Viewpoint

‘Individual sovereignty’ in pandemic times – A contradiction in terms?

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Over the past months, appeals to ‘individual sovereignty’ have brought together a wide range of political actors across Europe, united in their rejection of face masks, ‘social distancing’, and other forms of state-imposed regulation of behavior and mobility. Opposition to state efforts to govern the spread of the pandemic has created, indeed, the most unlikely of coalitions—from anarchists and natural health proponents to anti-vaxxers and libertarians of all stripes (from the radical-ecological to the right-nativist)—all mobilizing around a purported defense of ‘personal freedoms’ and ‘individual rights’ against the sovereign power of states.¹

In this short piece, we take to task the notion of ‘individual sovereignty’ which has been invoked by these movements to contest the pandemic powers of the state. Our aim is to point out some fundamental contradictions that underpin such claims-making, from a legal and political-geographic point of view. As Simpson notes in his commentary, the impacts of both the pandemic and of the extension of state powers in attempting to contain it have been profoundly unequal across space and across different bodies, deemed more or less worthy of protection and care. While cognizant of the inherent inequalities (if not directly violence) of state pandemic-politics, we wish to draw attention here also to the potential perils that the contestation of state powers may bring when it throws into question the very bases of democratic collectivity. By highlighting how the claims of today’s protest movements ably meld neoliberal appeals to ‘individual responsibility’ with a mystified and depoliticized notion of ‘sovereignty’ evacuated of its collective content, we add to Mitropoulos’s argument that the absence of collective action under pandemic circumstances conditions life chances on private wealth.

1. Re-claiming ‘fundamental rights’

In articulating their claims to ‘individual sovereignty’, many of the European protesters against COVID-19 measures have appealed to the language of ‘fundamental rights’. While in the German and Dutch contexts, for instance, protesters have invoked constitutional protections in their calls for “the restoration of fundamental rights” (Baumgartner et alia, 2020; NRC, 2020). Likewise, the leaders of the protest in Rome in early June, which brought together the Italian far-right and the gilet arancioni,² presented themselves as “the guarantors of democracy” (Merlo, 2020).

In the political imaginary of these protesters, ‘fundamental rights’ connote universal moral claims. They are understood as something that pertains to individuals, and that is actionable by individuals. As such, they are envisioned as capable of transcending and restricting, if needed, the political power of the state. Yet fundamental rights, as they are codified by law, are always also an expression of national (or at times supra-national claims to) sovereignty. They are partial, based on a political choice, and subject to politically introduced limits (Ignatieff, 2001). Understood as a formal recognition of certain political values (and not others), codified in a particular way, and backed by the threat of enforcement, fundamental rights are both a confinement and an expression of public powers. This double role of fundamental rights is what defines their essential role in ensuring that the inherent tension between individual autonomy and collective self-rule, i.e. sovereignty, does not result in the destruction of one or the other. Jürgen Habermas eloquently expresses for pandemic times what this tension is aimed to ensure: “If democratic citizens only obey the general laws that they have given to themselves, and all together, they cannot agree to policies that, contrary to their equality, jeopardize the lives of some for the sake of everyone else’s interests” (Habermas in Habermas & Günther, 2020).

2. ‘We are the people’

Along with the language of fundamental rights, the protests across various European cities have also appealed to another powerful notion, that of ‘popular sovereignty’. Protests in Stuttgart and Berlin have invoked the slogan ‘Wir sind das Volk’ (‘We are the People’) (Höhn, 2020) while in the Italian context, the gilet arancioni gathered around the

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chant of ‘Quando tutto crolla, l’ultima frontiera della democrazia è il popolo!’ (When everything collapses, the last frontier of democracy is the people!) (Berizzi, 2020). ‘The people’ which today’s protesters invoke are the ‘real people’, the ‘silent majority’, contesting an illegitimate state that is simply a proxy for corporate (read: Big Pharma) interests and people’s rights. As Mario Rovatti (2020) writing about responses to the pandemic in his essay ‘When the I becomes us’ asks how can we reverse that which Nadia Urbanini (2019b) identifies as the populist ‘me the people’ political style that has dominated European politics in the past few years, now articulated simply under a different rubric, that of ‘individual sovereignty’. Rovatti suggests that while governments may be tempted to ensure compliance with COVID-19 measures through appeals to ‘individual responsibility’, this framing is inherently perilous.

Such an individualized response to the pandemic, which places the individual in the position of the (collective) sovereign, conflates individual autonomy with collective self-rule. In doing so, it obscures the rights of the diverse collective to protection from individual behaviours that can take an excessive toll on the health care system (a common good) and on the individual autonomy of those whose lives will be imperiled by infection.

Declaration of competing interest

The Authors declare that there is no conflict of interest.

References


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3 As outlined in this essay by one of the movement’s activists, under the title: ‘All together for our own freedom’ https://viruswaarheid.nl/informeren/a llemaal-samen-voor-own-eigen-vrijheid/.

4 As Italian protesters have termed the state’s pandemic emergency powers.

5 Informative in this regard is Habermas’ procedural account of democratic legitimacy, which presumes that a collective will can only be formed in a legally structured political community (Habermas, 1996, p. 448), in which courts guarantee equal subjective liberties, equal membership rights, and legal protection of these rights.

6 See, among others, the extensive discussion in Biersteker and Weber (1996).
cy.net/en/can-europe-make-it/personal-sovereignty-in-pandemics-or-why-do-toda
ys-sovereignists-reject-state-sovereignty/.