

Zona Zarić

Institute for Philosophy and Social Theory, University of Belgrade (IFDT);
École normale supérieure (ENS), Paris
zona.zaric@ens.fr

Ivica Mladenović

Institute for Philosophy and Social Theory, University of Belgrade (IFDT);
Centre de recherches sociologiques et politiques (LabTop-CRESPPA), Paris
ivicamladenovic@cnrs.fr

The Pandemic: A Breeding Ground for Authoritarian Power Grabs

This article attempts to demonstrate that the COVID-19 pandemic provided possibilities for numerous (non)democratic governments to impose new restrictions on civil liberties, persecute opponents, limit protests and introduce new mass surveillance techniques, thus turning a devastating biological virus into a damaging political virus that has markedly eroded the overall state of freedom in the world in just a few months. In countries considered non-democratic, but also in so-called democratic ones, the restriction of freedoms is justified in the name of preservation of mere biological life (*zoē*). This new historical event unveils the fact that the crisis has not been handled using democratic means, even in democratic states, but rather by means they have in common with all states, including the most authoritarian ones: by using tracking technologies, without any due process or control by intermediary bodies, by taking decisions by a few, and by using the urgency of the situation in order to be granted excessive powers. Using the interpretive framework of Michel Foucault, Gilles Deleuze and Giorgio Agamben, we illustrate the new direction of late capitalism and the dormant political effects of handling the health crisis.

Key words: coronavirus, crisis, authoritarianism, power, surveillance, media, biopolitics

Пандемија: плодно тло за ауторитарно грабљење моћи

Овај чланак покушава да покаже да је пандемија ковида 19 пружила могућности бројним (не)демократским владама да наметну нова ограничења грађанских слобода, прогоне противнике, лимитирају протесте и уведе нове технике масовног надзора, претварајући тако разарајући биолошки вирус у штетни политички вирус који је за само неколико месеци у великој мери довео у питање свеукупно стање слободе у свету. У земљама које се сматрају недемократским, али и у такозваним демократским државама, ограничење слобода се оправдава у име очувања живота (*zoē*). Овај нови историјски догађај открива чињеницу да криза није решавана демократским средствима, чак ни у демократским државама, већ средствима која су заједничка свим

државама, укључујући и оне најауторитарније: коришћењем технологија праћења, без регуларних процедура или контроле од стране посредничких тела, доношењем одлука од стране неколицине, и коришћењем хитности ситуације како би се обезбедила грабила превелика овлашћења. Користећи интерпретативни оквир Мишела Фукоа, Жила Делеза и Ђорџа Агамбена, настојимо да оцртамо нови смер касног капитализма и потенцијалне политичке ефекте руковођења здравственом кризом.

Кључне речи: коронавирус, криза, ауторитарност, моћ, надзор, медији, биополитика

I Introduction

Intense unprecedented events have the capacity to suspend time, to suspend the ability to think outside the event itself. More often these are scenarios that do so for the worst, suspending our ability to react, such as a terrorist attack, or an earthquake, but at times they are also the best of events, such as the birth of a child, or the end of a dictatorship. Since the beginning of the COVID-19 pandemic, that has already lasted more than a year, we have collectively been, and still are, living through such a suspension, an unprecedented and unacceptable “new normality”, lacking proper insight into such a radical social transformation. As the ability to project ourselves into the future has been abruptly suspended, we are left with the present moment, the event we are living through, on which to negotiate. As we shall see later in this article, the temporal dimension is a problem in and of itself, and not secondary to the trade off between liberty and security that it enables.

The Coronavirus pandemic – as a new historical event – has brought the entire planet into an unprecedented situation, an abrupt standstill. Globalization took a turn, from finance and entertainment to a global struggle against the virus. Seemingly, for a moment the whole world stopped and shifted attention from power struggles to collective survival. This was nonetheless, just a temporary image of the world. Soon after the first shock, which came with rapidly increasing numbers of the infected and dead, power struggles started again, not only internationally (see Boniface 2020), but also at national levels. In some countries, domestic politics worsened the situation further by justifying extreme suspensions of liberties, in order to preserve life, or more precisely – *zoē*, biological life, suspending all its aspects that are not merely biological, but social, cultural, affective and psychological. The *biological* virus thus became *political*, and Foucault’s notion of *biopolitics* came back in all its grandeur.

The experiences of great pandemics of the last centuries have proven to be particular historical sequences associated with vast and important experiments – not only in the field of medicine but also in other social spheres – such as the implementation of drastic measures, but also of new knowledge and scientific breakthroughs that are true civilizational achievements.¹ It is by virtue of these extreme experiences that in the West the awareness of the need for an accessible and public-

¹ Such as the RNA vaccine developed for the fight against coronavirus, but whose mechanism could also be used for other diseases.

ly financed health system has matured and political reconfigurations have occurred. Another example is the mismanagement of the cholera pandemic in Hamburg in 1892 by the liberal government of the time, that led not only to the reorganization of the health system but also to electoral reforms with the aim of establishing a political system that could better respond to such situations (see Evans 1987).

On the other hand, Michel Foucault argued in *Discipline and Punish* that the quarantines and restrictions of freedom during the plague pandemic of the 18th and 19th century allowed states to introduce disproportionate coercive measures and a new form of power, which he called “discipline”: “It is a segmented, immobile, frozen space. Each individual is fixed in his place. And, if he moves, he does so at the risk of his life, contagion or punishment. (...) Everyone locked up in his cage, everyone at his window, answering to his name and showing himself when asked – it is the great review of the living and the dead. This surveillance is based on a system of permanent registration: reports from the syndics to the intendants, from the intendants to the magistrates or mayor. (...) Relation of each individual to his disease and to his death passes through the representatives of power, the registration they make of it, the decisions they take on it” (Foucault 1995 [1975], 195–197). Many of today's institutions such as the hospital, the school, the factory, or the army barrack and the prison, have been modeled after this type of surveillance quarantine, referred to by Foucault as the *panopticon*.

According to Foucault, the context of the plague pandemic was the perfect test for defining the exercise and scope of disciplinary power. Today, a year into the COVID-19 pandemic, life seems to be preserved only to produce and contribute to the global neoliberal and capitalist machinery. We have shifted from the pursuit of the *good life* (Ricœur 1990, 202) to mere survival, passively witnessing a global agreement on most economic processes and technological protocols, the introduction of new mass surveillance techniques and standards implemented with no due process. Guaranteeing purely biological life – and in so doing completely neglecting, if not destroying, any of its other invaluable forms – has become a major angle of play for many regimes. As the biggest governance test in recent history – one that many authoritarian regimes are failing – the pandemic and its ensuing economic devastation will drive considerable global political change. In what sense, remains to be seen.

At a time when the world is willing to accept individual sacrifice for the common good, leaving citizens everywhere more vulnerable, recognizing these threats and manipulations is imperative. Many measures that have been taken, and many of those that will be taken, are temporary and necessary to fight the virus. Others are neither. For example, the erosion of civil liberties is not even being denied, rather the public is made to believe that this trade off between civil liberties and public safety is necessary. Leaders make decisions “for our own good”, like a parent caring for the wellbeing of a child, like a king whose judgement is the only one that matters. We are thus witnessing the (re)birth of a new form of *disciplinary politics*, since the health crisis has led to restrictions on freedoms in many countries:

limitation of the right to demonstrate, censorship of social networks, control of citizens' personal information.

In the postscript of his book *Pourparlers (1972–1990)*, Gilles Deleuze claimed that the “disciplinary society” thematized by Foucault, had already reached its peak in the early 20th century and that in the post-modern world we were heading towards a new form of power, which he named “society of control”.² Thus, after the disciplinary societies, articulated around institutions of enclosure (schools, hospitals, factories, prisons), appear more fluid societies, which are no longer exclusively subjected to environments of enclosure, but which are characterized rather by a series of measures, often technological, of control.³ The society of control is only the continuation by other means of the disciplinary societies, and the difference between Foucault's *discipline* and Deleuze's *control* is relatively analogous to the difference between historical quarantines and contemporary confinements. Rather than hermetically sealing off masses of people at specific times and in relatively limited areas, it is about controlling and restricting movement, but in a much more generalized and continuous way.

This idea of a *never-ending* society of control is finding new and expanding arrays of justification in the current context, furthering the thesis of the *state of exception* – that is by definition a temporary suspension of the rule of law by the sovereign in the name of the public good, by becoming increasingly prolonged, if not permanent (see Agamben 2005). Agamben further argues that liberal democracies, by providing for such *states of exception* within their legal apparatus, do not seek to protect the rule of law, but rather to circumvent it and replace it with a security state that controls the population and stifles any dissent. By equating the state of emergency with the state of exception, according to Agamben, we are on the way to abolishing any substantial difference between authoritarian and liberal-democratic regimes.

With these ever-expanding measures of surveillance and the strengthening of the executive power, not only the already autocratizing regimes, but also old Western liberal democracies in the current pandemic context, are slowly becoming more autocratic. The ability to hold accountable, influence and control governments is decreasing drastically, while the control of populations is increasing exponentially. Citizens are ready to give up more and more liberties in the infamous trade off between security and liberty, which more often than not leads to a Hobbesian like social contract, with a powerful *Leviathan* at its core absorbing within it the division of power into one executive branch, obscuring the decision making process and the necessary information owed to its citizens. This article does not aim to theorize

² Gilles Deleuze first mentioned “societies of control” during a conference at the *Fémis Foundation* in Paris, in May of 1987.

³ To show the logic of this new society, he also developed a series of oppositions with respect to the previous society: control societies are digital rather than analog; they modulate (individuals, behaviors) rather than mold them; they are characterized by never-ending rather than by eternal recommencement; they are characterized by passwords rather than by command words etc. (see Deleuze 1986).

the pandemic *per se*, but only the ongoing and dormant political effects of its handling, and to examine whether the events around it and the political turmoil that has ensued, endorse the theses of Gilles Deleuze and Giorgio Agamben in relation to the general direction of late capitalism.

II The variations of control from surreptitious to disciplinary in “hybrid” and “authoritarian” political regimes

There is no doubt about the necessity of good governments to intervene in the context of a health crisis that threatens the lives of its citizens. But the violation, even in a health emergency, of democratic rights – such as that of individual freedoms, privacy, and freedom of expression and association – is firmly framed and restricted by many international treaties, including the *European Convention on Human Rights*, the *American Convention on Human Rights*, the *Arab Charter on Human Rights*, and the *International Covenant on Civil and Political Rights* (ICCPR). Adopted in 1984 by the United Nations Economic and Social Council, the *Siracusa Principles*, for example, apply additional criteria, such as proportionality, necessity and good faith, to limitations and derogations to the rights contained in the International Covenant on Civil and Political Rights (Thomson & Ip 2020a, 1356).

Nonetheless, in the current context of the pandemic, we are witnessing an emerging global tendency for the measures taken by political authorities – such as the monopolization of power by the authorities in the context of states of exception, the cybersurveillance and the disproportionate control of the population, disinformation etc. – to go far beyond what is necessary to control and slow down the spread of the COVID-19 virus, and in many cases they are steps that have little to do with the very legitimate and desirable objective of fighting the virus and maintaining public health.

Thus, the real biological virus is used as a pretext for the dissemination of an authoritarian political virus. Since the very beginning of the pandemic the virus has been depicted, talked about and mobilized in the collective imaginaries as an enemy we are fighting against. Thus, a bellicose discourse ensued and similar measures followed, enabled by this very same discourse. There is much to be gained by understanding the importance of discourse in unprecedented times such as the current pandemic.

Already at the end of April 2020, *Foreign Policy* noted that the coronavirus pandemic caused the rise of authoritarian regimes globally (see Smith & Cheeseman 2020). Furthermore, the 2020 Democracy Report of the independent research institute *V-Dem Institute* stated that liberal democracies have ceased to be the dominant political system in the world for the first time in almost 20 years (Lührmann & Roony 2020). Countries with already existing autocratic tendencies used the crisis as an occasion to manipulate and consolidate their political power and their hold on the economy and society even further. Many examples could be stated, such as that of Russia, Turkey, Bangladesh, Cambodia, China, Egypt, Ethio-

pia, Algeria, Uganda, Guinea or Rwanda, where President Paul Kagame was the first in Africa to institute a strict national lockdown and to manage the crisis in an authoritarian and degrading manner, or Turkmenistan, where leader Gurbanguly Malikgulyevich Berdymukhammedov banned the use of the word “coronavirus” to avoid creating panic (see Fedtschun 2020).⁴

Here, and in many other countries, we can see the obvious effects of discourse in creating a war-like atmosphere and submission, that is directly related to democratic decline and the establishment of the state of emergency as a means to conduct the fight against a biological virus, using a language of war.⁵

In Egypt, for example, a decree (passed on July 27th 2020) that authorizes the extension of the state of emergency (which has been in effect since 2017 in response to terrorist attacks) and further reinforces the concentration of power in the military, expanding its already powerful and far reaching legal system (i.e. the military prosecutor is authorized to assist civilian courts in the prosecution of civilians). It also gives the President direct control over the security forces and military, bypassing the existing command structure. In this security context, emergency legislation, which is renewed every six months, gives the security forces greater powers of detention and arrests, overriding certain constitutional rights such as the freedom of expression or association. Human rights organizations denounced these decrees – presented by the government as essential for the fight against the coronavirus – as attempts to cover up new repressive powers that limit rights in the name of public order, thus here again degrading the core democratic value of holding one’s government accountable and in control by those governed by it (see Human Rights Watch 2020).

This type of manipulation is even more prominent in war ridden countries such as Syria, Libya, Azerbaijan, Mali or Sudan. Notably, the government of Libya passed the *Mobilization Law*, designed to prepare the population for the transition from a state of peace to a state of war, and which authorizes the government to extend conscription, confiscate personal property, etc (see Panza 2021). According to *Democracy Reporting International’s* report, funds allocated to committees responsible for implementing the extraordinary measures decided by the *Anti-Virus Committee* were used to worsen restrictions on freedoms, but also to buy the allegiance of prominent members of the Libyan Arab Forces community and to fuel war efforts in western Libya (Panza 2021, 23). Not only Giorgio Agamben, but also Michel Foucault before him, have shown that the security political powers may not

⁴ In our paper, as far as the types of political regimes are concerned, we rely on the classification established by the *Economist Intelligence Unit* (<https://www.eiu.com/>), although we recognize some problems related to the limitations of the liberal vision of democracy, of its criteria (but which are not fundamental to the object of our work). Established by this research and analysis division of the Economist group, the Democracy Index is in fact based on 60 indicators grouped in 5 categories: electoral process and pluralism, government functioning, civil liberties, political participation, political culture. The resulting index classifies countries into four regimes: full democracy, imperfect democracy, hybrid regime and authoritarian regime.

⁵ For a commentary on the discursive aspects of the COVID-19 crisis, cf. Chomsky 2020.

necessarily be at the origin of the events that create a situation of exception, but that when it does occur they almost always exploit it and direct it in ways that benefit them.

A general trend has been noted in response to protests in countries classified as authoritarian: protests that took place in 2019 – reflecting popular desire for better governance – were stifled or met with severe repression in 2020. A report of *Freedom House* shows that, of the 39 countries and territories in which significant protest movements occurred in 2019, 23 experienced a decline in 2020. Regimes from very different national contexts, such as Algeria, Guinea etc. that felt threatened by protest movements in 2019 passed new restrictive laws and used the health crisis to arrest and prosecute protesters, and in a number of cases, even used brutal repression (Repucci & Slipowitzles 2020, 49). If we consult the *Economist Intelligence Unit's 2020* report on countries with hybrid and authoritarian regimes, we see a significant drop in the Democracy Index: of 93 countries classified as such, 70 countries are more authoritarian in 2020 than they were in 2019.⁶

While in less developed countries with hybrid and authoritarian political regimes, we observe the implementation of the disciplinary measures that Foucault described, in richer countries with the same type of regime, the context of the health crisis has provoked a strengthening of the *control society* in the Deleuzian sense. The most obvious example being China, that through its coercive state power, was able to implement a mandatory quarantine strategy, that ranges from mass use of facial recognition technologies, censorship, setting up hotlines and social networks for whistleblowers, rapid response code technologies, to drones and other means of monitoring the whereabouts of its citizens (see Mao 2021). Some specialists have reported abuses and arbitrary measures in certain districts and villages, where the discretionary powers granted to the committees by *The Infectious Disease Control and Prevention Act* and *The Emergency Response Act* were unprecedented: citizens were forcibly locked out of their homes, roadblocks were erected at the entrances to villages or towns, and informal meetings of residents were violently interrupted (Rochot 2021, 94–95).

According to the Chinese Human Rights Defenders organization (see Annual Report on the Situation of Human Rights Defenders in China 2020), which lists various Chinese sources, hundreds of Chinese citizens have been publicly accused of spreading false rumors and punished for doing so, including when they did nothing more than speak out online about cases of infection they knew about. The COVID-19 pandemic thus merely reveals an insidious and long-standing presence

⁶ Democracy Index. 2020. In sickness and in health? The Economist-Intelligence Unit. https://www.eiu.com/n/campaigns/democracy-index-2020/#mktoForm_anchor (Accessed April 29, 2021).

of such tendencies, while serving as a pretext for the governing class to reinforce them.

In addition, to address the pandemic, The Chinese government – using tracking technology – implemented an application that tells people what to do based on the risk factors they carry. The system, first piloted in the city of Hangzhou, is now reportedly being used in hundreds of cities nationwide. It operates through the *Alipay* payment application (used by 900 million Chinese), assigning each citizen a color code – green, yellow or red – based on their health status. When a user grants the software access to personal data, an element of the program called ‘reportInfoAndLocationToPolice’ sends the person’s location, the name of the city and an identification code number to a server (see Aumercier 2020). The software does not clearly tell users its connection to the police, but according to China’s state-run Xinhua news agency and an official police social media account, law enforcement authorities have been a key partner in developing the system. Other countries in the world – Unites States, Australia, Canada, New Zeland, United Kingdom, South Korea, Singapore, Israel etc. – have already followed the Chinese example and set up digital monitoring of citizens via smartphone applications to fight against COVID-19 (see Human Rights Watch 2021). China has thus demonstrated an efficiency in this field that seems to be applicable to the notion of *control society* in different contexts.

III The health and authoritarian pandemic in “imperfect” and “full” liberal democracies

Professor of political science at the Sorbonne, Loïc Blondiaux (2021, 87–88), remarks that the failure of institutions and beliefs associated with Western democracy, understood as electoral democracy based on representation – more or less silent or spectacular – had already been progressing in all countries over the last few years.⁷ Some of the most notorious symptoms and pathologies of this erosion can be observed throughout the West as well: the increasing weight of interest groups and actors from the world of finance in political decision making; the devitalization of the classic institutions of political representation (parliamentary assemblies, media, trade unions, political parties); brutalization of public debate on social networks as well as in the more traditional discussion spaces; growing defiance of intellectual and political elites; disintermediation of social relations and weakening of intermediary bodies; regression of public freedoms; the habituation of the population to digital tracking; increasing power of the executive, etc.

In liberal democratic countries, the COVID-19 pandemic abruptly reinforced and highlighted the aforementioned trends of democratic decline, particularly in the context of states of emergency and the unfolding of a “surveillance capitalism” (Ziblatt & Levitsky 2019). This process – in many “new”, but also “old” and

⁷ The Freedom House, USA government-funded watchdog non-governmental organization, reported in 2020 that democracy has been declining in the last 14 years, and that this decline occurred in many parts of the world, even in so-called democratic systems.

“established” democracies – has been noted in several scientific studies (Guasti 2020; Jean 2020; Merkel 2020; Popelier 2020), even in reports given by UN Secretary General (Guterres 2020), or written by High Representatives of the European Union (Borell 2020). Nevertheless, according to the *Economist Intelligence Unit* report,⁸ by 2020 authoritarianism will be on the rise in 63 of the 82 countries designated as having a democratic regime – whether it is an “imperfect” or “full” democracy. This is not unexpected given that a recent study suggests that “democracies are 75 percent more likely to erode under a state of emergency than without” (Lührmann & Rooney 2020, 3).

The institutional effect of the choice to introduce a state of emergency is a concentration of executive power and a marginalization of legislative and judicial powers without defined time limits (Windholz 2020). The most illustrative example is a member of the European Union – Hungary (Drinóczy & Bień-Kacała 2020), whose Prime Minister Victor Orbán acquired extensive emergency powers that allowed him to suspend existing laws and to rule by decree for an indefinite period. The Hungarian Act on the Containment of Coronavirus even states that elections or referendums would not be held during the state of emergency, which had no time limit. In another country classified as an imperfect democracy – Israel, the government expanded cyber surveillance of the population without parliamentary approval, using emergency measures. As a result, the Shin Bet, Israel's internal security agency, was able to access the location of thousands of residents via mobile data, officially in order to warn people in the vicinity of infected individuals (see Marciano 2021).⁹

One of the most significant examples of such authoritarian approaches within the democratic framework is the Indian regime. Analyzing the Indian case, Stephen Thomson and Eric C. Ip of the University of Hong Kong (2020b, 17–23) show that the government of Karnataka acting presumably under the powers granted to it by the Epidemic Diseases Act of 1897, published the names and addresses of thousands of quarantined people. In addition, the Karnataka police also reportedly sent people who violated home quarantine rules to a government “quarantine unit” under the Indian Penal Code. Furthermore, the Election Commission of India approved the use of indelible ink to stamp people under house arrest for COVID-19. The stamp prominently displayed the phrase “Proud to protect Mumbaikars”, thus involving the Maharashtra authorities in the forced application of paternalistic propaganda messages on people's bodies – an unnecessary and clearly disciplinary practice. According to Foucault, disciplinary practices are an instrument of power in

⁸ Democracy Index. 2020. In sickness and in health? The Economist-Intelligence Unit. https://www.eiu.com/n/campaigns/democracy-index-2020/#mktoForm_anchor (Accessed April 29, 2021).

⁹ Moreover, Prime Minister Benyamin Netanyahu was on trial for corruption when he decided to stop the hearing on the grounds of curbing the spread of the virus. As a result, his appearance was postponed for several months, and the hearings will not resume until April 2021. In addition, as he faced difficulties in forming a government after three rounds of elections since April 2019, he invited his main opponent to join his “national emergency” government (Panza 2021, 23).

social and political systems used to control, supervise, organize and manipulate populations and individuals with the aim of amplifying the power of bodies, training bodies to work together and to be a productive component in a large multiplicity.

These measures reveal that – although the expanded powers granted to the Indian authorities to manage the pandemic offer some practical utility – the regulation of the prevention and control of COVID-19 has led to an authoritarian drift in the relationship between political power and citizens. In addition to these measures, there is also a process of strong centralization of decision making and suspension of real government control. For example, the Indian government has put forward the *Disaster Management Act* (2005), which allows central and regional governments to govern through directives without requiring any parliamentary intervention. Apart from increased censorship of social networks and media surveillance, the state of emergency in India has been extended to the right to access private cell phones, the use of fingerprint and facial recognition technologies (FRT), and drone monitoring in public spaces, as well as control of the private space through COVID-19 home-quarantine applications (see Thomson & Ip 2020b).¹⁰

The United States has joined this slide toward authoritarianism. Freedom House noting that “[U.S.] democratic institutions have suffered erosion” and, under the banner of “America First,” the U.S. has all but abandoned its traditional role (Mitoma & Marcus 2020, 130) Not even the old European democracies are immune to such policies. In Germany, for example, the coronavirus crisis served as a pretext for the “the deepest of encroachments on the basic rights of citizens by the executive since 1949” (Merkel 2020, 3), and this tendency of authoritarian power grabs via peculiar “executive takeovers” and mass surveillance is visible throughout Western Europe. One of the most illustrative examples of democratic erosion is *the cradle of human rights* – France – where a state of emergency has been in place for years: since the terrorist attacks in 2015, and until 2017 and then the most recent one, put in place due to the sanitary situation. The *Economist Intelligence Unit*¹¹ has even estimated that France has passed from the status of a “full” democracy to an “imperfect” democracy in 2020.

One of the leading figures of the liberal intellectual journal *Commentaire*, lawyer Nicolas Baverez (2020) shows how in the context of the coronavirus, the state of the French democracy is deteriorating, notably through the creation of a regime of exception that excessively broadens the prerogatives of the executive power. In addition to Article 16 of the Constitution, the law of March 23rd, 2020 –

¹⁰ Today there are 120 contact-tracing applications in 71 countries, and according to the COVID-19 Digital Rights Tracker, the Indian application Aarogya Setu is the most downloaded of them with over 100 million users. Police have already used cell phone data retrieved by that app to track down people who attended a religious event, prompting a case accusing the political establishment of using the tracking app as a tool for mass control.

¹¹ Democracy Index. 2020. In sickness and in health?. The Economist-Intelligence Unit. https://www.eiu.com/n/campaigns/democracy-index-2020/#mktoForm_anchor (Accessed April 29, 2021).

which is even more damaging to the powers of the Parliament vis-à-vis the executives than the law on the security state of emergency against terrorism – created a combination of a health emergency regime, the state of siege and the state of emergency. This law gives extraordinary powers to the government without having to consult Parliament and allows the Prime Minister, by simple decree and without any real control by Parliament or the judiciary: to restrict or suppress the freedom of movement and gathering, to decide on quarantine and individual isolation measures, to requisition all goods and services or to control prices of goods. Between March 23 and May 13, 55 ordinances were drafted to deal with the pandemic (see Baverez 2020; Laquière 2020).

The French leadership has almost systematically preferred the path of repression to that of inclusion of citizens and intermediary bodies in the decision making process, and has in so doing accentuated the process of concentration of power at the top of the State, which has reached a sort of paroxysm with the management of the health crisis (Blondiaux 2021, 92–93). With the ubiquitous control of identity, as well as the mandatory use of the health pass (*pass sanitaire*) and geolocalization applications, France is becoming more and more the leader in intrusive surveillance methods among democratic countries, thus putting at risk individual freedoms and the very motto of the French Republic *liberté, égalité, fraternité*. This type of approach risks becoming a continuous panoptic surveillance of citizens' lives, and the fear that we are indeed entering a phase where the authorities will always put forward an emergency to justify the undemocratic means of social control and the infantilization of citizens, is what one senses among intellectuals alerting people that the “specter of a society of generalized surveillance is approaching”.¹²

IV Conclusion: Towards a Brave New World?

Even if, according to Alan Badiou (2020), with the COVID-19 pandemic “we are dealing with nothing new under the contemporary sun” rather another “new normal” typical of our late modernity, others claim that “the current epidemic is an original shock by its universal character, by its violence and by its complexity in its triple dimension of health, economic and political crisis” (Baverez 2020, 265). The pandemic has forced practically every country in the world to establish restrictive measures that would be difficult to even imagine, let alone implement under “normal” circumstances. Certainly, the measures deployed are intended to protect populations from the virus and from “imminent death”. However, an in-depth reflection on the legitimacy and the conditions of use of certain measures, and above all on their finality in relation to the intended objective is required.

The rise or consolidation of authoritarianism during the pandemic, not only in countries classified as non-democratic, but also in so-called democracies, is today the subject of a lively public debate, with important theoretical and practical stakes.

¹² This is the title of an article in the weekly *Le Nouvel Obs* published on April 13, 2020.

Even if intellectuals like Jürgen Habermas consider that there is no real danger to democracy in countries where democracy is well established (*Le Monde*, 10 April 2020), it seems that in the face of the pandemic, the so-called democratic states in fact do not manage any better, nor more democratically than the so-called authoritarian states, i.e. democracies have not proven to be particularly more efficient, more attentive to the health of their population, more transparent in their communication, nor more concerned with the truth than authoritarian regimes have, further weakening this distinction which is crucial for the leaders of the “Western world” (Hayat 2020). Different political traditions and the desire to stand out in the global geopolitical landscape inevitably lead to different rhetoric and strategies, but one can observe, in terms of practice, that these two camps tend to converge, as mentioned by Giorgio Agamben.¹³

We are thus experiencing a veritable pandemic of control mechanisms, which now explicitly concerns all (*pān*) people (*demos*), regardless of where they are and what they do. Nevertheless, this crisis unveils a paradoxical situation as well. In the 1930s, the premise of the welfare state in the United States (New Deal) offered an alternative to the authoritarian evolution observed in several European countries (see Polanyi 1945). After the crisis of 1929, the choice to protect the social groups most affected by the depression through various public programs helped to prevent authoritarianism, whereas today the “forms of protection” proposed coincide with a tightening of authoritarian control and surveillance, and further precarisation of those most affected by the pandemic. Life seems to be preserved only to produce, as seen in the debates on the tension between health and economic imperatives, or the shift towards the generalization of new techniques of governance and mass surveillance implemented in an undemocratic manner.

We can therefore legitimately fear that the current crisis will lead to reinforced “biosecurity” policies (Agamben), and with them, the even more serious weakening of the proclaimed democratic standards. This idea can be summarized by quoting Alain who writes: “Democracy is not in the popular origin of power; it is in its control. Democracy is the exercise of control by the governed over those who govern them. Not once every five years, not every year, but every day” (Alain 1985, 214). Throughout this article we have aimed to spotlight precisely those measures and practices that have diminished, if not completely taken away the ability to hold one’s government accountable and transparent. Legitimizing those measures and practices that enable further control of the governed, while at the same time diminishing any control over those who govern. Given the historical experience of the Weimar Constitution, and its lack of sufficient control of emergency powers “which ultimately contributed to the rise of Hitler’s dictatorship by constitutional means” (Elkins, Ginsburg & Melton 2009, 18–19), one wonders what guarantees that all these systems of control established during this new unprecedented historical event

¹³ This could inevitably lead to the notion of democracy – which today functions largely as an identity marker of the West, the signifier of its very quintessence and as such establishes and perpetuates the superiority complex of the West vis-à-vis the “Rest” (Mérieau 2020) – losing more and more of its globally defended superiority.

will not become solidified as a “normal” mode of intervention in the name of security and the prevention of future potential risks in a *brave new world* ?

References

- Alain, 1868–1951. 1985. *Propos sur les pouvoirs: éléments d'éthique politique*. Paris: Gallimard.
- Agamben, Giorgio. 2005. *State of Exception*. Chicago: University of Chicago Press.
- Aumercier, Sandrine. 2020. “La Chine, un exemple? Intelligence artificielle et transhumanisme”, March 26. <https://iatranshumanisme.com/2020/03/26/la-chine-un-exemple/> (Accessed April 23, 2021).
- Badiou, Alain. 2020. “On the Epidemic Situation”. *Verso blogs*, March 23. <https://www.versobooks.com/blogs/4608-on-the-epidemic-situation> (Accessed April 27, 2021).
- Baverez, Nicolas. 2020. “Les libertés au temps du coronavirus”. *Commentaire* 170 (2): 265–270.
- Blondiaux, Loïc. 2021. “De la démocratie en France. En finir avec les faux-semblants”. *Esprit* 4: 87–99.
- Boniface, Pascal. 2020. *Géopolitique du Covid-19: Ce que nous révèle la crise du Coronavirus*. Paris: Eyrolles.
- Borrell, Josep. 2020. “COVID-19 : le monde d’après est déjà là”. *Politique étrangère* 2: 9–23.
- Chinese Human Rights Defenders. 2020. “Defending Human Rights in the Time of COVID-19”. CHRDR March 29. <https://www.nchrdr.org/2021/03/chrdr-releases-defending-human-rights-in-the-time-of-covid-19-annual-report-on-the-situation-of-human-rights-defenders-in-china-2020/> (Accessed April 29, 2021).
- Chomsky, Noam. 2020. “Coronavirus – Quels sont les enjeux?” DiEM25 TV, March 28. <https://www.youtube.com/watch?v=t-N3In2rLI4> (Accessed April 27, 2021).
- Deleuze, Gilles. 1986. *Pourparlers*. Paris: Editions de Minuit.
- Drinóczi, Tímea & Bień-Kacała Agnieszka. 2020. “COVID-19 in Hungary and Poland: extraordinary situation and illiberal constitutionalism”. *The Theory and Practice of Legislation* 8 (1–2): 171–192.
- Elkins Zachary, Tom Ginsburg, & James Melton. 2009. *Endurance of National Constitutions*. New York: Cambridge University Press.
- Evans Richard J. 1987. *Death in Hamburg. Society and Politics in the Cholera Years 1830–1910*. Oxford: Clarendon Press.

- Foucault, Michel. 1995 [1975]. *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Guasti, Petra. 2020. “The Impact of the COVID-19 Pandemic in Central and Eastern Europe: The Rise of Autocracy and Democratic Resilience”. *Democratic theory* 7 (2): 47–60.
- Guterres, António. 2020. “We Are All in This Together: Human Rights and COVID-19 Response and Recovery”. *United Nations COVID-19 Response*, April 23. <https://www.un.org/en/un-coronavirus-communications-team/we-are-all-together-human-rights-and-covid-19-response-and> (Accessed May 7, 2021).
- Hayat, Samuel. 2020. “La démocratie à l’épreuve du coronavirus”. *Personal blog*, March 23. <https://samuelhayat.wordpress.com/2020/03/23/la-democratie-a-lepreuve-du-coronavirus/> (Accessed April 22, 2021).
- Human Rights Watch. 2020. “Egypt: Covid-19 Cover for New Repressive Powers”. HRW, May 7. <https://www.hrw.org/news/2020/05/07/egypt-covid-19-cover-new-repressive-powers> (Accessed March 15, 2021)
- Human Rights Watch. 2021. “China’s Techno-Authoritarianism Has Gone Global”. HRW, April 8. <https://www.hrw.org/news/2021/04/08/chinas-techno-authoritarianism-has-gone-global> (Accessed March 18, 2021).
- Jean, Jean-Paul. 2020. “Les juridictions face à la pandémie de Covid-19”. *Les Cahiers de la Justice* 3 (3): 493–503.
- Fedschun, Travis. 2020. “Turkmenistan bans use of word 'coronavirus,' threatens jail for anyone wearing a mask: watchdog group”. *FoxNews*, April 1. <https://www.foxnews.com/world/turkmenistan-coronavirus-word-use-banned-masks-arrest-former-soviet-republic> (Accessed April 29, 2021).
- Laquière, Alain. 2020. “L’État français face au coronavirus : réflexions sur l’état d’urgence sanitaire”. *Cités* 84 (4): 37–52.
- Lührmann, Anna & Bryan Rooney. 2020. “Autocratization by Decree: States of Emergency and Democratic Decline”. *V-Dem Working*, April 23. <https://ssrn.com/abstract=3582527> (Accessed April 21, 2021).
- Marciano, Avi. 2021. “Israel’s Mass Surveillance during COVID-19: A Missed Opportunity”. *Surveillance & Society* 19 (1): 85–88.
- Mao, Yexin. 2021. “Political institutions, state capacity, and crisis management: A comparison of China and South Korea”. *International Political Science Review* 42 (3): 316–332.
- Merkel, Wolfgang. 2020. “Who Governs in Deep Crises? The Case of Germany”. *Democratic Theory* 7 (2): 1–11.

- Mitoma, Glenn & Alan S. Marcus. 2020. "Human Rights Before and After Covid-19: Getting Human Rights Education out of Quarantine". *Journal of International Social Studies* 10 (2): 127–140.
- Panza, Maëlle. 2021. "Crise de la Covid-19 et nature des régimes politiques en Méditerranée orientale". *Revue Défense Nationale* h(HS3): 19–24.
- Polanyi, Karl. 1945. "Universal Capitalism or Regional Planning?" *The London Quarterly of World Affairs* 10 (3): 86–91.
- Popelier, Patricia. 2020. "COVID-19 legislation in Belgium at the crossroads of a political and a health crisis". *The Theory and Practice of Legislation* 8 (1–2): 131–153.
- Repucci, Sarah & Amy Slipowitz. 2021. "Democracy in a Year of Crisis". *Journal of Democracy*. 32 (2): 45–60.
- Ricœur, Paul. 1990. *Soi-même comme un autre*. Paris: Seuil.
- Rochot, Justine. 2020. "La Chine de Xi face à la Covid-19: bottes de cuir et vieilles dentelles". *Esprit* 12: 87–98.
- Smith, Jeffrey & Nic Cheeseman. "Authoritarians Are Exploiting the Coronavirus. Democracies Must Not Follow Suit". *Foreign Policy*, April 28 <https://foreignpolicy.com/2020/04/28/authoritarians-exploiting-coronavirus-undermine-civil-liberties-democracies/> (Accessed April 16, 2021).
- Thomson, Stephen & Eric C. Ip. 2020a. "COVID-19 Emergency Measures Are Hurting Democracy Globally". *AJPH* 110 (9) : 1344–1375.
- Thomson, Stephen & Eric C. Ip. 2020b. "COVID-19 emergency measures and the impending authoritarian pandemic". *Journal of Law and the Biosciences* 7 (1): 1–33. <https://academic.oup.com/jlb/article/7/1/lsaa064/5912724> (Accessed May 16, 2021).
- Williams, James. 2003. *Gilles Deleuze's Difference and Repetition: A Critical Introduction and Guide*. Edinburgh: Edinburgh University Press.
- Windholz, Eric L. 2020. "Governing in a pandemic: from parliamentary sovereignty to autocratic technocracy". *The Theory and Practice of Legislation* 8 (1–2): 93–113.
- Ziblatt, Daniel & Steven Levitsky. 2019. *La Mort des démocraties*. Paris: Calmann-Lévy.

Примљено / Received: 11. 05. 2021.

Прихваћено / Accepted: 15. 11. 2021.