

Covid-19 and the Continuity of the Familiar

by Raza Saeed (Warwick Law School, University of Warwick, UK)
(Published in Critical Legal Thinking, 21 March 2020)



The outbreak of Covid-19 is billed as a ‘once in a century event’. It has appeared as the prophesised rupture in our social, economic and political fabric of the world, with the recognition that what follows may not resemble what humanity has become used to. It is posed as a discontinuity in the normality of everyday life; a panic-inducing pandemic that threatens our collective existence across political borders and socio-economic and geographical locations.

But the genetic novelty of the virus is one thing; there is nothing novel in how we have individually, collectively, politically or culturally responded to this challenge. Covid-19 is a strong question, borrowing from Boaventura De Sousa Santos, which not only demands an answer but also probes the very possibility of our epistemic frames to come up with a novel answer at all. And to date, we have been unable to step out of the frames that act as ideological and political blinkers. To reiterate, there is nothing novel in our response to the virus as we have repeated, and as we were bound to repeat, the same tropes and trends that were there in our limited arsenal. Covid-19 then is more of an acceleration than a rupture – it is forcing us to race towards the destination which we have been inching towards in the last few decades.

That Covid-19 represents more of a continuity than a rupture may seem counterintuitive but it is not at all surprising. A pandemic (from Greek *pandēmos*; from *pan* ‘all’ and *dēmos* ‘people’; that is, pertaining to all people) is by itself not a great leveller of boundaries. It is a foreign occurrence that demands a response, but the *demos* – the ‘people’, with all their aims and desires, prejudices and preconceptions, differences and inequalities, knowledge and solidarity – still remains the operative category. The *demos* is affected by the novelty of the virus, but there is nothing inherent in the disease itself to rapidly transform the structural or behavioural patterns that govern our everyday existence. The continuity of our trends largely remains hidden because we tend to gaze upon the extraordinary nature

of the beast, rather than the ordinariness with which we seek to tame it. And it is this continuity, the ordinariness, the banality, which we have to identify and counter.

But to clarify, the call to look at the continuity does not mean that Covid-19 should not be dealt with seriously. On the contrary, it is the panic-driven approach – the popular opinions on the subject and the narratives of sizzling entertainment built around the outbreak that promote selfish attitudes and grotesquely revel in the growing number of dead bodies – that lack the seriousness with which Covid-19 needs to be addressed. And when we look at the following, all we find is the familiar disguised as the extraordinary.

Populism, Nationalism and Sovereignty

Over the last decade, populism and nationalism have (re)emerged as reactions against globalisation, recession, the discourse on terrorism, migration and refugee influx, and have resulted in the growing isolation of countries, calls for strengthening and control of borders, and protectionist policies. The isolationist trend was counter-intuitively the dominant reaction after the 2007-08 financial crisis, and it has only increased with the rise of populist, nationalist and proto-fascist regimes in countries across the world. The response to Covid-19 has emerged from and intensified this trend further.

Pandering to the popular opinion by downplaying underlying problems, misrepresenting facts, presenting partial truths and the refusal to pay heed to scientific and medical expertise continued to be the first choice for many regimes, just as it has been the trend over the last decade. US, UK, India, Pakistan, Iran as well as China followed the populist trajectories initially until they were shaken out of their slumber, after the materiality of suffering became so ominous and so obvious that even the popular opinion began to change, which forced governments to react differently.

In terms of the prognosis, the disease is blamed on ‘them’ coming in to infect ‘us’, further fuelling racism, xenophobia, anti-migrant sentiments and nationalism in many parts of the world. More and more countries have chosen to exclude travellers, refugees and foreign nationals for fear of aggravating the outbreak. This underlying logic is replicated in a variety of different explanations across the world, where various groups of minorities, ethnic groups, migrants, different religious communities and nationalities are blamed for creating or spreading the virus, or of angering the deities whose wrath would consume all but the righteous.

More problematically, countries around the world are using this opportunity to strengthen their sovereign assertions. We can see legal and policy changes in the air that increase and normalise mass surveillance, steps to monitor movements of individuals across the world, assumption of extraordinary emergency powers that may outlast the outbreak itself, and the setting of a precedent for lockdowns in national and security interests. Whether it is needed at this point in certain societies requires a contextual analysis rather than a blanket justification. But history tells us that states and institutions with agency are seldom willing to yield powers once they are in possession of them.

Individualisation, Globality and Socio-Economic Disparity

With the individual becoming the key entity of economic, political and cultural interest, individualisation emerged as the technology of choice for globalisation and the neoliberal economic order. So while social distancing and isolation may seem oppressive due to its overreach, the trend of gradual isolation from society has only increased in the age of technology. What we see in response to Covid-19 is heightened and intentional individual isolation, where even a semblance of social and physical connection is threatening for both the individual and the collective.

But individualisation and isolation does not automatically imply equality. The socio-economic disparity and structural problems do not dissipate just by individual isolation – if anything, they are exacerbated more when formal equality is imposed on conditions that are substantively unequal and unjust. For instance, the work-from-home narrative across the world does not differentiate between those whose work or financial resources allow them the flexibility to isolate themselves from society and those whose work depends on physical interaction and movement. The rich and the celebrated can afford to buy medical kits, private tests and private treatments, or escape to the far flung corners of the world until the dust settles; most of them need not worry about layoffs, unpaid leave, evictions or bracing through the inevitable economic recession. But a wide segment of society, many of whom work in care provision or provide ‘social goods’ either do not have the possibility or the economic flexibility to withdraw from the public sphere. The livelihood and the lives of their families depend on them being present in the public sphere – providing nursing care, collecting bins, cleaning, stocking shelves, teaching children, treating patients.

The individual disparity grows even worse when coupled with socio-economic inequality between countries. There is disparity between rich and poor countries in terms of resources, where the former have more resources to devote towards healthcare and the latter are focussing on hiding things because they do not possess the resources or the willingness to share the resources equitably. Moreover, the ability of many developing countries to rapidly adopt technology and, more importantly, adopt an environment of trust allowing people to work from homes is always going to be an uphill task and cannot be achieved readily. There is also a disparity between the states that are rendered simultaneously weak and strong (borrowing from Baxi) because of the neoliberal economic order – they are weak in terms of redistribution of resources such as healthcare and easing of rent payments, and strong in terms of ensuring taxation, debt repayments, evictions and maintenance of socio-economic barriers and class boundaries.

But more importantly, the virus is also likely to impact the worse-off sections in our societies – the slum-dwellers, the homeless, the refugees and those whom societies do not own even in periods of relative calm. Not only is there the possibility of this virus affecting slums, refugee camps and densely populated poorer regions disproportionately, but also that many developing countries are using the tactics of governing refugee camps in terms of establishing quarantines and dealing with Covid-19 patients.

Value

There are a number of different intersectional groups mentioned above, who are likely to be disproportionately affected by Covid-19. It includes those who depend on the public sphere for their very survival, those on whom the social and public spheres depend, as well as the downtrodden, impoverished, stateless, the elderly, the differently abled and the forgotten. Unfortunately, while some of these sections may be socially useful to maintain the semblance of a working society, not all of them are ranked as economically valuable for the neoliberal capitalist order.

Much of the discussion around Covid-19 has revolved around whether it would be acceptable to endure the economic losses associated with lockdowns as a cost to save the hundreds of thousands of elderly and those of us with compromised immunities, or whether the effects of the virus should just be ‘taken on the chin’. The latter approach hides the real cost – the likely death and suffering of hundreds of thousands of individuals across the world, sacrificed in name of economic prosperity and the ‘larger good’ of the community. This may seem like an ethical debate, but it is only ethical if we consider economic detriment as equal to loss of life and dignity for many individuals – it is the same logic that permeates the discussions on the advantages and disadvantages of colonialism.

Much of this notion of ‘ethics’ is premised on the quantifiable economic value that is already put against categories of people as a marker. The old, unwell and the differently abled, the providers of care and social goods, are already deemed to be less in economic value. They either never had economic value to begin with or have passed their point of ‘prime economic productivity’. Their affliction then, is their own, and not the society’s. It is important to wonder how different the world’s reaction to Covid-19 would have been had it unfortunately been targeting our children, like the firstborn of Egypt taken by the plague in the parable of Moses. Or, how swiftly the world would have changed course had the virus only been affecting the rich and the powerful middle-aged men of the world. Our collective and lethargic response continues to follow the trail of socio-economic value that society has already set in place, and there is nothing to signify that after the outbreak has been controlled, our markers will have shifted on their own.

Consumption

People’s inclination to panic-buy and hoard food and medical supplies in their homes may have been governed by a fear of scarcity (actual or hypothetical) but, paradoxically, hoarding justifies itself by creating scarcity and creating its own need. More problematically, this means that medical supplies are removed from the commons for private use, or the price or availability of food is kept out of reach of those with limited mobility or resources.

But hoarding is not an uncharacteristic behavioural trait displayed as a sign of desperation. In the face of a pandemic, the panic and individualisation has compelled the people to turn to the familiar. Borrowing MacKinnon’s insight about the normality of mass violation of women’s rights during wars, hoarding, panic buying and violent appropriation of food and medical supplies is just the continuation of the pathological trait that governs our everyday lives – consumption. In a socio-economic system where most of us are shaped primarily as consumers of

goods and services, panic or calamities only exacerbate these tendencies. We are forced to consume more – more food, more medicine, more news, more viral clips and more social media. Consumption is our default response to the world outside us. And if something cannot be consumed readily, we hoard it for fear of losing out on tomorrow's consumption.

There are some areas in which consumption has declined – cancellation of flights and holidays, temporary closing of restaurants and a reduction in people visiting high street shops, has certainly curtailed our consumption in some areas. It is interesting to note that it is the 'social' or 'shared' consumption (eating out with friends, family vacations, etc.) that seem to have been replaced with individualised hyper-consumption. However, while there is a silver lining to our reduced economic activity – i.e., a reduction in our environmental costs – there is nothing to indicate that this is a permanent and preferable behavioural change.

Biopolitics



If you look closely at the frontispiece of Thomas Hobbes's *Leviathan*, you will see an image of two plague doctors (along with guards) in what is otherwise an empty city. Francesca Falk and Giorgio Agamben suggest that this alluded to the Plague of Athens five centuries ago and presents one of the earliest acknowledgements of the link between individuals' health, state sovereignty and power.

In a world where the sovereign reach has finally and literally reached our very breath (with Covid-19 being an acute respiratory disease), nothing has gained more prominence in the last few weeks than the implicit connection between political strength, sovereign assertion and biopower. The biopower is seen in the screening of temperature, the powers to quarantine people (especially through the use of police and armed forces in certain countries), the exclusion of certain people from national or civic or geographical boundaries, the tracking of individuals across the world or the exponential increase in surveillance.

The politics surrounding this link between health, power and disciplinarian logic – biopolitics as per Foucault – compels people to constantly be on the lookout for symptoms in themselves, and to report themselves for quarantine if certain symptoms match. There is also an edict for people to distance themselves as much as possible from other beings for their own safety. But the more problematic corollary of this is the suspicion that is now associated with any collective or physical gathering of people. Coming into physical contact with a group of people in itself has

become a violation in certain jurisdictions, punishable by fines and imprisonment. This self-surveillance and surveillance of masses by themselves is not a new trend, and nor is the new peak likely to disappear on its own after the outbreak is controlled.

Concluding Remarks

Covid-19 is not necessarily a crisis of neoliberalism or capitalism as some commentators suggest, but its novelty lies in the fact that it highlights the contradictions that capitalism creates, thrives on and even rejoices in. But the identification of these contradictions and trends is not enough to change the scene on its own, for there is not much to suggest that humanity is carving new tools to deal with this novel challenge.

The apathy, ignorance and dogma which have surfaced over the last few weeks, along with the continuation of the trends mentioned above, are already familiar to us and in some cases the only tools with which we can deal with excesses. There certainly are episodes of solidarity and goodwill, but they too are witnessed in communities already built around solidary sentiments and virtues. What this means is that active individual and collective human agency is needed to shape our responses to this global calamity, wherein we can consciously decide which values to foster and which to forego.

We have to consider Covid-19 a test case for the climate crisis that is on the horizon, and it pales in comparison to the latter. Our response to Covid-19 can only be novel if we understand that our sovereign borders, nationalistic boundaries, economic values, surveillance technologies and exclusionary policies will not be enough to shield us. And the rich and the powerful should realise that if there is no workforce to enrich them, and no food growers to grow their crops, and no labour to do their chores, the islands of comfort and isolation will get very small very quickly.

Dr Raza Saeed is Assistant Professor of Law at the University of Warwick, UK.
Twitter: @drrazasaeed