

# **LIBERALISM INFECTED: REVISITING POLITICAL AND SOCIO-LEGAL THOUGHT IN THE AFTERMATH OF COVID-19**

## **TENTATIVE COURSE SYLLABUS**

### **a) Purpose**

The Covid-19 pandemic erupted amidst of a broader and deeper challenge facing liberal democracies and simultaneously extenuated this crisis. We understand this crisis to pertain to liberal-legal institutions, and human and civil rights values and narrative. The purpose of the course is to invite students to rethink the building blocks of modern political and socio-legal theory and the narratives which endow them with meaning and pave imaginatively new directions. This invitation, grounded in an interdisciplinary theoretical inquiry and critical reflection on the crisis within the crisis (of liberal democracies – both states' institutions and civil societies - dealing with the pandemic crisis) thus transforms the predicament into an opportunity to re-examine basic assumptions and to propose new paths for living together, in a way that seeks to replace exclusionary populism with a vision of inclusive democracy.

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Liberalism has come to be considered a sectarian position, and those who champion it are thought to be advancing particularistic interests, suited to their own Weltanschauung and lifestyle. It appears somewhat ironic that liberalism, that propounds a universal vision of equality and freedom, has come to be considered particularistic. There is, however, some logic in this: in societies characterized by profound cultural and values-driven diversity, it is difficult for liberal values, including universalism, equality, freedom of the individual from tradition and authority, and the very principle of the rule of law, to serve as a common springboard for a shared life.

The Covid-19 pandemic, flaring up at the time liberalism faces this crisis, can thus be understood as both a metaphor for and as a crystallization of the malaise of liberal democracies, providing a crucial point in time for assessing this critique in the light of the ways and means they have taken to contain and control it: the pandemic has reinforced, inter-alia, existing tensions between the rule of law and the state of emergency; human rights and state authority; scientific expertise and lay experience; local and global governance. The material, mental and metaphorical nexus between the democratic crisis and the public health crisis is the main axis of the course.

### **b) Pre-requisites**

The course is designed primarily for intellectually adventurous graduate students in the social sciences and law, open for an interdisciplinary experience in a diversified learning community. Excellent advanced undergraduates are welcomed to apply as well.

A bibliography with reading material will be posted on the course's website and students would be required to read the texts prior to the beginning of the course.

### c) Brief course overview

The 2-week course will return to foundational issues and current challenges of liberal democracy through the perspective of the new global pandemic. These include, individual freedom versus collective attachments; expert knowledge v. populist sentiments; and, indeed, questions arising from the very notion of the social contract, the role of the state and the rule of law.

The course will comprise three parts:

1. A short introductory part in which we extend an invitation to the students to reflect on and share their subjective experience in facing the pandemic on a personal, professional, and national level (e.g., anxiety, exclusion, economic insecurity, care, pause from daily routines, solidarity, different forms of isolation, intimacy and social interaction; (mis)trust).
2. A sustained intellectual discussion of the major building blocks of liberal democracies and their relationship to personal experiences. The discussion is designed to explore both historical/imaginative narratives of plagues and the extent to which some of the existing political, social and legal theories – particularly of human rights discourse and its critics, and specifically the interplay between the rule and the exception - capture but fail to exhaust the experience of the pandemic in its multiplicity.
3. The final part of the course, bridging theory and practice, will offer the students an opportunity to work in small teams to develop their own thought and voice.

Students will be evaluated on the basis of (a) their team's performance, and (b) their individual participation/ active engagement in class discussions throughout the course, as evaluated by each of the professors.

### d) Description of each part and section + Bibliography (background reading list recommended texts for the class reader)

#### → Part I: Experiences and Reflection

Orna Ben-Naftali and Shai Lavi

We all learn by reflecting on our experiences. Reflection requires a perspective framed within an intellectual approach. By the summer of 2021, we all would hopefully have some perspective which would allow us to articulate, share and reflect on our experiences with the pandemic. To launch this two-hour discussion in the opening session of the course, the students will be introduced to Paul Klee's painting *Angelus Novus* and to two of modes of reflection on the ideal of progress so central to the liberal democracy and to our contemporary predicament: does the angel, "buffeted by the unbearable, inescapable storm we call progress" enable us "to understand humanity that proves itself by destruction" (Walter Benjamin, *Selected Writing 2*: 456) or, conversely, does the image impel us to move forward "by turning our gaze to the horrors of the past, in the hope that we will not thereby be turned to stone" (Terry Eagleton, *Walter Benjamin: or Towards a Revolutionary Criticism*). The discussion will conclude by relating the students' reflections and personal experiences (e.g., tensions between order and disorder, freedom and imposed quarantine, anxiety

of death and medicalization of daily life, and personal and global experiences) to the content and structure of the course (e.g. tensions between the rule of law and state of emergency; human rights and state authority; scientific expertise and lay experience; local and global governance).

### Bibliography:

Walter Benjamin, *On the Concept of History*

#### → **Part II: Seminars, discussions, field excursion**

##### ▪ **Pandemics, Ancient and Modern: Thucydides, Hobbes and Covid-19** **Prof. Ewa Atanassow**

To understand our current moment requires taking a critical distance to it. Nothing facilitates this better than engaging with a great old book. In this part of the course we shall take a close look at Thucydides' account of the plague that broke out in Athens at the beginning of the Peloponnesian war: the first extant record of a transcontinental pandemic that set, as one scholar put it, the gold standard for plague narratives.

Providing a first hand, detailed description of the illness that took the life of thousands of Athenians including the illustrious Pericles, Thucydides (who himself survived the infection) relates the circumstances that enabled the spread of the disease, and its effects on society: the radical change of attitudes, and the virtual collapse of law and morality in the face of imminent death. He thus offers a profound reflection on what we call a "state of exception" as a legal and political phenomenon or a policy challenge, and on the existential dimension that the plague opened up. Conversely, the plague provides Thucydides with an opportunity to ruminate at length on the conditions that need to be in place if the rule of law, ethical norms and human solidarity are to have a hold on society; indeed if there is to be society at all, as opposed to a Hobbesian "state of nature." Nor is Hobbes an accidental reference here. As the first English translator of Thucydides, Hobbes drew on Thucydides' narrative when laying out his own bleak vision of mankind's natural condition. Having dedicated two sessions to a direct encounter with these two classic accounts, at the end of this unit, we'll turn to the IWM-based contemporary commentator Ivan Krastev, who is currently completing a book on the pandemic.

### Bibliography:

Thucydides, *History of the Peloponnesian War* (excerpts; in Hobbes' translation)

Hobbes, *Leviathan*, Chapter 13.

Ivan Krastev, book on Covid-19 (in press)

##### ▪ **Political Imagination of Plagues, Nature, Power and People** **Prof. Orna Ben-Naftali**

Pandemics expose the fragility – and the conditions of possibility - of the rule of law and institutions and bring us ever closer to the specter of the state of nature. It is thus no wonder that pandemics have ignited our anxieties as well as our literary and political imagination since time immemorial. The session is designed to bridge what Robert Cover refers to as 'nomos and narrative', seeking to tie the stories we tell about ourselves and the laws that purport to govern us. The starting point of this session is the proposition that since we are the authors of these stories, we may also alter them, especially how they develop and

unfold. In order to assess the value of this proposition, it is necessary, first to read and think about these texts.

The first meeting will focus on the great literary accounts of (real and imagined) plagues, ranging from Boccaccio, Chaucer and Defoe to Camus, Mann and Saramago and relate these accounts to political imagination and discourse.

The second meeting will focus on the hypothesis, common to the social contract theories, that the political state is a better alternative to the state of nature; on the ensuing relationship between security, freedom and equality and on obedience to the will of the sovereign/ rule of law.

The third meeting will focus on emergencies/ exceptions to the rule of law and, resorting to the Israeli control over the Palestinian territory as an example, discuss the rule/ exception binary; the distinction between a rule of law and a rule by law and the conflating of the logic of military security with the logic of civilian health.

### Bibliography

Boccaccio, *The Decameron* (excerpts)

Chaucer, "The Pardoner's Tale" in *The Canterbury Tales* ()

Defoe, *Journal of The Plague Year written by a Citizen who continued all the while in London* (excerpts)

Thomas Mann, *Death in Venice*

Camus, *The Plague*

Saramago, *Blindness* (excerpts)

Hobbes, *Leviathan* (excerpts)

Rousseau, *The Social Contract* (excerpts)

Locke, *Second Treaties on Civil Government* (excerpts)

Mill, *On Liberty* (excerpts)

Mill, *Principles of Political Economy* (excerpts)

Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (excerpts)

Arendt, *The Origins of Totalitarianism* (excerpts)

Foucault, *Discipline and Punish* (excerpts)

Neumann, *Behemoth* (excerpts)

Ben-Naftali, Sfard, Viterbo, *The ABC of the OPT: A Legal Lexicon of the Israeli Control over the Occupied Palestinian Territory* pp. 6-12; 17-21.

- **State of Emergency and Covid-19**  
**Prof. Jana Lozanoska**

For combating the pandemic states have resorted to extensive state of emergency declarations by restricting and/or derogating from human rights and constitutional guarantees, on the pretext of protecting “public health”. Therefore, the question this section will address is to what extent the rule of law can be restricted

for protecting public health, while simultaneously extending the competences of the executive power. For that purpose, this section will be looking at the declaration of state of emergency for protecting public health as enshrined by the different human rights documents and treaties in correlation with some thinkers such as Schmitt, Arendt and Agamben. It will unpack the problems related to the state of emergency which is an inextricable part of the liberal idea of human rights through juxtaposing it simultaneously with sovereignty and nation state. Finally, this section will discuss whether we should think about global access to public health especially in epidemics/pandemics as a way of removing the boundaries imposed by nationality and state sovereignty, through promoting global cooperation (what the WHO Global Fund Executive Director - Peter Sands calls it “global health security”). By examining this we will be also tackling the role of the WHO and the Global Fund on Covid-19 which is a part of the larger Global Fund on Malaria, Tuberculosis and HIV/AIDS.

#### Bibliography:

Agamben, G. (2005) *State of Exception*, Translated by Kevin Attell, The University of Chicago Press.

Arendt, H. (2017) The Nation State and Democracy, *Arendt Studies*, Vol.1 pp.7-12.

Humphreys, S. (2006) Legalizing Lawlessness: On Giorgio Agamben’s State of Exception, *European Journal of International Law*, Volume 17, Issue 3, June, pp. 677-687.

Schmitt, C. (1986) Political Theology: Four Chapters on the Concept of Sovereignty, *Studies in Contemporary German Thought*, Translated by George Schwab, The MIT Press.

Schreuer, C. (1982) Derogation of Human Rights in Public Emergency: The Experience of the European Convention on Human Rights, 9 *Yale Journal of International Law*.

Sands, P. (2020) Re-thinking the Global Health Security, Op-Ed, March. Retrieved from: <https://www.theglobalfund.org/en/blog/2020-03-27-re-thinking-global-health-security/>

- **Beyond Emergency: Preparedness, Solidarity and Providence**  
**Prof. Shai Lavi**

Covid-19 elicited an unprecedented global response. For several weeks across the globe, life practically came to a halt as the larger part of humanity was sentenced to home quarantine. A daunting sense of a deep crisis of the health, economic, and – in some key instances – political systems prevailed. States stepped in with drastic measures to contain the epidemic and enacted emergency regulations imposing quarantine, enforcing extreme surveillance mechanisms, and closely regulating the movement of people and commodities. Many a time, at the cost of encroaching on basic human and civil rights, and always with a growing intrusion of state power into different life spheres.

Clearly, Covid-19 created an emergency situation, infringed upon civil rights, authorized sovereigns and state officials with unprecedented powers, and exposed the always already potentiality of state power to undermine the rule of law. But is this the full story of the global pandemic?

The purpose of this section is to explore alternative narratives to both the liberal and critical perspective that frames pandemics as a state of emergency. It seeks to highlight the following aspects of the Covid-19 affair:

1. While Covid-19 was unprecedented, it would be a mistake to ignore the level of preparedness with which global organizations such as the WHO (with all its limitations) and state governments controlled the situation. There were little if any events of lawlessness, looting and street violence, which since the days of Thucydides, have been associated with emergency.
2. It is not the State, or not the State on its own that responded to the pandemic. What role did civil society play in this recent pandemic and what can we learn from bottom-up practices such as “social distancing” and other forms of social solidarity and care?
3. Even with respect to State power, what more can we say than a critical stance toward state power (e.g., Foucault, “power is not bad, but always dangerous”)? Does it make sense to view of the State not only through its ability to abuse its power but through its providence?

Bibliography:

Carl Schmitt, *Political Theology* (excerpts)

Michel Foucault, *Society Must be Defended* (excerpts).

Pierre Clastres, *Society against the State* (excerpts)

Adi Ophir, “The Two-State Solution – Providence and Catastrophe”, *Theoretical Inquiries in Law* 8(1) (2007), 117-160

Andrew Lakoff, *Global Health in the Time of Emergency* (excerpts)

▪ **Expertise and Life: Two Liberal Democratic Prejudices**  
**Prof. Roger Berkowitz**

The Covid-19 event has brought attention to two related prejudices of modern liberal democracy: first, the prejudice in favor of expert driven governance, and second the prejudice that life is our highest human value. In these sessions, we focus on these two liberal-democratic prejudices as they come together in the current crisis. Over and again, we are told to “Listen to the experts.” But there are problems with such advice. First, experts in the social sciences and in government have a poor record of being right. And yet experts continue to assert mastery which they do not have. This over-confidence is a kind of lying, a refusal to see the real world in its complexity. And this lying by those in power hollows out authority and respect for liberal institutions. Second, the rule of the experts gains power as countries become more centralized and in need of administration. When people are told society is too complex to be governed by anyone but experts, they are disempowered. The result is animosity and resentment against experts that may well, in Arendt's words, “harbor all the murderous traits of a racial antagonism.” Third, within the public health field, the first priority is saving lives. Public health experts believe they can save lives; as a result, they push for public policies that value life over a meaningful life. They are thus complicit in what Giorgio Agamben calls the rule of bare life and what Hannah Arendt calls the victory of *animal laborans*. We see this above all in the acceptance of rules that the sick must die alone and be buried without funerals. We will explore how expert discourses drive us to abandon fundamental human connections that make human life meaningful and privilege life over a meaningful human life.

Bibliography:

Hannah Arendt, *On Violence*

Philip Tetlock, *Expert Political Judgement* (excerpts)

Hannah Arendt, *The Human Condition* (excerpts)

Giorgio Agamben, "Clarifications" (Published March 17th, 2020)

Babette Babich, "Retrieving Agamben's Question" (Published May, 2020)

- **Crisis Reloaded: Urban Alterities from Europe to the Middle East and Back**  
**Prof. Daniel Monterescu**

From its origin in Wuhan, China, the Coronavirus pandemic has been a predominantly urban phenomenon. In Hungary, 59 percent of the deceased resided in Budapest. Similar numbers reported in major metropolitan centers worldwide, reflect the dramatic tension between top-down biopolitical governability and the unruly politics of cities. Indeed, the four classical sociological characteristics that endow cities with dynamic vitality – size, density, permanence, and heterogeneity – were also accountable for the disproportional number of fatalities in urban areas. What Zygmunt Bauman called the “destructive order and creative chaos” of cities have been the Achilles heel of the “global war against COVID-19.”

This section will explore alternative formulations of crisis, solidarity and calamity in urban and social theory. Expanding the discursive framework of “crisis,” we will critically examine the current epidemic discourse in relation to a series of other ongoing crises including the “refugee crisis” in Europe and the “humanitarian crisis” in Palestine. The perspective of urban alterities (Jewish, Roma, refugee, the urban poor and other racialized subjects) will enable us to scrutinize different biopolitical strategies enacted by illiberal democracies. As a transnational crisis, which both challenges national sovereignty and redefines the spatial closure of international borders, the COVID-19 epidemic will serve as a case study to critically examine the differential access to resources. In times of crisis, growing urban inequalities shed light on the political economy of poverty while pushing urban actors to organize collectively within and across networks of solidarity. The discussion in class will be complemented by excursions to urban sites particularly hit by the epidemic: the Jewish District, Roma spaces of exclusion and Chinatown.

#### Bibliography:

Dewachi, Omar. 2017. *Ungovernable Life: Mandatory Medicine and Statecraft in Iraq*. Stanford University Press.

Susan Sontag. 1988. *AIDS and Its Metaphors*. New York: Farrar, Straus and Giroux.

Isin, Engin F. 2002. *Being Political: Genealogies of Citizenship*. Minneapolis: University of Minnesota Press.

Bauman, Zygmunt. 1993. *Modernity and Ambivalence*. Oxford: Polity.

Kallius, Annastiina, Monterescu, Daniel and Rajaram, Prem Kumar. 2016. “Immobilizing Mobility: Border Ethnography, Illiberal Democracy and the Politics of the ‘Refugee Crisis’ in Hungary” *American Ethnologist* 43(1):25-37.

Monterescu, Daniel. 2015. *Jaffa Shared and Shattered: Contrived Coexistence in Israel/Palestine*. Indiana University Press.

e) Tentative course schedule (topics, allocation of hours among faculty members, teaching mode, etc.)

Week 1

	Monday	Tuesday	Wednesday	Thursday	Friday
9:30–11:00	<u>Opening session</u> Presenting the course  Ben-Naftali & Lavi	<u>Seminar</u> Pandemics, Ancient & Modern (1)  Atanassow	<u>Seminar</u> Pandemics, Ancient & Modern (2)  Atanassow	<u>Seminar</u> Pandemics, Ancient & Modern (3)  Atanassow  *class begins at 10:00	<u>Seminar</u>  The imagination of 'dangerous populations': the making of a rule by law (3)  Ben-Naftali
11:30–13:00	<u>Discussion</u> Students' sharing their experience with the pandemic  Ben-Naftali & Lavi	<u>Seminar</u> The literary and political imagination of the plague – (1)  Ben-Naftali	<u>Seminar</u> The imagination of the state of nature vs the political state: 'the making of the social contract' (1)  Ben-Naftali	<u>Seminar</u> The imagination of the state of emergency: the rule and the exception (2)  Ben-Naftali	<u>Seminar</u> Beyond Emergency: Preparedness, Solidarity and Providence (3)  Lavi
14:30–16:00	<u>Reflections on the Students' experience</u>  Ben-Naftali & Lavi	<u>Seminar</u> Beyond Emergency: Preparedness, Solidarity and Providence (1)  Lavi		<u>Seminar</u> Beyond Emergency: Preparedness, Solidarity and Providence (2)  Lavi	

Week 2

	Monday	Tuesday	Wednesday	Thursday	Friday
9:30–11:00	<u>Seminar</u>  Expertise and Life (1)	<u>Seminar</u>  Expertise and Life (3)	<u>Field excursion</u>	<u>Workshop</u>	Workshop outcomes - presentations

	Berkowitz	Berkowitz *class ends at 10:30	Crisis Reloaded Monterescu	TA	
11:30–13:00	<u>Seminar</u> State of Emergency and Covid-19 (1)  Lozanoska	<u>Seminar</u> State of Emergency and Covid-19 (2+3)  Lozanoska  class begins at 11:00	<u>Field excursion:</u> <u>Chinatown</u> and the 8 <sup>th</sup> <u>District</u>  Monterescu	<u>Workshop</u>  TA	TA Ben-Naftali & Lavi
14:30– 16:00	<u>Seminar</u> Expertise and Life (2)  Berkowitz	<u>Seminar</u> Crisis Reloaded  Monterescu	<u>Field excursion</u> Places of Heritage and Exclusion  Monterescu	<u>Workshop</u>  TA	

**f) Assessment and expected outcomes**

Students are expected to learn about the challenges that global pandemics pose to liberal democracy, the ways in which emergency situations challenge basic narratives and notions of the rule of law; the proper place of human and civil rights; scientific expertise; public health; economic considerations and global dimensions in regulating pandemics.

Students will be assessed through their final paper, which they will prepare in teams. The paper will ask the students to reflect on the insights they have gained from the course and to draft their own regulations for dealing with a future pandemic.