on the road to national recovery. Prizes and proceeds limits in large society lotteries were radically expanded, and the National Lottery was adapted to new ends, its staff and infrastructure retooled to serve core pandemic needs. This shifted the boundaries between what we consider an essential service due to citizens, versus what charitable gambling should fund, and relatedly what volunteers channelling donated proceeds should deliver. In these ways, gambling is central to the pandemic response, materially and symbolically—to pandemic recovery projects and to spectacles of national coming together.

The state bolstering of horseracing and large lotteries was not extended to commercial bingo, leaving the sector in a perilous condition by the end of 2021. However, the pandemic (and its associated lockdowns) prompted a resurgence in bingo at the vernacular level that is especially significant for work on the moral economy. Although the UK's commercial bingo halls were shut, bingo games nonetheless flourished during lockdown because ordinary people organized them, in adapted forms, themselves. Games were mostly self-organized, notwithstanding the occasional celebrity cameo; in one case, royal family members called bingo in a Welsh care home, but residents complained about the quality of the calling.<sup>10</sup> While reported in the media, these games were not cause for regulatory intervention. They give us hints of an enduring moral economy of mutual aid gambling during lockdown, even as the government prioritized horserace betting and large lotteries as key to national recovery.

In the Conclusion, I turn to what these seemingly esoteric findings about pandemic-era gambling regulation in a small country can add to our broader discussions. While gambling is, I argue, worthy of being taken far more seriously in work on law and political economy in general, and long overdue for reassessment through a moral economy lens in particular, its *form and arrangements* matter very much. My claim is *not* that gambling, tout court, is central to collective customary expectations about social and economic rights to culturally defined notions of subsistence in the same way that bread or rice (or even alcohol) often are. Rather, I suggest that it is worth *asking* about the state's approach to different forms of gambling, in particular times and places, to deepen understanding of how law shapes the market and moral economies of playful speculative consumption. Returning to my opening discussion, I also argue that some insights derived from

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(Bedford 2022). I also bracket the March 2021 collapse of Football Index. This betting site paid dividends on “shares” in footballers held by customers playing a fantasy league game, who often understood themselves as investing, not gambling. The Gambling Commission has called for new legislation to address the overlap between gambling, financial services, and computer games. See Gambling Commission (2021b).

<sup>9</sup> In mutual aid forms of gambling, players and beneficiaries are typically the same people, and players and organizers of the games typically have high degrees of control over the use of proceeds, if there are any left after prizes. Proceeds are not necessarily used for purposes that are legally or commonsensically understood to be charitable. For example, in a non-commercial members' club proceeds from bingo might be used to have an outing to the seaside. In charitable gambling, organizers, players, and beneficiaries are usually more distanced, and charity law has a greater role in directing proceeds. See Bedford (2019).

<sup>10</sup> “Coronavirus: William and Kate Join Care Home Bingo Session in Video Call.” *BBC News*, May 21, 2020. <https://www.bbc.com/news/av/uk-wales-52757910>.

the study of gambling can help revitalize the concept of moral economy more broadly, including by illuminating the constitutive role of law and regulation in essentiality, and expanding the critique of charity and volunteering.

The arguments presented in this piece rely on literature on the moral economy from a range of disciplines, alongside in-depth study of regulations related to the three sectors. A key limitation of the article, resulting from lockdown rules and other pandemic adaptations,<sup>11</sup> is that it was not possible to observe directly how gamblers themselves, and those running events, understood the moral and market economies during this time, or how they formulated moral economy claims. I could only do this indirectly, via reports on games. This article is therefore focused on the *state's* approach to gambling as an (in)essential/worthwhile activity during the pandemic. While popular experiences of gambling are without doubt crucial for a comprehensive account of the moral economy, they are the task for another paper.

## II. Moral Economy: Some Conceptual Clarification and Adaptation

For E. P. Thompson, the moral economy of the poor—people's "belief that they were defending traditional rights or customs; and, in general, that they were supported by the wider consensus of the community" (Thompson 1971, 79)—explained the rationality of English food riots during the eighteenth century. Rather than adhering to a "crass economic reductionism" (79) that framed riots as a straightforward response to rising unemployment and food prices, Thompson identified the core legitimation and discipline underpinning crowd action. The food riot was, he argued, grounded in a consistent traditional view of social norms and obligations regarding the proper economic functions of parties within the community: "An outrage to these moral assumptions, quite as much as actual deprivation, was the usual occasion for direct action" (80). He framed the moral economy of the poor as opposed to the new market economy, and as destined to be surpassed by it. "The new economy entailed a de-moralizing of the theory of trade and consumption" (90), meaning that "it was disinfested of intrusive moral imperatives" (91).<sup>12</sup>

In subsequent work, Thompson reiterated that his findings about the political culture, expectations, and traditions of the English crowd could not be stretched to cover any riot (1991, 262; see also Edelman 2012, 53). Seeking to delimit the concept of the moral economy, he retained a tight focus on food sales in times of dearth, and on crowds making claims against authorities, expressing outrage at profiteering in life-threatening emergencies (Thompson 1991, 338). When claimants to a scarce commodity can invoke non-monetary rights to it, and the general public will act to support these claims, we may be seeing a class (re)asserting a moral economy. However, we must remain focused on the nexus of food in a time of dearth; otherwise, he fears, we risk "turning up moral economies everywhere" (339).

While this article—like most work on moral economy—is indebted to Thompson, it adapts his conceptualization in four ways. This adaptation is motivated, in part, by a desire to contribute to a revitalization of the concept evident within recent literature on Law and Political Economy. In 2002, Paddy Ireland wrote that Thompson was "little read, let alone understood or valued, by the

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<sup>11</sup> Many forms of in-person play were prohibited for parts of 2020 and 2021 (see Part IV), and other rules prevented fieldwork even when attendance restrictions were lifted. For example, rules on the size and arrangement of "Covid bubbles," and related guidance on care for immune-compromised kin, meant that in-person fieldwork was not possible.

<sup>12</sup> Dixon and Wilson (2006, 37) dispute Thompson by pointing to the "moral voice" in Adam Smith's work, but this is a misunderstanding. Thompson did not argue that classical political economy was immoral (1991, 271), or that there was an absolute segregation between a moral and a market economy (274), but rather than the customary obligations underpinning the moral economy were jettisoned by classical political economists in their quest to rationalize economic behavior.

current generation of legal scholars claiming radical credentials” (2002, 120), despite the centrality of his work to the early Critical Legal Studies movement.<sup>13</sup> However, his moral economy work has recently been more thoroughly engaged (Boyd 2018; Feinig 2020; Paul 2021; Herrine 2021). Building on this renewed interest, the following section offers an adapted approach to the moral economy that clarifies its relevance beyond English food riots and highlights its relationship to law, to debates about essentials, and to charity. In the rest of the article, I apply that adapted concept to gambling.

### A. *The Moral Economy Beyond the English Food Riot*

First, like many others (Jones 2007; Scott 1976; Fassin 2009; Edelman 2012; Faith 2019; Feinig 2020; Paul 2021; Herrine 2021), I extend the term “moral economy” beyond the English food riots of the 1700s, while seeking to delimit it such that it does not refer, too loosely, to all morally or culturally inflected debates about money, or to all riots.<sup>14</sup> Traditional expectations of fair prices in relation to food subsistence may have been rendered obsolete as Thompson suggests, but new customary entitlements emerged, sometimes echoing those expectations, sometimes drawing on other frameworks. In this vein, historians and anthropologists have applied the moral economy concept more widely, from Anglo-Saxon England,<sup>15</sup> to peasant society in nineteenth-century England, France, Russia, and Italy,<sup>16</sup> to nineteenth-century US debates about usury,<sup>17</sup> and, most notably, to twentieth-century Vietnam and Burma where James Scott’s work focused. For Scott, the peasant moral economy of Southeast Asia was focused on subsistence and related conceptions of social justice, rights, and reciprocity, all of which were violated by the colonial market economy. Moreover, he saw the moral economy as expressed in everyday resistance in ordinary life, rather than becoming evident in moments of extraordinary rebellion like riots. For example, quiet non-compliance with colonial laws on purchasing alcohol from approved suppliers counted as an assertion of the moral economy (Scott 1976, 111).

In turn, Didier Fassin used the term to better understand poverty, immigration, and violence in twentieth-century France. In a move away from Thompson, Fassin emphasized the value of thinking jointly about political economy and moral economy—not to oppose one to the other, or to regard them as successive, or to think of either one as singular, but to link them in given periods (Fassin 2009, n.p.). He too focused on the moral economy as evident in daily life rather than in protest events such as riots (Fassin 2009, n.p.). However, he too insisted on “tensions and conflict between distinct moral economies,” rather than on a consensus-based approach.<sup>18</sup> Indeed, if we take the Marxist origin of the term seriously, a moral economy approach involves an interest in resistance and conflict, and a deep suspicion of claims to consensus. At the same time, a moral economy enjoys wider resonance, and more institutionalized underpinnings (even if historically),

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<sup>13</sup> Several leading Marxist legal scholars have analyzed Thompson’s work, especially his account of law as an instrument of class power in *Whigs and Hunters* (for example, Hay et al. 1975; Hay 1984; Hay 2020; Horwitz 1977; Fine 1994; Ireland 2002). However, Thompson’s work was not—until recently—engaged with deeply in wider law and political economy literature.

<sup>14</sup> For example, Harvie and Milburn (2013, 563) argue that the 2011 riots in England occurred because austerity violated neoliberal customary assumptions about entitlement to commodities, leading people to loot flat-screen TVs. However, moral economy expectations about rights to cheap credit were arguably less central to these protests than the killing of Mark Duggan by the Metropolitan police.

<sup>15</sup> For example, Faith (2019) has explored the peasant sense of (in)justice and lost freedoms in late Anglo-Saxon England, stemming from twelfth-century transformations in land tenure.

<sup>16</sup> For example, Jones (2007) has argued that the customary precedents highlighted by Thompson provided legitimation for the 1830s Swing riots, where farm workers protested commercial innovations by invoking local hiring customs (see also Hobsbawm and Rudé 1968 and Scott 1976, 179).

<sup>17</sup> For example, Calder (1999), on the moral economy and usury laws in the late nineteenth-century US.

<sup>18</sup> See also Edelman (2012, 59-64) on the risks of depoliticizing the concept of moral economy, and of assuming consensus.



than evident in isolated, marginalized subcultures. For example, while some scholars have framed the drug-sharing practices of San Francisco's homeless heroin users as part of a moral economy, Edelman (2012, 64) considers them a survival mechanism, and he helpfully questions whether they would be recognized outside that group or used to make claims on superordinate groups, such that they could be considered a moral economy.<sup>19</sup>

Moreover, while Thompson focused on claims to food (and drink) staples in a context of dearth, subsequent scholars have understood the moral economy more expansively to encompass commonly held norms about just prices for a range of goods (Boyd 2018), about money in general (Feinig 2020), and about popular notions of consumer fairness.<sup>20</sup> Dearth is not required for these understandings of the moral economy, although perceptions of *crisis* may fuel the need to clarify the boundaries separating essentials from inessentials. For example, Alan Hunt (1996, 373) argued that the UK's introduction of rationing in 1941 included neo-sumptuary restrictions on conspicuous consumption, motivated by the need to order markets for perceived essentials in ways that brought the nation together. As Feinig notes, "Thompson validates non-elite understandings of economic life *in contexts of crisis*" in particular (2020, 536, emphasis added), making his work especially helpful for pandemic-related studies of political economy.

I have no interest in policing the use of the moral economy concept or staking a claim to authentic usage; Thompson relinquished paternity of his conceptual offspring, but I would happily violate inheritance norms even if he had not. Substantively and pragmatically, however, a somewhat delimited definition that offers analytic precision seems most useful. While happy to stretch the concept beyond the eighteenth-century English food riot, then, and noting the entanglement between the moral and market economy (Edelman 2012), I retain Thompson and Scott's shared notion that the moral economy is fundamentally concerned with the assertion of customary expectations about culturally defined notions of subsistence, especially as they become evident in a context of crisis.

This is a narrower understanding of the moral economy than is sometimes deployed in wider debates about the normative nature of the economy, the embedding of the economy in social life (see, for example, Sayer 2000; Fourcade and Healy 2007; Fourcade 2017), or the moralities of consumption (see for example, Wheeler 2018). At a general level, as Fourcade's work shows, "all economies are moral economies: all differentiate and hierarchize between good and bad, high and low, legitimate or illegitimate, and the market economy is no exception" (2017, 665; see also Paul 2021, 188). When used in this way, the term "moral economy" is synonymous with "normative nature of the economy." This usage directs attention to how values shape economies and are shaped by them, and relatedly to how laws that construct markets are inseparable from moral judgements about what (and who) is worth valuing. As Sanjukta Paul explains, "morality pervades everyday economic decisions and everyday economic decisions help to constitute moral life" (2021, 222).

However, here I explore a narrower understanding of the moral economy, drawing out the distinctive contributions we can garner from the work of Thompson and Scott. To explain the utility of this narrower conceptualization, in the remainder of this section I elaborate on how the moral economy (more narrowly framed) relates to law and regulation; to customary expectations relating to alcohol; and to charity. My aim here is not to dispute that all economies are social, and normative, but to explain why the moral economy, as framed by two of the scholars who coined the term, can shed a precise light on debates about law, customary expectations, and necessities.

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<sup>19</sup> Similar questions might be asked of the expansive use of moral economy to explain hyper-marginalized and criminalized subcultures elsewhere (see Wakeman 2016).

<sup>20</sup> See, for example, Paul (2021) and Herrine (2021) on the moral economy and antitrust law, discussed in depth below.

## B. *Law and the Moral Economy*

*[S]ome economies and economic relationships . . . are more overtly normative than others in terms of the manner in which custom, tradition, and values are mobilized in the regulation or governance of economic activity.*  
—William Boyd (2018, 740).

Contrary to those who see the moral economy as straightforwardly less lawful than the market economy (for example, Dixon and Wilson 2006, 40), Thompson repeatedly highlighted the complex role of law in mediating and co-constructing the waning moral and rising market economies (see Ireland 2002; Hay 2020).<sup>21</sup> The eighteenth-century moral economy drew justification from past legal measures to address scarcity, such as those embedded in the Book of Orders (1580-1630) that required magistrates to attend local markets, inspect quantities of staples held by farmers, order certain amounts sent to market, and set a reasonable price (Thompson 1971, 109). Magistrates sometimes refused to prosecute crowds for acting in line with these strictures; in one example, a London magistrate distributed loaves to the rioters himself after he had ascertained that they had been justifiably seized from a baker selling light measures (108). In other instances, crowds “attempted to enlist, by suasion or force, a magistrate, or figure of authority to preside over the taxation populaire” (113), or acted in the place of magistrates, including by setting the price and calling themselves “Regulators” (112).<sup>22</sup> In this respect, authorities endorsed the popular consensus through granting “some measure of license” to the moral economy (79).<sup>23</sup> As Hay explains, while Thompson was no “liberal apologist for capitalist justice” (2020, 17), and his faith in the benign power of state regulation was limited, he did insist that ““the forms and rhetoric of law acquire a distinct identity which *may, on occasion* inhibit power and afford some protection to the powerless”” (14, quoting Thompson 1975, pp. 267, Hay’s emphasis; see also Hay et al. 1975; Horwitz 1977).<sup>24</sup>

However, in the longer term, Thompson argued that the law came to reflect and enforce the market economy, especially after the Corn Laws encouraged free markets in key foodstuffs. The free market was positioned—both in classical economics and, increasingly, in law itself—as a law of nature. As Fourcade notes (drawing on Polanyi):

[t]he only “right” price for anything, from bread to labor, was now the market price. New moral struggles would have to be framed—and constrained—by the background condition of the “law of the market.” (2017, 663)

The customary legitimation invoked by the poor when protesting against the market economy was hence co-constituted by law for a time, but law ultimately played a key role in eroding the moral economy.<sup>25</sup>

<sup>21</sup> Note also that Joan Vincent viewed Thompson as a foundational figure in legal anthropology, particularly via his critique of “the consensus model of law” (see Edelman 2012, 50).

<sup>22</sup> See also Edelman’s analysis of the way that Luddites gestured back to paternalist legislation (2012, 56; drawing on Thompson 1963, 551-2), and Jones’s (2007, 273-277) analysis of the influence of the new allowance system on protest in the 1830s, fueling demands for a fair wage, relief in the form of subsidized food, and “contributions” from the local rich.

<sup>23</sup> See Hay (2020, 14) for a fascinating account of how “popular custom justified itself by closely copying analogous statute law” as legitimation for wife sales.

<sup>24</sup> For a sharp critique of Thompson’s later defense of the rule of law, see Fine (1994).

<sup>25</sup> See Ireland (2002, 133) on how law was forced to change in this regard.

For James Scott, law in Southeast Asia played a faster, more straightforward role in undermining the moral economy, and enforcing the market economy, than it did for Thompson. Moral economy expectations about risk-sharing, reciprocity, and rights to subsistence were embedded outside colonial law, such as in community norms that richer peasants were to give generously to sustain the village (Scott 1976, 4-6). In this regard, Scott invoked a “folk concept” of justice as about fair exchange (176) that was absent from colonial law. Thompson understood law to both inform and be informed by customary expectations, providing limited legitimation for protest at times. In contrast, Scott focused solely on the clash between folk justice and law, including to the extent that dearth, dispossession, and starvation were legally enabled.<sup>26</sup> In both accounts, however, law was central to mediating, bridging, or severing the relationship between the moral and market economy. Law helps articulate a relationship between the two. The nature of that relationship varies, although much historical work on the moral economy confirms that state law has often overridden customary limits to the extraction and exploitation that the rich could enact over the poor.<sup>27</sup> It is the central articulating role of law and regulation that I seek to highlight. Far from being, simplistically, less lawful than market economies, moral economies are intertwined with law; the precise nature of the intertwining is a matter for empirical investigation in concrete times and places, around particular practices and products.

Some work on law and moral economy decentres these structural conflicts. For example, Tom Baker’s (2001) account of the moral economy of tort does not cite Thompson or Scott, relying instead on cultural economy scholarship into the meanings people attach to money. His argument—that tort lawyers understand the morality of damages claims in diverse ways, distinguishing between money won from insurance companies versus individuals—brackets the broader political economy of insurance law and the ways in which tort law interacts with, and may undermine, customary expectations about fairness. Such work is without doubt useful to broader debates about the values attached to money, but it uses a different conceptual starting point for the moral economy that is hard to reconcile with Thompson’s account.

More central is a recent strand of work on law, regulation, and the moral economy, drawing heavily on Thompson in particular. For example, Sanjukta Paul’s innovative account of US antitrust law identifies common law doctrines against forestalling (trying to sell above the customary price or conduct transactions outside marketing hours and rules), regrating (selling at a profit), and engrossing (buying up crops in field, or before coming to market) as key legal manifestations of the moral economy (Paul 2021, 185). Such marketing offenses were steeped in the concept of “just price” (186; see also Boyd 2018). Luke Herrine also uses Thompson’s examples of rioters enforcing customary prices in his recent analysis of the FTC’s role in promoting fairness (Herrine 2021, 447). In a similar vein, Jakob Feinig’s work on the moral economy of money explores the relationship between monetary institutions and money users, trying to connect “widely shared non-elite knowledge about ‘just’ monetary design and governance” to legal arrangements (Feinig 2020, 536).

This article builds on these scholars’ insights. However, I depart from them in some respects, including in my understanding of the role of law and regulation in the moral economy. Most notably, Herrine and Paul both connect Thompson’s work with William Novak’s account of

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<sup>26</sup> The divergence in approach to law speaks, in part, to the radical *legal* rupture occasioned by European colonialism, resulting in a stark absence of resonance between the moral economy and the savagely racialized mechanisms of dispossession characterizing colonial law. Scott (1976, 55) highlighted the key role played by colonial law and policy in making peasant existence more precarious, including through taxation (92), and legally enabled dispossession and enclosure (62-3).

<sup>27</sup> For example, Faith (2019), writing of twelfth-century England, argues that force, and new legal approaches to property, resulted in greater appropriation of peasant labor, overriding the limits to the extractive power of Lords that had been embedded in the previous moral economy. Calder (1999) framed the US controversy over usury laws in the late nineteenth century as part of the repudiation of moral economy thinking (see Herrine 2021, 466).

regulation in the interests of fairness, notwithstanding some core tensions that make the pairing less than smooth. Novak (1996, ix) offered a welcome historical reassessment of US regulation from 1787 to 1877, wrongly understood by many as an era of minimal government and *laissez faire*. He showed, in contrast, that the nineteenth-century US was home to pervasive local regulation, including to improve public health, safety, and security; to construct a public economy and essential infrastructure; and to police public space, including by defining common rights in roads, rivers, and public squares.

Such work confirms the legal and social embeddedness of markets, and the potential for state agencies to order economies in socially beneficial ways. This is a democratic, centrist approach in which private and public power intertwine in service of a well-ordered society, and a path is forged between socialism and economic liberalism (Novak 1996, x) that relies centrally on the benevolent role of law *vis-à-vis* the people's welfare. This is a classically republican vision of the role of law in the good society. Class conflict, and legally produced inequality, tend to fade from view, and the interaction between capitalism and legally enabled dispossession and starvation—so central to both Thompson and Scott—are sidestepped.

Novak's emphasis on law's positive role is echoed in subsequent work drawing on his approach, including work that links the moral economy to notions of republican virtue,<sup>28</sup> and that makes the benevolent exercise of state regulation a central feature of the moral economy. For example, Herrine's account of the legal dimensions of the moral economy starts with Thompson before shifting to Novak to argue that the purpose of nineteenth-century economic regulation was to secure common wealth, and ensure production and distribution in line with public morals, indexed to customary practices as interpreted by those in power (Herrine 2021, 446). Repurposed common law concepts, channeled through progressive state institutions like the FTC, hereby emerged as central to "an ongoing set of experiments in reimagining what a more democratic social provisioning process could look like" (Herrine 2021, 445; see also Paul 2021; Boyd 2018). In a line of argument more in keeping with Thompson's emphasis on collective action and contentious politics, Herrine notes that the FTC's regulatory initiatives to better protect consumers were linked to radical social movement campaigns, fueled by anger "at businesses manipulating markets" (2021, 436). However, he frames these initiatives as embedded within "an evolving set of coalitions (battling) over what makes markets fair. These coalitions can be divided roughly into those who favor norm setting by government agencies informed by experts held accountable to democratic publics and those who favor norm setting by business leaders made accountable via the profit motive" (431). Thompson and Scott would reject this frame as resting on too benign an understanding of state regulation, involving an overly consensus-based approach to the moral economy. Their visions of fair markets centered protest and/or everyday resistance, not experts within government agencies. Moreover, to accept that state regulation shapes the moral economy, and that the moral economy may draw on customary expectations as occasionally legitimated by law, is not to accept that the state's articulation of market fairness defines the obligations, customs, or traditions within the moral economy itself.

Paul's work on the moral economy origins of US antitrust law, in turn, advocates removing substantive consideration of specific values (such as rights to subsistence) from research on law and the moral economy. Echoing Fourcade's claim that "all economies are moral economies" (Fourcade 2017, 665, quoted in Paul 2021, 188), because they all reflect normative judgments about

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<sup>28</sup> For example, Herrine's work emphasizes elite actors' belief in virtue: "in congruence with republican political values, a market should be set up in a way that provides each member of a polity what they need *to live a virtuous life in accordance with their social position*" (2021, 448-9, emphasis added). This emphasis is a significant departure from Marxist accounts of fair prices and the moral economy; Thompson and Scott centered conflict and demands for subsistence grounded in the perceived obligation that the rich owe to the poor.

good and bad, legitimate and illegitimate, Paul draws on what she terms a moral economy vision, “which takes the social coordination of markets as given, and embraces making and implementing normative choices about market construction as a key regulatory task” (2021, 180). She argues that we should

understand “moral economy” both as an *approach* to understanding law and markets—one that acknowledges the essential role of law and other normative choices in structuring any market, and that embraces making and implementing those normative choices in market construction as a key regulatory task—and as the type of *system* that results from that approach. . . . What this leaves out, importantly, is the *content* of those normative choices, which may be substantively hierarchical or democratic, extractive or egalitarian. (189, original emphasis)

Again, the specific insights of the foundational moral economy literature are potentially obfuscated in wider (though important) claims about markets being part products of law, and economic regulation involving values. We turn up moral economies everywhere.

This matters because the moral economy framework gives us something analytically distinctive, within a broader vein of Law and Political Economy work on the social and normative nature of markets. Thompson and Scott’s work insists, for example, that the way in which custom, tradition, and values are mobilized matters—as part of a collective claim to essentials, grounded in perceived entitlement, and often surfacing at times of perceived crisis, when those entitlements are under threat. For them, the content of the demands is central. Otherwise, those wielding the legal power to evict, enclose, or dispossess, perhaps while claiming to defend family values, religious traditions, and national interests and customs, become analytically indistinguishable from popular movements for folk justice that mobilize against encroachment of traditional rights, whether articulated in, beside, or in fierce opposition to, state law.

To be clear, I share the conviction that the economy should be governed in wider social interests (Herrine 2021, 445), and that it is essential to (re)build state capacity to reassert social control over businesses. Still, I am concerned that our work on the moral economy does not too readily embrace a centrist vision of law’s benign steering role that, Thompson would argue, is a very partial account of how law mediates between the moral and market economies. The state’s efforts to shape the moral economy do not *constitute* it. The moral economy is intertwined with and shaped by law, but not defined by or contained within law.

### C. *Bread and Rice—But Booze Too*

I also wish to broaden our understanding of moral economies beyond food staples. Bread is of course central to notions of fairness in markets, and in Thompson’s account it is through bread—an everyday staple required for subsistence—that daily life is linked to the riot event.<sup>29</sup> Scott focuses on rice similarly: customary expectations related to fairness in provision of a staple food played a pivotal role in everyday resistance.

However, bread and rice are not the only products significant to poor people’s assertions of customary rights. Alcohol was also key, as both Thompson and Scott recognized. During Sussex

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<sup>29</sup> Hence Thompson devoted considerable attention to the eighteenth-century bread nexus, reframed though the Corn Laws; the attempts (including through legislation) to encourage the production and consumption of mixed or wholemeal bread; and the redefinition of the role of the miller and baker from servants of the community, working for a fair allowance, to being profit-making agents in the free market. See also Paul (2021, 188) on assizes and agrarian working people’s moral claim to their daily bread.

protests (led by women) against the 1800 Brown Bread Act/Poison Act<sup>30</sup> (which prohibited millers from producing anything other than wholemeal flour), the miller was abused, the equipment used to comply with the Act was seized and destroyed, and then:

[t]he Amazonian leader of this petticoated cavalcade afterwards regaled her associates with a guinea's worth of liquor at the Crab Tree public-house. (19 P.R.O., P.C.I/33/A.88; Reading Mercury, 16 Feb. 1801; cited in Thompson 1971, 83).

Jones cites similar examples from the Swing riots, when protesting crowds demanded an end to the use of threshing machines, a minimum wage, and payment of dole in the form of money, food, or beer (Jones 2007, 275-6). As he notes,

in their insistence on the provision of beer and victuals, the crowds made of the disturbances a “moveable feast,” and in their customarily conditioned behaviour towards the structurally superior they demanded that all members of local rural society sit again, side by side, at the common table. (290)<sup>31</sup>

These examples—where the notion of subsistence includes alcohol and feasting—must of course be balanced against those where local authorities sought to gain popular support by acting against luxury, or immoral consumption. In this vein, Thompson notes that state agents could increase their authority in famine “by a flurry of highly-visible activity against petty offenders” including “drunkards, swearers, Sabbath-breakers, gamblers and rogues” (Thompson 1991, 263). However, it is clear from Thompson's framing that the moral economy was not a straightforwardly puritanical economy: alcohol played a *central role* in crowd action to obtain subsistence.

Alcohol is also central to Scott's work. Drawing on the study of whiskey in the American revolution, he offers a compelling analysis of the importance of rice wine in the Southeast Asian moral and market economy. Rice wine was as central for Vietnamese peasants as beer was for English peasants; most households either distilled some or bought it from nearby villages that specialized in it, and it had social and nutritional significance (Scott 1976, 110). After 1900 the sale of rice wine was centralized; colonial authorities purchased the output of licensed distilleries at a fixed price and sold it through French or Chinese retailers. Prices rose sixfold in a few years (Scott 1976, 110). A huge black market emerged to circumvent the state's alcohol monopoly, leading to intrusive searches for illegal distilling plants and heavy-handed enforcement (including land confiscation when fines could not be paid). These arrangements prompted widespread defiance, in part due to “the resentment provoked by this infringement of a traditional right” (Scott 1976, 111).

This detailed account of rice wine is a key plank of Scott's broader insistence that, to research the moral economy, we need a phenomenological sense of exploitation attentive to culturally inflected notions of fairness and necessity (159). Research on subsistence must account for its historical and cultural dimensions. Drawing on Orwell's *Road to Wigan Pier*, Scott defines subsistence as that level of income below which nothing is saved, “or below which ceremonial expenses are pared to the

<sup>30</sup> 41 Geo. III c.16 (Making of Bread etc. Act), repealed in 1801 (41 Geo. III c2).

<sup>31</sup> Paul's account of the moral economy notes that price regulation applied to ale as a standard food and that as a result it was subject to an assize (2021, 196-7). She uses case law to argue that this regulation aimed to ensure that farmers—as producers—were not impoverished (see discussion of *King v Starling* [1663] 1 Keb. 650). While not disputing that this was the legal justification in the case at issue, social history shows that alcohol *consumption* was key to poor people's assertions of customary rights.

bone” (Scott 1976, 16). Alcohol is hereby included within his understanding of “subsistence as the fundamental social right” (175).<sup>32</sup>

This article is not on alcohol. It is on another, sometimes related vice: gambling. However, I point to the role of beer and rice wine in classic work on the moral economy to underline that moral economies are not *moralistic* economies, focused on austere and worthy notions of subsistence and opposed to pleasure. If our discussions of moral economies only have a place for bread and rice, and do not also make analytic room for booze (and, as I suggest below, gambling), they are misunderstanding Thompson and Scott, turning petticoated rioters and bootlegging peasants into unrecognizable puritans, and hindering our deeper understanding of law, regulation, and essential consumption.

#### D. *The Moral Economy Objection to Philanthropy*

Finally, I wish to center the contested role of charity in classic work on the moral economy—a clear but perhaps underappreciated thread in Thompson’s work. Thompson argued that charity survived the end of the moral economy of the poor (1971, 136), and that it was opposed to—rather than part of—that moral economy. He provided several compelling examples of the crowd mobilizing against philanthropic targets, especially soke-mills with charitable endowments.<sup>33</sup> He concluded:

The breakthrough of the new political economy of the free market was also the breakdown of the old moral economy of provision. *After the (Napoleonic) wars all that was left of it was charity—and Speenhamland.* The moral economy of the crowd took longer to die: it is picked up by the early co-operative flour mills, by some Owenite socialists, and it lingered on for years somewhere in the bowels of the Co-operative Wholesale Society. (136, emphasis added)

Charity was counterposed to self-organized mutual aid, as evident in the cooperative movement.<sup>34</sup> Moreover, Thompson’s reference to Speenhamland (the emerging system of outdoor work relief) is taken forward by Jones (2007), who notes its role in mobilizing the crowd in the Swing riots to demand subsistence (including beer) as a matter of right. Speenhamland may have been condemned by classical economists, then, “branded an artificial interference with an actually nonexistent market order” (Polanyi cited in Paul 2021, 189), but it was also condemned by those asserting social rights to subsistence. The moral economy of the crowd opposed charity, both as fake philanthropic enterprises that benefit the wealthy, and as moralizing, exploitative workfare.

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<sup>32</sup> Recent work on the moral economy and law would seem to agree. For example, Boyd argues that the concept of fair price involves “some reference to the ‘real’ value of an item, stemming from a mix of relative scarcity *and social importance*” (emphasis added, quoted in Herrine 2021, 448). Interestingly, Novak’s account of licensing within early US efforts to shape markets so as to promote public welfare also centers alcohol (and, as I discuss below, gambling), although he frames the state’s actions as policing morality rather than attempting to manage collective claims to subsistence grounded in the moral economy (see, for example, Novak 1996, 92, on tavern licensing). See also Marilyn Brown’s (2003) work on racialized alcohol regulation in nineteenth-century Hawai’i, resulting in a licensing system to regulate access for whites, alongside criminalisation of possession and consumption of alcohol for native Hawaiians. For a wider discussion of alcohol, gambling, and sumptuary law, see Bedford (2022).

<sup>33</sup> Soke-mills had a monopoly on the grinding of grain and sale of flour in large manufacturing towns. As Thompson explained, “In most cases the feoffees who owned the soke-rights sold or leased these to private speculators. . . . The Albion Mills at Blackfriars Bridge (London’s first steam mills) were governed by a quasi-philanthropic syndicate; yet when they burned down in 1791 Londoners danced and sang ballads of rejoicing in the streets” (1971, 106).

<sup>34</sup> This analytic distinction remains central to much critical research on charity. For discussion of charity, law and political economy, see, for example, Brooks (2001); INCITE! (2007); Morris (1999). For charitable gambling specifically, see Christensen et al. (2009). On working men’s clubs as mutual aid, rather than charitable, organizations, see Bedford (2019).

That said, in a subsequent essay, Thompson includes—but does not comprehensively analyze—an early trade union card filed among the Crown’s affidavits when Hampshire woolcombers were prosecuted in 1725. The union was identified—no doubt to try and avoid prosecution—as a “charity” founded in 1700 (1991, 277). This example is a helpful reminder that charity should be central to moral economy debates, and to work on law and political economy more generally. It is worth underlining, in particular, the contested role of charity as both target of crowd anger and potential (sometimes instrumental) resource for (re)asserting more collective claims to subsistence—a theme I explore below in relation to charitable lottery gambling.

These four insights—about the need to extend the moral economy concept beyond eighteenth-century English food riots; the complex role of law and regulation in the moral economy; the key role of consumption beyond bread and rice; and the contested place of charity—underpin this piece. The remainder of this article asks what we might learn if we apply this broader understanding to a preliminary case study of gambling law and regulation in the COVID-19 pandemic. The study is preliminary because it does not cover all gambling sectors (see note 8), and because it focuses on the *state’s* approach to gambling as an (in)essential activity; it does not assess popular experiences of gambling directly. However, I offer it as a prompt for what I hope is a longer conversation about how we might reconceptualize gambling through a moral economy lens, and what that might contribute to studies of Law and Political Economy.

### III. Gambling in the Market and Moral Economy

Unlike alcohol, gambling has not been richly theorized within the moral economy tradition.<sup>35</sup> Thompson does not address gambling in his moral economy essays (although he does note its prevalence in his earlier work on the working class; see Thompson 1963), and Scott (1976, 14–24) frames it narrowly, in curiously moralistic terms. Whereas he offers a compelling material and contextual analysis of rice wine, gambling appears merely as a metaphor of capitalist risk-taking: the rationality of peasant risk-avoidance is counterposed to forms of high-risk investing described as gambling (Scott 1976, 14). He offers a strangely one-sided approach to gambling as epitomizing capitalist risk-taking. There is no exploration of how some forms of gambling may be linked to customary expectations about sharing resources, mutual aid practices, or even charity. This is strange in part because Scott ends his book by identifying examples of collective everyday resistance—burial associations, social welfare groups, and rotating credit associations (1976, 205)—known to have involved low-stakes gambling in other places.<sup>36</sup>

Scott’s approach to gambling as firmly within the market economy is echoed in more recent work in economic sociology. For example, to show that companies seek to trick people into acting on desires that may diverge from their self-interests, Fourcade (2017) uses Natasa Dow Schüll’s (2012) book on how slot machines are designed to encourage compulsion. Fourcade extends Schüll’s argument to phones and social media apps (673). The extension is innovative and productive, but again gambling appears only in its commercial form, as for-profit exploitation of players.

However, as anthropologists and sociologists have long noted, gambling has diverse political-economic meanings. It can certainly involve the for-profit encouragement of individual risk-taking

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<sup>35</sup> For an exception, see Delalande (2017) on the key role of the lottery raising money for disabled war veterans in the formation of the French welfare state. It references both Thompson and Fassin.

<sup>36</sup> For example, see Bedford (2019) on British working men’s clubs and funerals; Harris (2016) on the community initiatives funded by African American women’s work as numbers runners in Harlem; and Louw (2019) on how nineteenth-century Chinese immigrants to South Africa collectively used illegal numbers gaming as an accumulation strategy.



in commercial environments. It can involve technologically mediated “zoning out,” to annihilate the self (Schüll 2012; Nicoll 2019). It can also, perhaps paradoxically, involve sociality and group bonding (Nicoll 2019; Puri 2016); raising money for charity (Christensen et al. 2009); showing love to family (Casey 2008); sharing resources within the community (Binde 2005); cementing national and imperial ties (Cassidy 2008); or securing survival in informal economies (Harris 2016; Chazkel 2011). For example, the working men’s clubs that emerged in England just after the Swing Riots were not just about insurance for respectable funerals or the provision of uplifting reading material (Bedford 2019). They were also about bawdy games, drinking, and gambling. Mutual aid and collective politics intertwined with leisure, and play, including in the form of low-stakes gambling. Moreover, notwithstanding the common assumption that casinos are the most globally salient form of gambling, non-commercial, charitable, religious, and mutual aid play, in forms such as raffles, tombolas, lotteries, and bingos, remains far more accessible in most places.

Noting this diversity is not to argue that gambling is *really* about sociality, or community, rather than about profit-making. Gambling is about many things. To understand the significance of gambling to political economy, and to ascertain whether it may be linked to widely shared customary expectations within a moral economy, we must therefore attend to its varied forms, in concrete times and places, and the complex relationship those forms have to the state.

Given the understanding of the moral economy outlined in Part II, I am especially interested in the role of law and regulation in shaping this diverse gambling landscape. While, as many have noted, there have been “vehement struggles” (Stäheli 2013, 15) around the distinction between gambling and legitimate, productive speculation,<sup>37</sup> it is also crucial to attend to how law and regulation influence the varied forms that gambling takes. This requires comprehensive research into the forms of speculative play that are bolstered by law, those that are merely tolerated, and those that are condemned; the rationales for this differentiation; the implications for different groups of people; and how law and regulation articulate the relationship between gambling in the market and moral economy, including during a crisis.

We may, commonsensically, expect that gambling would be considered inessential, if not immoral, in a period of crisis, leading to enhanced prohibitions. As Thompson notes, crackdowns on activities perceived to be morally suspect—like gambling—can resonate with the populace in crisis times.<sup>38</sup> Indeed, in the aftermath of the 2008 financial crisis, a number of politicians tried to reassert

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<sup>37</sup> See, for example, Kreitner (2007) on nineteenth-century US efforts to distinguish the allocation of risk that was central to commodities trading contracts and insurance from gambling. As he notes, “[t]he problem of wager, generally considered a marginal aspect of contract, ought to be seen as central to the development of modern contract law” (99). See also Alex Preda (2004), who traces a nineteenth-century vernacular “science of financial investments” that disentangled financial securities from gambling in part by framing investor behavior as grounded in attention to news and information about price. Marieke de Goede (2005) has detailed the gendered ways that productive speculation was differentiated from irrational gambling, with the fickleness of Lady Luck tamed by the hard science of the rational, masculine investor. Others have explored the racial dimensions of the suppression of bucket shops and numbers gaming as vernacular investment forms (Fabian 1999; Haller 1991; Harris 2016). Further, the “serious” nature of stock markets is key to their distinction from gambling, understood to be about play and entertainment (Stäheli 2013: 15). Theatricality—especially the revealing of prices—was hence heavily circumscribed. On this reading, gambling can no more be analytically reduced to a vernacular way of managing risk than stock markets can be reduced to theaters. Rather, it is the “entanglement” (Stäheli 2013, 240) of entertainment, speculation, and play, and the regulatory boundaries distinguishing them, that emerge as of central interest to critical political economists. See Bedford (2019) for an in-depth, pre-pandemic discussion.

<sup>38</sup> See, for example, discussion of Defence Regulation 55c, introduced in 1942, which gave the UK police additional grounds for objection to the registration of new members’ clubs, where gambling was allowed to occur as subsidiary to other activities (Tremlett 1987, 182). See discussion in Emergency Laws (transitional provisions) bill. HC Deb 20 November 1945 vol 416 cc238-347.

the legitimacy of responsible speculation by, yet again, distinguishing it from gambling—a distinction as old as the stock market itself and historically central to the ability of finance capital to re-establish its power after crisis.<sup>39</sup> That said, gambling liberalization (de jure or de facto) has frequently been sparked by crises of various kinds, with states needing to raise money fast. Liberalization in Japan, Italy, and China has been linked to natural disasters (Kong 2020). Moreover, some charitable and mutual aid forms of gambling were tolerated, or even encouraged, in the UK during the 1914–18 and 1939–45 wars, including to raise money for war-related causes, and to sustain morale (Bedford 2019). Different gambling sectors can hereby be treated distinctively during crises.<sup>40</sup>

There are many potential bridges between this more diverse lens on gambling, and moral economy literature. A full exploration—requiring in-depth research into vernacular experiences—is beyond the confines of this piece.<sup>41</sup> Here, I limit my focus to what we can learn about the role that gambling plays in the moral and market economy from UK gambling law and regulation during the COVID-19 pandemic. Although the consequences of COVID-19 for gambling remain in flux, some countries have responded with liberalization of some sectors,<sup>42</sup> while others have selectively restricted operations.<sup>43</sup> This variation should not come as a surprise, given that periods of gambling liberalization, or backlash, do not map neatly onto timelines of perceived crisis. We also need to attend closely to differential state treatment of gambling forms to reach informed conclusions. In particular, as I explain in Part IV, we need to know how mutual aid gambling economies have fared compared to commercial or charitable sectors.

#### IV. British Gambling Regulation Before and During the Pandemic

##### A. *A General Overview*

Via the Gambling Act 2005 (2005 c. 19), the British Labour government took a liberalizing approach to most forms of commercial gambling, including online. A dramatic expansion of online

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<sup>39</sup> UK Prime Minister David Cameron used the term “casino-style economic boom” to refer to out-of-control, risky financial speculation (Ancona 2012). US President Obama publicly chastised US companies seeking bailout money for holding conferences in Las Vegas (Clark 2009). See also note 37.

<sup>40</sup> During the deep recession of the early 1980s in the UK, for example, Thatcher’s Conservative government deregulated commercial bingo, loosening stake and prize limits and advertising restrictions, while imposing tax rises and enhanced surveillance on non-commercial bingo (occurring in nonprofit spaces such as working men’s clubs, legions etc.). Moreover, in the context of a perceived crisis in welfare spending, the Conservative government turned to charitable gambling (especially large society lotteries) to raise money. See Bedford (2019).

<sup>41</sup> I offer a pre-pandemic account of English and Welsh bingo players’ encounters with law and regulation in Bedford (2019); see also Bedford (2015; 2018) on regulatory encounters in Canada, and Fiona Nicoll’s in-depth work on how people encounter gambling norms relating to the Melbourne Cup (a key horserace in Australia) (2019, 151–7). Nicoll also offers a compelling account of the community, sociality, warmth, care, and enjoyment characterising Australian pokie lounges—experiences that coexist with the extraction of revenue from players. As with bingo, players may “poach” the venue for non-gambling purposes or utilize marketing tools (free parking and drinks) without gambling (109). Gesturing to Scott’s later work, Nicoll argues that “while the proliferation of gambling spaces is clearly a strategy of political domination, these spaces can also be re-tooled to serve as ‘weapons of the weak’ for those who are otherwise unable to access amenities afforded by their places of home or work” (12). See also Casey (2008) on the heterotopias created by working-class women playing the UK’s National Lottery.

<sup>42</sup> For example, Rhode Island allowed online lottery marketing; bingo operators in Norway moved online, as did state-run gambling activities in Québec; Brazil moved forward reforms to allow sports betting; Ontario continued with plans to legalize i-gaming. See Research Chair on Gambling Studies (2020).

<sup>43</sup> For example, Sweden and Belgium announced plans to limit deposit amounts into online casinos; Spain limited gambling advertisements; the Finnish state monopoly Veikkaus lowered monthly and daily loss limits on most online gambling; Latvia banned online gambling completely during its March 2020 lockdown. Many countries—from China to Finland to Brazil—suspended lottery draws (Håkansson 2020; Stark and Robinson 2021; Research Chair on Gambling Studies 2020).

gambling, gambling advertising, and sports betting, and a proliferation of higher-stakes gambling machines in betting shops, resulted. Tighter regulatory oversight of mutual aid operations—began under Thatcher—was further entrenched (Bedford 2019). But in the years immediately before the pandemic, the state's approach to gambling policy changed. The national gambling regulator (the Gambling Commission) and the Conservative government came under growing criticism from those arguing that gambling harms were increasing and that regulators (and some of those in charge of commissioning research) had been captured by industry.<sup>44</sup> In 2019, a new National Strategy to Reduce Gambling Harms was launched (Gambling Commission 2019a). This prioritized harm prevention and consumer education, alongside better treatment and support for those suffering the negative effects of gambling (Advisory Board for Safer Gambling 2020, 3). The House of Lords opened a committee on gambling-related harms in July 2019, the same month that the Gambling Commission issued stronger social responsibility rules for remote operators.<sup>45</sup> In August 2019, the National Lottery ended £10 scratch cards. In December 2019, another Conservative Government was elected, with a manifesto commitment to review the Gambling Act 2005 to strengthen protection further. The Commission had also begun working with Twitter and Facebook to produce guidance for people wanting to limit gambling-related content on those platforms (Gambling Commission 2019b). All this happened *before* the pandemic.

At a general level, the pandemic had an unsurprisingly negative impact on in-person gambling. A survey of UK gambling operators found that revenues declined by at least 50% in 2020 (Research Chair on Gambling Studies 2020, 2). Operators reliant on premises were forced to close in March 2020 in the first national lockdown, and then had to make costly adjustments to ensure social distancing on re-opening. Such retail gambling venues generate 50% of the overall gambling market in UK (excluding lotteries).<sup>46</sup> Betting shops, bingo halls, casinos, horse and dog tracks, adult gaming centers, and family entertainment centers were all severely impacted, although—as noted below—some retail gambling sectors were supported by the government far more generously than others in response. Remote betting was also impacted, since there was so little activity on which to stake, and in-person sales of National Lottery tickets plummeted. Conversely, online casinos, online National Lottery scratch cards and instant win games, and other online gambling platforms not reliant on live sport increased their market share during the first lockdown.<sup>47</sup> This stark difference in fates continued through the autumn and winter of 2020 and spring of 2021: in the second and third lockdowns, casinos, amusement arcades, bingo halls, and fairgrounds were once again forced to shut.

In terms of *regulatory changes*, since the pandemic began the UK government has accelerated the turn towards heightened scrutiny of gambling operations on public health grounds, out of concern that gambling harms are proliferating. This scrutiny covers all gambling activity, although it has been especially pronounced in the remote gambling arena.<sup>48</sup> For example, in March 2020 the Commission implemented a credit card ban for online gambling, and an online cross-operator self-exclusion program, both agreed upon before the pandemic. At the outset of the first national lockdown, the head of the Gambling Commission also wrote to all online gambling operators to reiterate expectations regarding social responsibility and customer affordability checks (McArthur

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<sup>44</sup> For example, after extensive criticism about the close relationship between industry actors and the charitable organization established to direct treatment and research funds raised from a voluntary levy on commercial gambling operators, the organization's name, strategy, and leadership were overhauled.

<sup>45</sup> See Social Responsibility Code Provision 3.4.1a (Gambling Commission 2019c).

<sup>46</sup> See Gambling Commission (2020a; 2021a).

<sup>47</sup> Some of that experimentation was short-lived. National Lottery draw participation recovered by June 2020, as retail outlets reopened, as did sports betting (after top-level football resumed). Betting on virtual sports (such as the Virtual Grand National) declined from 3% at the start of YouGov tracking in April 2020, to 1% in June/July 2020. See Gambling Commission (2020e).

<sup>48</sup> I explore this in Bedford (2022).

2020, n.p.).<sup>49</sup> The Betting and Gaming Council, an industry body, voluntarily removed all gaming product advertising on TV and radio for the duration of the first lockdown.<sup>50</sup> Enforcement action also continued; two online operators who did not participate in the new cross-operator self-exclusion scheme had their licenses suspended, although in one case the suspension only lasted four days (Gambling Commission 2020d). In April 2020, the Commission also awarded £9 million to Gamble Aware (a leading gambling harm research and prevention organization) to support their work during the pandemic (Research Chair on Gambling 2020, 3).

However, the key limitation of this general overview is that it again homogenizes gambling. If gambling has diverse political economic meanings, we must attend to specific sectors (see Part III). With this in mind, the remainder of this article examines the approach taken to horserace betting, lotteries, and in-person bingo during the first years (2020 and 2021) of the COVID-19 pandemic. In so doing, I show that—notwithstanding the generally negative policy and media attention focused on gambling at present—some sectors (horserace betting and lotteries) fared relatively well. This sort of gambling was framed as beneficial, including for what it demonstrated about national coming together, and how it facilitated the state’s emergency response to the pandemic. In contrast, the resurgence of self-organized bingo during lockdown—absent any state support—suggests an alternative moral economy of play that resonates with older, mutual aid frameworks.

### B. *Horserace Betting: Gambling Seen Through Establishment Spectacles*

In early March 2020, the Jockey Club—the body that once regulated UK horseracing but that now runs many major events for commercial gain—decided to continue with the Cheltenham racing festival, despite concern about mass gatherings fueling the spread of COVID-19. The Gold Cup race was run on March 13, the same day that English premier league football clubs announced a suspension of play. The decision to press ahead with Cheltenham subsequently prompted claims that local infection rates had spiked, and that prominent attendees had become ill (Morgan 2020). A leading racing correspondent feared that the sport’s reputation had been tarnished (Lysaght 2020), and several newspapers—including ones that would normally disagree in their approach to the Conservative government—reported critically on the event.<sup>51</sup> Although this alleged tarnishing has not impacted government support for horseracing (see below), the mass gathering at the festival has become an iconic example, for some observers, of the state’s lack of foresight around the coming catastrophe.

Cheltenham went ahead in March 2020 in part because the race, and the betting associated with it, is economically vital for the horseracing industry, and in part (relatedly) because prominent horseraces are such key spectacles that cancellation would have been profoundly disturbing to the annual sporting events calendar.<sup>52</sup> In 2019, a PR spokesman for betting company Coral told Racing TV that Cheltenham

is the biggest week of the betting year, I think a figure of £500m will be bet across the industry. Of the top 40 betting races last year, 25 were Cheltenham Festival races, which

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<sup>49</sup> See also the Commission’s webpage on FAQs from gambling consumers during lockdown (Gambling Commission 2020b).

<sup>50</sup> It turned instead to advertising “safer gambling,” sometimes with branded products, and links to the main landing page of online gambling websites. For a critique, see All Party Parliamentary Group on Gambling Related Harm (2020).

<sup>51</sup> See, for example, Morgan (2020) (for the *Telegraph*), Davidson (2020) (for the *Mirror*), and Wood and Carroll (2020) (for the *Guardian*).

<sup>52</sup> See Nicoll (2019) on how major races often mark “extraordinary moments within our daily, weekly, and annual calendars” (117), impacting national perspectives on time.

says it all. There is no other meeting like it. It's the meeting that gets the juices flowing for punters like no other. (Racing TV 2019, n.p.)

Moreover, as Rebecca Cassidy (2008) and others have argued, horseracing has a central place in the UK's national imaginary, and prominent races like Cheltenham, Ascot, the Grand National, and the Derby are sites for the display of national (and imperial) greatness (see also Clapson 1992, 47). Links between racing and the establishment (including the royal family) are key to the spectacle.<sup>53</sup>

Relatedly, many critics of the decision to press ahead with the festival noted the close links between the racing industry and prominent Conservative politicians involved in the COVID-19 response. These include Baroness Dido Harding, a businesswoman who became a Conservative peer in 2014,<sup>54</sup> and former Health Minister Matt Hancock.<sup>55</sup> In a similar vein, Open Democracy noted the generous hospitality given to Conservative MP Laurence Robertson by gambling firms in 2020 (including during the Cheltenham festival): Robertson chairs the All Party Parliamentary Group on Racing, and his constituency includes Cheltenham race course (Geoghegan 2020).

That said, however, the special status given to betting on horseracing goes beyond the fact that establishment figures like the sport. Its privileged position within the national imaginary also rests on a *regulatory* commitment to moderating the parasitic relationship of betting firms to the sport on which their profits rely. Horseracing and betting are *legally* imbricated,<sup>56</sup> and this imbrication intensified during the pandemic. In particular, the bolstering of horseracing (including by requiring that some proceeds from gambling be redirected to support racing) is hardwired into gambling law, notwithstanding the supposedly free-market liberalizations of the 2005 Gambling Act. The Horseracing Betting Levy Board—a public body created to compensate racing for the loss of in-person attendance anticipated when off-course betting shops were legalized in 1961—still collects a 10% statutory levy from horseracing bookmakers, used to improve racing (including by contributing to prize money), breeding, and veterinary science and education.<sup>57</sup> In 2017, the government “acted to future-proof the Horserace Betting Levy by extending it to offshore bookmakers for the first time—generating an extra £45 million in statutory levy income in 2017–18” (Barber 2019, n.p.).<sup>58</sup> In fiscal year 2019–20, the Levy yield was £97m, an increase from the £83 million raised in 2018–19 (Horserace Betting Levy Board 2020). In 2020–21, the levy raised £82 million (Horserace Betting Levy Board 2022)—a clear decline from the year before but, given the pandemic, perhaps better than expected.

This levy means that horseracing and betting are tightly legally bound: the sport relies in part on a statutory subsidy from gambling operators. This levy is contested, with many in the racing industry arguing that bookmakers use racing as a loss leader to draw customers in to play on gambling machines; if bookmakers' horserace betting proceeds are low, the levy generated is also low.

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<sup>53</sup> This is not to deny that non-establishment, anti-imperial solidarities may be present within horseracing: Cheltenham is especially prominent for *Irish* jockeys, trainers, and punters, for example. But such solidarities are unlikely to underpin the UK Conservative government's regulatory response to the pandemic—the focus of this article.

<sup>54</sup> Harding—an avid rider—owned the 1998 Cheltenham Gold Cup winner Cool Dawn and sits on the board of the Jockey Club. She was in charge of the UK's COVID-19 test and trace operation.

<sup>55</sup> Hancock's constituency is Newmarket, the site of an historic Jockey Club training ground. A 2020 media investigation documented the extensive donations he received from the horseracing sector (Conn 2020).

<sup>56</sup> For example, historically, after the 1853 Betting Act (16 & 17 Vict., c. 119), horseraces were the only sporting events where ready money betting was legal (until the 1926 introduction of commercialized greyhound racing) (Clapson 1992, 108).

<sup>57</sup> See s 27 of the Betting, Gaming and Lotteries Act 1963 (1963 c. 2) which created the bookmakers' levy, and The Gambling Act 2005 (Horserace Betting Levy) Order 2007 (SI 2007 No/ 2159), which continued it.

<sup>58</sup> See The Horserace Betting Levy Regulations 2017, UK Statutory Instruments 2017 No. 589.

However, the statutory levy does generate key revenue to sustain horseracing. Hence, some want it extended to cover betting on horseraces outside the UK, and greyhound racing advocates have repeatedly tried, unsuccessfully, to have a version applied to their sport.<sup>59</sup>

During the pandemic, the government protected the central role of horserace betting within the national imaginary and its privileged funding arrangement. Horseracing resumed, without spectators, on June 1, 2020—the first major sport to do so, as the British Horseracing Authority noted (British Horseracing Authority 2020b).<sup>60</sup> The English Premier League resumed on June 17. Furthermore, horseracing benefited from more generous targeted relief measures than other sectors.<sup>61</sup> In April 2020, the Horserace Betting Levy Board and the Racing Foundation announced a £22 million package of emergency relief for the sector, including £13.5 million in direct support to racecourses, alongside support for self-employed jockeys, valets, and agents, and welfare support for horses (O’Boyle 2020). In July, the Horserace Betting Levy Board stepped in to not only guarantee but *increase* minimum prize money (which would otherwise have crashed due to lack of spectators) (British Horseracing Authority 2020c). The British Horseracing Authority promised on Twitter that “our sport will do its best to lift the nation’s spirits,”<sup>62</sup> but, with tracks and betting shops closed or restricted by the pandemic, it called for more support to sustain racing. This was duly provided, with horseracing included as one of eleven major spectator sports in a £300m Sport Winter Survival Package, announced in November 2020 (see Table 1). This package was oriented to sports that “face an existential threat, as a result of the restrictions on spectators” stemming from the pandemic (Sports England 2021) Up to £40 million in loans was made available to horseracing (Racing Fixtures 2020; see also Table 1). Horseracing was included in the category of elite sport allowed to continue (without spectators) during the second lockdown (Department for Culture Media and Sport 2020b), a decision repeated in the third lockdown and in part explained by the desire to provide some live action sport on which bettors could stake.

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<sup>59</sup> The British Greyhound Racing Fund collects an annual *voluntary* 0.6% levy from bookmakers on the profits generated through betting on dogs in the UK, using the proceeds to make grants to support the sport. In June 2019 Conservative MP Neil Parish supported a Westminster Hall debate aiming to introduce a statutory levy, to include online bookmakers; this was unsuccessful in changing policy.

<sup>60</sup> Snooker was also allowed to resume in June, as part of a re-opening trial.

<sup>61</sup> For example, a £22 million Horseracing: Cashflow and Hardship Support Package was announced by the Horserace Betting Levy Board and the British Horseracing Authority on 17 April 2020. See also British Horseracing Authority. 2020a.

<sup>62</sup> British Horseracing Authority (@BHAHorseracing) ‘BHA statement following this evening’s press conference.’ Twitter, October 31 2020. [https://twitter.com/BHAPressOffice/status/1322627809999769602?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1322627809999769602%7Ctwgr%5E&ref\\_url=https%3A%2F%2Fwww.racingpost.com%2Fnews%2Ffrust-firmly-believes-racing-can-continue-despite-second-lockdown-threat%2F457073](https://twitter.com/BHAPressOffice/status/1322627809999769602?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1322627809999769602%7Ctwgr%5E&ref_url=https%3A%2F%2Fwww.racingpost.com%2Fnews%2Ffrust-firmly-believes-racing-can-continue-despite-second-lockdown-threat%2F457073)

**Table 1: Preliminary (November 2020) Breakdown of Winter Survival Package Funding by Sport, based on initial needs assessment by the Department for Culture, Media and Sport<sup>63</sup>**

Sport	Amount (GBP)
Rugby (Union and League)	147m
Horseracing	40m
Football	28m
Motorsport	6m
Tennis	5m
Basketball	4m
Ice hockey	3m
Badminton	2m
Greyhound racing	1m

In addition, betting shops themselves were given beneficial treatment when compared to some other gambling sectors, based in part on a skewed understanding of their business model as being tied to live-action horseracing. They were allowed to open on June 15, 2020,<sup>64</sup> earlier than adult amusement arcades, even though guidance initially suggested that arcades could reopen at the same time. According to an industry blog, “at the last minute it appears there was a critical reversal by Number 10, which we understand relates to a concern that customers will dwell on the gaming machines in the arcades, although it remains unclear why betting shops have been treated differently and allowed to reopen” (Arron 2020 n.p.). Confusion is understandable, given that betting shops make far more profits from gambling machines than horseracing.<sup>65</sup> However, the decision to privilege betting shops over other gambling venues is in keeping with a state vision of them as supporting *racing*, which in turn, for some, represents the nation itself.

State bolstering of horseracing during the pandemic is thus *both* about privileging a commercial sector with key connections to Conservative constituencies, wealthy landowners, and establishment figures *and* about what horseracing represents more broadly, for some, within the nation. Laws and regulations did not solely reflect market economy concerns with gambling profits, but they also tried to shape the moral economy, reiterating that *this* form of gambling fits *within* the boundaries of what is “essential” during a pandemic. In fact, staging the sport, and gambling on the results, was deemed more than legitimate in a period of crisis; it was prioritized. Horseracing was hereby protected relatively well, including through the intensification of existing regulatory measures to transfer resources from betting to the sport. The customary sense—shaped by state laws—that betting on horseracing was not simply harmless, but *good* for the country, was continued within the UK’s COVID-19 response.

### C. *The National Lottery: Directing Gambling Proceeds to Emergency Response*

*By playing The National Lottery, you are making an amazing contribution to the nationwide-response to combating the impact of COVID-19 on local communities across the UK.*  
 –The National Lottery, *Covid 19: The National Lottery Response* (n.d.(c)) (n.p.).

References to lotteries have played a heuristic role in many countries during the pandemic, as a way to capture the perceived sense of chance and unfairness involved in healthcare provision, for

<sup>63</sup> Figures taken from the November 19, 2020 online announcement of sports funding (Sport England 2020).

<sup>64</sup> See The Health Protection (Coronavirus) Restrictions (England) (Amendment) (No.4) Regulations 2020 SI588

<sup>65</sup> From April 2020 to March 2021, gambling machines made up 47% of the £1 billion gross gambling yield in the non-remote betting sector. Gross gambling yield - GGY - means turnover minus payouts for winnings. GGY was £472.9 million from machines versus £217 million from horserace betting. See Gambling Commission (2021c).

example. Some states, businesses, and universities have used also prize draws to incentivize vaccine uptake. My interest here, though, is in the impact of the pandemic on the regulation of established lottery products in the UK, both in the form of the National Lottery (then run by a private contractor, Camelot, on behalf of state causes) and charitable society lotteries (run by charities themselves or contracted out to external lottery managers). This interest stems from a long-standing belief that the “charitable halo” associated with gambling for good causes requires critical interrogation by legal academics.<sup>66</sup>

As noted above, much National Lottery play shifted online in the spring of 2020, when lockdown prompted a turn to online shopping. The National Lottery operator, Camelot, issued COVID-19 guidance for players that included shifting to an online account, and using auto-generated ‘lucky dips’ to choose numbers in retail outlets (to avoid use of play slips and pens). Furthermore, having consulted before the pandemic, in December 2020, the government announced that it was raising the age limit for buying National Lottery tickets and scratch cards, from 16 to 18.<sup>67</sup> Such measures are in line with the pre-pandemic shift to greater regulatory intervention to prevent gambling harms, especially for young people (Bedford 2019; Bedford 2022).

That said, however, following a consultation launched in December 2019, in April 2020—during the first lockdown—the government also announced a massive expansion in proceeds limits for society lotteries.<sup>68</sup> From July 2020, such lotteries have been permitted to run games with individual draw proceeds of up to £5 million (raised from £4 million), annual aggregate proceeds of up to £50 million (up from £10 million), and a maximum individual prize of £500,000 (up from £400,000), provided that the lottery proceeds reach the new maximum individual draw level.<sup>69</sup> This is a 500% increase in annual aggregate proceeds limits, compared with a 25% increase in maximum prize limits. The biggest winners here are likely to be the largest society lotteries, and the external lottery managers they rely on to run multiple draws throughout the year. The halo associated with large charitable lotteries has remained firmly in place, although those lotteries are disappointed that the sales and prize limits were not raised even higher (May 2022).

Another particularly significant shift in the state’s approach to lotteries during the pandemic related to the deployment of National Lottery proceeds, volunteers, and infrastructure to emergency ends. National Lottery proceeds are distributed through twelve organisations focused on sports, arts, and heritage in the nations of the UK (one distributor, the National Lottery Community Fund, is focused on community-level, people-led projects and activities). In September 2020, the National Lottery’s Coronavirus FAQ webpage stated,

£600 million of National Lottery funding is going to projects around the UK to help tackle the impact of coronavirus. Hundreds of millions of pounds will benefit those projects at the forefront of the crisis – from supporting food banks to causes that combat loneliness and isolation, help for the elderly and projects that support health organisations in the community. (National Lottery n.d.(a), n.p.)

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<sup>66</sup> See Bedford (2015) on unpaid work and use of proceeds in Canadian charitable bingos. The term ‘halo’ is taken from Christensen et al. (2009). See also Kingma (2008, 448) on how gambling liberalization is often reliant on the “charitable alibi” that the money raised will go to worthy causes.

<sup>67</sup> Department for Culture Media and Sport (2020a). The government is currently reviewing the age limits for society lotteries, which still allow 16- and 17-year-olds to buy tickets.

<sup>68</sup> Gambling Commission (2020c). These changes were subsequently enacted in the Gambling Act 2005 (Variation of monetary limits) order 2020 (SI 2020/307)

<sup>69</sup> Gambling Commission (2020c), para 1.03.



This £600 million was aimed at “ensuring that National Lottery funding is deployed at scale in what is the UK’s biggest non-governmental contribution to combat the effects of coronavirus.”<sup>70</sup>

The revenue is non-governmental to the extent that it is raised from players, but the *deployment* is very much geared towards state priorities. Indeed, the National Lottery was adapted significantly during the first years of the COVID-19 pandemic. Its own funding priorities shifted in line with the government’s “build back better” approach. It was drawn even closer to the state in terms of promoting and coordinating volunteering, and it administered COVID-19 emergency funding not derived from lottery proceeds. This has implications for the role of charity and charitable gambling within the moral economy because it erodes the customary boundaries between what is considered legitimate to fund from voluntary donations, and what is regarded as an essential service due to citizens.

At first, the National Lottery funded, on a small scale, some initiatives designed to help the population through the pandemic; these included online befriending schemes for the elderly, online wellbeing courses (National Lottery n.d.(c)), and the creation of heritage-related lockdown activities (Heritage Fund 2020 (27 March)). The National Lottery’s organizations were also used to channel lottery money to various arts, culture, heritage, and sports priorities, including through providing a charity safety net for those—like freelancers—not covered by the furlough scheme.<sup>71</sup>

More long-term, however, many organizations that disperse Lottery proceeds were reconfigured to help “build back better” in line with state priorities. For example, in February 2021 the National Lottery Heritage Fund announced that it had resumed project funding, but with an adapted mandate:

[I]t is not a return to “business as usual.” As the pandemic continues to impact so many aspects of our lives, we want to fund projects that demonstrate the value of heritage to our national life and which support local economies, places and communities. (Heritage Fund 2021b, n.p.)

In an online video in April 2021, its Head of Strategy explained that this meant supporting economic and social recovery (National Lottery Heritage Fund 2021b). New priorities were bolstering job creation, improving training and skills, and creating new volunteering opportunities. These have a higher status than the organization’s previously agreed strategic priorities (that heritage will be in better condition; that heritage will be identified and better explained; that people will have learned about heritage) (National Lottery Heritage Fund 2021a, 3; see also National Lottery Heritage Fund. 2021d).

The tightening nexus between the Lottery and government priorities is particularly evident in relation to volunteering. The use of National Lottery proceeds to support volunteering is a continuation of pre-pandemic trends,<sup>72</sup> but it has been turbocharged as a result of COVID-19. As

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<sup>70</sup> Gambling Commission (2020c). Other websites suggest a higher figure than £600 million. For example, in March 2021, the Heritage Fund announced that “national lottery funding exceeds £1billion to tackle Covid-19 impact,” with examples including £250 million to National Trust Scotland to reopen a Robert the Bruce battle experience (National Lottery Heritage Fund 2021c, n.p.).

<sup>71</sup> For example, the National Lottery (via the British film industry) provided £500,000 of a £3 million COVID-19 Film and TV Emergency Relief Fund (British Film Institute 2021).

<sup>72</sup> Between 2013 and 2019, there was a 64% increase in the number of volunteering grants awarded by The National Lottery Community Fund (National Lottery Community Fund 2021). Since 2013, the Lottery has run a charitable trust, involving £47 million in Lottery money, to build enthusiasm for large events. This has mobilized 44, 000 volunteers “lifting the spirits of the nation” (Wakeling et al. 2021, 9). The Lottery had also supported Helpforce, an organization that works with National Health Service trusts, including through use of uniformed “bleep volunteers”

the National Lottery Community Fund (NLCF) stated when announcing a key 2021 report on volunteering, *Power in Purpose*, “[s]ince the start of the COVID-19 pandemic, an estimated 10 million volunteers and helpers have mobilized to support community responses across the UK, bringing the incredible impact of volunteering under the spotlight” (Wakeling et al. 2021, 1). In 2020, the NLCF awarded 1,500 grants, for £124 million, to enhance the volunteering response to COVID-19 (National Lottery Community Fund 2021). This money supported pandemic work with 1.5 million volunteers in England and Northern Ireland (Wakeling et al. 2021, 5), including a food delivery service run by a homelessness charity in Bristol, and coordination of the COVID-19 volunteering response in Leeds (11). As *Power in Purpose* summarized,

Volunteering is a part of almost every project and programme we fund. Around 94% of our grantholders involved volunteers for at least some of their work during Covid. And in 2020/2021, the 10,000 groups we funded in England and Northern Ireland worked with around 150 volunteers per organisation; seven volunteers for every paid member of staff. (13)

The pandemic did not merely upscale the Lottery’s existing work on volunteering: it *changed* that work in crucial ways, tying charity volunteers far more closely to the state. For example, a survey of 14,000 volunteers in England involved in the COVID-19 response at Lottery- and government-funded charities noted that people who had volunteered before did different things during the pandemic; they “were more likely to report helping people to access food and essential items (up from 22% to 34%)” (Wakeling et al. 2021, 12). This was largely due to government policy. In May 2020, the Department for Culture, Media and Sport (which oversees the Lottery) allocated £199 million to a Coronavirus Community Support Fund (CCSF), for grants of up to £100,000 to support small to medium-sized organizations in England through the next six months.<sup>73</sup> This was announced with substantial fanfare, including via a national media briefing by the Chancellor. Although funded by the government directly, the CCSF was administered by the NLCF—the body that distributes a share of Lottery proceeds via grants to community organizations. According to the government’s initial announcement:

The (Coronavirus Community Support) Fund will prioritise projects that:

1. support people and communities who experience disproportionate challenge and difficulty as a result of the COVID-19 crisis;
2. provide services and support for vulnerable people, for which there will be increased demand as a result of the COVID-19 crisis; and
3. connect communities and support communities to work together to respond to COVID-19.

*Government funding will be used to fund organisations in the first two objectives, National Lottery funding will be used to fund organisations in the last category. But the application process is the same, so you don’t need to worry about this.* (Department for Culture Media and Sport. N.d., n.p. emphasis added).<sup>74</sup>

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who run errands in hospitals (17). The dominant rationale for the promotion of volunteering is not just that it provides key services, but also that it helps volunteers by countering loneliness, and increasing employability, confidence, resilience, and aspiration (6). On mandated volunteering in general. see for example Zatz (2021); Morris (1999). On volunteering in relation to austerity in the UK, see Dowling (2021). On mandated volunteering in Canadian bingo halls, see Bedford (2015; 2018).

<sup>73</sup> £187m was distributed, with £12 million spent on administration and evaluation costs.

<sup>74</sup> Those objectives shifted during the scheme; the final evaluation of the CCSF lists them as “1. To increase community support to people disproportionately affected by the COVID-19 crisis, through the work of civil society organisations 2. To reduce temporary closures of essential charities and social enterprises, ensuring services for people

The NLCF took on the key support work for the CCSF, including online publicity,<sup>75</sup> “amplification of Government communications,” and “targeted outreach through partners and stakeholders at national and regional level” (Mackay et al. 2021, 1). The success of the NLCF’s outreach work is confirmed by the fact that over 500 applications were received for CCSF funding on the first day, breaking all previous records (9). Overall, according to an evaluation of the initiative, “the Coronavirus Community Support Fund represented an effective route to distributing emergency response funding” (4).

The tensions in the close partnership between NLCF and CCSF are worth mentioning, however, because they reveal some key obstacles involved when the state rapidly reorients its regulatory approach to charitable gambling during a crisis. The branding of the initiative—as a *government* commitment, or one that the NLCF was funding through Lottery proceeds—was unclear throughout. For example, the NLCF’s report mentioned a CCSF grant to Greenwich Mutual Aid, a Facebook-formed group in London that fulfilled requests for neighbors during lockdown, delivered food bank and baby bank parcels, and worked with the council to refer people with complex or urgent needs. The grant enabled them to pay volunteer expenses and hire a paid volunteer coordinator (Wakeling et al. 2021, 12). It is unclear from *Power in Purpose* whether Greenwich Mutual Aid was funded by proceeds from the Lottery, or the government directly. In another example, an online announcement stated that the NLCF had launched a COVID-19 “awards for all” call supporting people affected by the pandemic; the framing there suggested that the National Lottery was doing the funding and prioritizing (see *Funding for All* n.d.).

While these framings collapsed the boundary between Lottery and state, the NLCF’s local funding officers had to explain that the grants were *not* derived from gambling proceeds in order to effectively promote the initiative among “communities most in need and where The Fund did not have existing relationships” (Mackay et al. 2021, 11). In this regard, outreach targeted “communities who had been reluctant to access funding from the organisation previously due it being generated through gambling” (11). There was a clear tension here: the initiative was promoted on the National Lottery good causes website and administered by the NLCF using the same application process as used for Lottery grants, but simultaneously, staff administering it had to explain that it was not Lottery money in order for certain organizations to apply (Mackay et al. 2021, 12).

Moreover, NLCF staff were overwhelmed not just by the *volume* of applications (and the fact they were working remotely, during a pandemic); they were also impacted by the *nature* of the applications, some of which detailed the difficult circumstances of extremely vulnerable and disadvantaged people. As the final evaluation (based in part on interviews with staff) noted, due to “the fact that applications often covered distressing topics, the wellbeing of staff was at risk of being negatively affected” (Mackay et al. 2021, 45), requiring steps to be taken by managers. The pivot to administering emergency provision, rather than grants in the more traditional areas of the NLCF, thus proved affectively very difficult for staff. Behind the message to applicants of “*you don’t need to worry*” about whether funding was from Lottery proceeds or the state, there was a huge amount of papering over the cracks that emerged when charitable gambling was retooled to serve pandemic ends.

Via these pandemic-era changes to National Lottery rules and procedures, the state adapted the role of charity in the provision of essentials, in a legal mediation of the moral economy that may

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disproportionately impacted by COVID-19 have the financial resources to operate, and so reduce the burden on public services” (Mackay et al. 2021, 5).

<sup>75</sup> See for example *Funding for All* (N.d.) on online promotion.

have longer-term significance. It is not just that the state is funding essential services through a lottery, but that the infrastructure of charitable gambling has been adapted to direct non-Lottery-derived funds. The National Lottery Community Fund's mailing lists, knowledge of the sector, staff time, and expertise were mobilized for new ends—personal protective equipment and food delivery, for example (Mackay et al. 2021, 46). The boundaries between what gambling should legitimately fund, and what volunteers channelling donations should deliver, versus what we consider an essential service due to citizens, erodes further. It is no wonder that Lottery staff—used to dealing with applications in the sectors of sport, heritage, and arts—struggled.

#### D. *Bingo: Regulatory Neglect and the Resurgence of Mutual Aid Play*

*To circumvent the state monopoly and buy from traditional suppliers represented the exercise of a popular traditional privilege.*

—James Scott (1976, 111, on rice wine in Vietnam)

*Bingo halls may have closed their doors but residents in a Telford street hosted a whole new version of the classic game to keep themselves entertained throughout the coronavirus lockdown.*

—Lisa O'Brien (2020)

If horseracing and society lotteries were bolstered by the state, and if the National Lottery was repurposed for pandemic ends, what of in-person bingo—a game with a distinctive player demographic, offering distinctive lessons about political economy?<sup>76</sup> Bingo offers us insights into a far less grand, national, or Grand National, vision of gambling than horseracing or large lotteries. Including the game within academic discussions of gambling can be a challenge, in part because participants sometimes deny that they are gambling (as is also sometimes true of lottery players), and in part because it fits awkwardly into the categories of intelligibility established to make legal, political, or moral sense of gambling: as vice or virtue; as a lottery or a game involving skill and participation; as about winning or socializing (Bedford 2019). This awkwardness makes bingo vital to study, especially if we are interested in how regulatory boundaries are drawn around gambling and in the diverse role of gambling within the market and moral economy.

Bingo is available both commercially and non-commercially in the UK, as in many other jurisdictions. Commercial bingo halls offer a specific gambling atmosphere and environment, often involving close bonds between regular players and staff. Halls can provide warmth, company, and a sense of community for a distinctive group of players—disproportionally older, working-class women—who are often marginal to the action in other leisure sectors (Bedford 2019). Pre-pandemic, staff in some halls checked on regular customers if they did not come in.

Hence, when the Head of the UK's Bingo Association wrote to members on March 27, 2020 to reiterate the Gambling Commission's reminder about social responsibility obligations on all gambling businesses, some of the warnings had sector-distinctive implications. The Bingo Association urged its members to be very cautious about marketing online bingo to retail (in-premises) customers, adding that it was important to ensure that managers using independent social media accounts understood that message too. This addition is crucial in retail bingo, because bingo hall managers may well be social media "friends" with regular players. Some hall managers did indeed try to (re)forge community during lockdown: a Club 3000 manager in Walton (the North of England) set up a WhatsApp group for staff *and players*, and pledged to call vulnerable people every two days to check on them (Newbingosites.co n.d(a)). Mecca Swansea (a club in

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<sup>76</sup> I address online bingo elsewhere, as part of in-depth consideration of attempts to reduce harm by tightening online gambling regulation (see note 8).

Wales) partnered with the local council to prepare and cook meals in the bingo club's kitchen, to be distributed to locals during lockdown (Newbingosites.co n.d(b)). The manager praised "phenomenal" employees for "giving up their time to help support important causes. . . . We've all been asked to contribute to the national effort, and here at Mecca, we are delighted and determined to answer that call" (n.p).

Bingo, however, was not positioned by the government (in Wales or elsewhere in the UK) as central to the pandemic response. News of these initiatives was in the local or industry press, not announced by the Chancellor during national media briefings. Indeed, the most immediate lesson to take away from consideration of bingo and the pandemic regards the lack of targeted support for the retail sector, leading to huge losses. Retail bingo was in decline before the pandemic (see Gambling Commission 2021c), but the sector fell off a cliff in March 2020. Ninety percent of Rank's staff were furloughed in first lockdown,<sup>77</sup> and "profits for the 12 months to the end of June fell 66 per cent" (Duncan 2020, n.p.). Bingo halls had to wait until July 4 to reopen, over two weeks after bookmakers. John O'Reilly, head of Rank, joked that his halls "have been social distancing for years" given the spacious venues and declining customer base (Duncan 2020, n.p.), but in some cases operators put considerable resources into ensuring social distancing: One manager in Great Yarmouth (a Northern seaside town) put mannequins on seats to help players stay apart (Coates 2020).<sup>78</sup> Through autumn and winter 2020, commercial bingo premises were subjected to inconsistent local rules; Blackpool's bingo halls shut during a local lockdown, while Liverpool's halls stayed open (Duncan 2020). Nationally, bingo halls were also subjected to rules designed for pubs, even though their business model (and the role of alcohol in it) is very different.<sup>79</sup> Retail bingo thus ended 2021 in a severely damaged state, with a significant downscaling of venues (and staff) appearing likely.<sup>80</sup>

That said, one of the reasons bingo is so crucial to our debates about gambling regulation and the moral economy is that it is not just operated by profit-making businesses. It is also self-organized, for mutual aid purposes. As I have argued elsewhere (Bedford 2019), the working men's clubs that championed this mutual aid gambling were key to UK gambling liberalization debates in the 1950s and 60s, and they remained central to law and policy conversations until Thatcher. In recent years, mutual aid play has been largely ignored by the state, but it continues to be significant, especially in some parts of the UK.<sup>81</sup> It is essential to attend to this level of activity if we are to comprehensively account for the bingo sector.

In this sense, COVID-19 prompted a resurgence in bingo at the vernacular level that is especially significant for work on the moral economy. Although participant observation in these games was not possible (see note 11), media reporting of them suggests that they were common. Bingo was organized in socially distanced ways across the UK during the first lockdown: in Splott (BBC 2020a), Middlesborough (*Evening Standard* 2020), Paisley,<sup>82</sup> Rathcoole (Northern Ireland World

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<sup>77</sup> Rank owns Mecca, one of the two large commercial bingo operators in the UK, with 77 halls.

<sup>78</sup> That bingo hall manager had been doing temperature checks on customers in March 2020, when Cheltenham attendees were alleged to be super-spreading the virus.

<sup>79</sup> Bingo halls were forced to shut at 10 p.m. due to a curfew imposed on pubs in an attempt to limit late-night social gatherings. See <https://www.gov.uk/government/news/coronavirus-covid-19-what-has-changed-22-september>. This required curtailing evening bingo games, even though alcohol consumption in bingo halls is very low and is subsidiary to play.

<sup>80</sup> There was a 57% decline in total GGY in licensed non-remote bingo premises between 2019–20 and 2020–21 (this combines the yield from bingo games and gaming machines) (Gambling Commission (2022)).

<sup>81</sup> For example, in May 2014 there were over 100 working men's clubs offering bingo in a small part of south Wales visited for fieldwork; some were running bingo games several nights a week (Bedford 2019).

<sup>82</sup> Roberston, Gary (@BBCGaryR) "Going to the bingo is off just now." Twitter, June 9, 2020. <https://twitter.com/BBCGaryR/status/1270258201921978368>. See also BBC (2020b).

2020), Rhyl (ITV News 2020) and Liverpool (Bellsham 2020).<sup>83</sup> A common theme in such self-organized, low-stakes games was that the jackpots—cobbed together from players and organizers—were intended to be a bit of a joke. In one Manchester game, local people organized a street bingo with donated prizes; the jackpot “Survival Pack” “consisted of a jigsaw, a bar of chocolate and toilet roll” (White Haven News 2020, n.p.). This playful jackpot works to amuse us precisely because it is not a large-scale, institutionalized mechanism for distributing essentials. Rather, gambling helped to connect people and provide entertainment, and the prizes helped players poke fun at themselves.

I do not mean to impose a singular meaning on these self-organized games, or to obfuscate their overlaps with charitable, or commercial, play. Some bingo games raised money for good causes, for example. One street bingo, in Grantham, helped fund packages containing essential items (including food) for the elderly and vulnerable in the local area (Bingo Ben 2020). Another game, in Telford, raised money for a food bank (Telford Live 2020). Self-organized bingo games were also played remotely in institutional care settings in an attempt to raise spirits: A sheltered housing association in Leith played bingo (called by the warden via the intercom) to keep room-bound residents amused (Port of Leith Housing Association 2020).<sup>84</sup> Furthermore, there was a surge in self-organized online bingo games, both for fundraising and to provide some entertainment. A major UK homelessness charity provided a “how to” guide on organising online lockdown bingo (The Big Issue Foundation n.d.). Commercial organizers of bingo events retooled to support some of these larger online fundraising initiatives,<sup>85</sup> although the games were self-organized in many cases. Here we see the boundaries between commercial, mutual aid, and charitable gambling operations blur, but in a much less state-directed way than discussed above with the Lottery.

These sorts of self-organized bingo games—characterized by low stakes, social play dynamics, and usually involving mutual aid logics—offer us an insight into a very different vision of gambling than horserace betting or lotteries. The physical and social geography is certainly very distant from Cheltenham, but the lessons are different too. Bingo games emerged and persisted during lockdown because people organized them, in adapted forms, themselves—the infrastructures of play are relatively accessible, and the expertise required to run the game is often embedded within player communities. Bingo represents not just harmless gambling, but a distinctive type of *good, worthwhile, legitimate* gambling. Bingo is good, worthwhile, and legitimate not because it is crucial to the UK’s formal economy, or because it is central to the state’s pandemic response in the same way that the National Lottery was, or because it is in line with establishment leisure interests, or because it helps promote a Conservative, virtuous, or communitarian vision of national recovery reliant on volunteers. It is good, worthwhile, and legitimate because it draws people together in participatory play; because the prizes are often a bit of a joke; and because it can be self-organized at a profoundly local level, where—unlike with large lotteries—those who organize and play the game, and distribute any excess donations left after prizes, are usually the same people. To play bingo under lockdown represented, in some senses, a reassertion of customary practices to rustle

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<sup>83</sup> These experiences were not limited to the UK; on Cork, see O’Callaghan (2020); on Dublin, see Pope and McGreevy (2020); on Hollywood star Matthew McConaughey calling bingo at a Texas care home, see Newbingosites.co (n.d)(c); on the resurgence of Indigenous-run radio bingo games across Canada during the pandemic, see McGinn (2021).

<sup>84</sup> See also Newbingosites.co (n.d.(b)), and BBC (2020a) on members of the royal family calling bingo in a Welsh care home. To reiterate, residents complained about the quality of the calling.

<sup>85</sup> For example, one involved an online club promoter partnering with a company called “bingo banjo” to run a live event on Facebook, with some proceeds going to the Children’s Society (The Live Rooms 2020). Another commercial provider offered a free online comedy lockdown bingo event; Southwark council in London linked to it on their culture and heritage events page, although the page has since been removed (see also Johnston 2020). The organizer of that bingo event also ran lockdown bingo for a community development trust in Notting Hill; see Creation Trust (2020).

up pooled prizes through sharing, and to direct any proceeds to needs identified by those playing and organising the game. This involves a distinctive moral economy of playful speculation, far closer to cooperatives and mutual aid than to workfare and philanthropy.

That the state generally ignored bingo, in all forms, in its pandemic-era approach to gambling regulation is of interest in two ways, then. First, the neglect of commercial operations can be usefully contrasted with the bolstering of horserace betting, as evidence that the state's interests in for-profit gambling were uneven and partial. The centrality of horse racing to establishment spectacles of national identity has long involved a legal imbrication between the moral and market economy, evident in the statutory transfer of resources from betting to racing. In 2020 and 2021, horserace betting was protected not just through the levy, but also through pandemic-era regulations that privileged racing, and betting shops, for early reopening, and state funding. None of this targeted support was available for commercial bingo, even though halls faced an "existential threat" from pandemic restrictions that was at least equal to that confronting racecourses.

Second, the resurgence in vernacular bingo games under lockdown reminds us that gambling can be embedded in experiences of community, and that popular manifestations of mutual aid in the moral economy are not necessarily austere or performative of self-sacrifice and restraint, even in a period of crisis. Those of us researching the interaction between the moral economy and law and regulation are also reminded that the state's efforts to shape the moral economy do not constitute it (Part II). These bingo games ran under the radar of state regulatory intervention, tolerated or ignored. To note this is not to dismiss the value of a focus on law and regulation in shaping the moral economy of gambling. The focus is necessary, but not sufficient. Future research will need to take a more participatory approach to examining the intersection between the moral economy and gambling, in bingo and other sectors.

## V. Conclusion

This article has tried to adapt the concept of moral economy so as to increase its utility to research at the intersection of law and political economy, and apply that adapted concept to a case study of UK gambling regulation, to identify what we can learn from about the state's approach to different forms of speculative play during the pandemic.

I have offered a four-part adaptation that (1) extends the moral economy concept beyond eighteenth-century English food riots; (2) highlights the complex role of law and regulation in the moral economy, while retaining an awareness that the state's efforts to shape the moral economy do not constitute it; (3) extends the moral economy beyond food staples (bread and rice), to note the key role of alcohol within research on essential consumption and customary practices; and (4) highlights the contested role of charity—differentiated from mutual aid—in the moral economy.

This conceptual reworking underpins my claim that gambling has a place in our moral economy conversations, even though it is often exclusively theorized in market economy terms. Gambling is also, sometimes, deeply embedded in experiences of community, and it can help sustain more-than-capitalist social relations; a rejuvenated approach to law and political economy must be open to this possibility. That said, it is only through paying close attention to sectoral variation that we can adequately understand how gambling links to collective customary expectations about social and economic rights to culturally defined notions of subsistence. It is not that gambling has a singular meaning—to lawmakers or the general public—in debates about essential consumption during a crisis, then. Attending to the variation is crucial.

Attention suggests that some forms of gambling have been bolstered by the state as central—symbolically and materially—to pandemic recovery. In horse racing, a statutory body stepped in to boost prizes, via proceeds from betting. In society lotteries, the Gambling Commission radically raised annual aggregate proceeds limits, allowing for unprecedented extraction of revenue from players. In the National Lottery, the national infrastructure of charitable gambling was adapted to direct non-Lottery-derived funds to emergency ends, and the imbrication of the Lottery with state-directed volunteering was intensified. Conversely, bingo was neglected by the state, even though commercial halls needed targeted support, and even though the non-commercial game experienced a resurgence during lockdown as people (re)turned to self-organized, low stakes, mutual aid play. These non-commercial bingo games give us hints of an enduring moral economy of mutual aid gambling during lockdown, even as laws bolstered racing, and large charities.

Without meaning to overplay my hand, I hope that some insights derived from this research into pandemic-era gambling regulation might help revitalize the concept of moral economy more broadly. Gambling might offer two specific lessons for future work in this regard. First, given that law and regulation play a key, contested role in mediating, and co-constructing, the moral and market economies, and in customary legitimation invoked by different groups, future research needs to attend closely to pandemic rules regarding essential consumption, including in a comparative context. This would enable us to better identify the varied role played by law in expectations about social and economic rights to culturally defined notions of subsistence in a context of crisis. Disputes over whether crisps or pork pies count as a meal are of genuine intellectual importance here, with laws on essential goods and activities meriting attention alongside other sites of pandemic law making. However, a moral economy framework, rightly understood, would be suspicious of any within-jurisdiction claims to consensus about essentials, and it would not *only* look at state rules: it would also examine practices, including of non-compliance and creative compliance.

Second, this article has repeatedly highlighted the contested role of charity in the moral economy. This requires greater attention. Charity sits between the moral and market economies. It is a crucial institutionalized conduit for a sense of obligation to others and can turn otherwise morally dubious consumption (like gambling) into a perceived necessity because of the alleged benefits to others. Still, it is distinct from entitlement-based demands for subsistence based on customary expectations. By reiterating the ongoing importance of self-organized mutual aid gambling, I am seeking not (just) to double down on an intellectually niche interest in bingo, then, but also to register the limits of political economy conversations that can only accommodate nonprofit activity in the charitable form. We need to radically pluralize our approach to law and political economy, such that it is attentive to realms such as mutual aid, and cognizant of rights-based demands to subsistence that defy austere or respectable understandings of essentiality. To do that, as Thompson knew, we must critically interrogate charity and its limits. I hope to have made some progress towards that end here, by noting the worrying legacy of the pandemic for lotteries expansion while also highlighting the crisis-related resurgence in mutual aid forms of play.



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