**Submission to *Critical Legal Thinking* blog (1,800 words including references)**

**Anthropocene Authoritarianism: Coronavirus and the Biopolitics of Privilege and Vulnerability**

**David Chandler (University of Westminster)**

**Introduction**

There has been much discussion of the biopolitics of the global response to the Coronavirus on *Critical Legal Thinking* and elsewhere. Many of the pieces have engaged critically with Giorgio Agamben’s interventions, polarising debate.[[1]](#endnote-1) Thus, Karsten Schubert and Panagiotis Sotiris have argued contra Agamben for a ‘democratic biopolitics’ while Tim Christaens has raised the dangers of normalising new draconian powers.[[2]](#endnote-2) This short piece seeks to contribute to this discussion from a slightly different angle, locating contemporary discussion and policy dilemmas in the context of the Anthropocene, understood as an epoch in which Nature or the nonhuman can no longer be easily separated from the Human sphere of governance.[[3]](#endnote-3) This blurring of the biopolitical divide cuts across ‘top-down’ or ‘bottom-up’ readings of Agamben’s distinction between ‘*bios*’ as a way of life (culture) to be privileged and ‘*zoe*’ as undifferentiated life (nature) seen as expendable. As Gordon Hull notes, different social modes of being and interacting articulate different forms of exclusion, risk, privilege and vulnerability:

The discordance between Trump and the more responsible members of the federal government shows that the reverse decision to prioritize what passes for the index of *bios* in Trump’s mind – the stock markets – is a cynically political one. When it is replicated by spring breakers in Florida or crowds in packed bars, they enact another political decision: their *bios* matters more than the *zoe* of society’s most vulnerable.  When elevated to a principle, either of these comes carelessly close to saying that those vulnerable lives don’t matter, or are expendable.[[4]](#endnote-4)

In the Anthropocene, where we are made to be much more aware of the unintended and indirect consequences of our actions on others and the planet itself, I suggest that a new standard of biopolitical judgement is emerging on the basis of the differential impacts of privileges and vulnerability. This ethico-political shift towards, what I am calling Anthropocene Authoritarianism, is often clearly articulated in the contemporary discussion of the Coronavirus crisis. Here, I hope to initiate a discussion of this shift through a consideration of how the biopolitics of differential privileges and vulnerability operates vis-à-vis Agamben’s position, drawing out the broader implications for critical legal thinking.

**Norm and Exception?**

The current consensus has it that Agamben is wrong not only for his opposition to the global policies of lockdown and social distancing but his declaration that life should continue as normal. For most commentators, any return to ‘normal’ would be undesirable or untenable.[[5]](#endnote-5) The Coronavirus crisis has revealed just how unsustainable ‘normal’ is for precarious workers on zero hours contracts, the homeless, the low paid, care workers and many others. Millions of workers who were previously considered expendable and classified as ‘unskilled’, are now revealed to be the lifeblood of an economic system that cannot survive without them. Not just does the crisis make us rethink ‘normal’ in terms of how we value the lives and livelihoods of more vulnerable members of the community, many commentators have argued that ‘normal’ does not work in terms of the environmental emergency of the Anthropocene.[[6]](#endnote-6)

As the quote in the introduction, above, highlights, the problem with ‘normal’ is that the legal exercise of permissible rights is not necessarily ethically and politically legitimate. The ‘political decision’ of ‘spring breakers in Florida or crowds in packed bars’ to exercise their rights or to show off their privileges, is a sign that ‘their *bios* matters more than the *zoe* of society’s most vulnerable.’ It is important to note, that in the Anthropocene, the *zoe* that is being impacted can be constructed in far reaching ways; in an interdependent and connected world these impacts operate indirectly rather than merely directly. The ‘spring breakers’ may break no laws but are contributing indirectly to the exploitation of marginalised workers in the service and tourism industries as much as they are to the environmental destruction of the planet.

Anthropocene Authoritarianism works to recast rights as privileges and therefore to bring them into question socially or morally rather than to formally constrain them. It is likely that emerging discourses of unchecked ‘privileges’ and irresponsible actions will set the terms of debate around balancing multiple vulnerabilities. Such discussions are already highlighted in the mainstream criticisms of heavy-handed policing of social distancing in the UK.[[7]](#endnote-7) Universal equality of rights or treatment under the law make less sense in these circumstances, when those arrested or cautioned for irresponsibly sunbathing in parks and other social misdemeanours are those whose cramped living conditions make time outside and in public spaces more necessary than those with comfortable houses, gardens and pools. Similarly, those whose livelihoods and existences depend on social interaction or whose homes themselves are highly socially integrated are highlighted in order to challenge universal approaches to understanding risk and responsibility.[[8]](#endnote-8)

**Bare Life?**

In the Anthropocene there is no such thing as ‘bare life’. All life has agency, creativity and meaning, whereas Agamben’s binary cut sees life without the culture of the polis as without meaning. As noted, there have been calls for a ‘democratic biopolitics’ or a ‘biopolitics from below’, mobilising those forces excluded and seeking to expand societal provision and welfare interventions.[[9]](#endnote-9) While new forms of mobilising in the face of the crisis have been broadly welcomed,[[10]](#endnote-10) there is a danger, of course, in merely counterposing the solidarity of social distancing to Agamben’s refusal to countenance emergency restrictions. These easy reversals of Agamben’s hierarchical binary miss what is new in the response to Coronavirus. It is not a matter of merely choosing ‘to stay home’ or imagining that we are all globally ‘connected’.[[11]](#endnote-11)

Through the lens of differential vulnerabilities, exposed or revealed by Coronavirus, a new socio-ethical mode of normative judgement emerges. One where (often white, male) privileges are exercised at the cost of (often non-white, non-male) vulnerabilities. In this framing, every act - from going out to buy a loaf of bread instead of staying in and making do, to writing a journal blog piece rather than helping with a community support initiative – becomes open to a community of social and ethical judgement. This is a judgement of balancing diverse needs, interests, privileges and vulnerabilities. And is no straightforward matter, as each consideration cuts across numerous other factors related to capacities and vulnerabilities of individuals. For example, staying home or social distancing impacts more on some rather than others, hence a UK court challenge to the lockdown legislation from two families with children on the autistic spectrum disorder.[[12]](#endnote-12) Acts are no longer ethical or non-ethical in themselves, they also depend on social status and social context.

Anthropocene Authoritarianism is thus not so much a matter of state-imposed restrictions and regulations but more one of an emerging social consensus. I imagine that users of Twitter, for example, are aware of a censorious climate where academic commentators are required to check their privileges if they are showboating about work they have done or an article they have published while others are sick, coping as home carers or out doing community work. Already discussions of a return ‘to normal’ or about rearranging conferences or workshops are questioned for their ethicality and capacity to include or expose more vulnerable members of the academic community. The Liverpool FC manager, Jürgen Klopp expressed the new ethical consensus well, at the start of the crisis: “Of course we don’t want to play in front of empty stadiums and we don’t want games or competitions suspended, but if doing so helps one individual stay healthy – just one – we do it no questions asked.” [[13]](#endnote-13) This is a long way from the former team manager Bill Shankly’s famous quote: ‘Some people think football is a matter of life and death. I assure you, it's much more serious than that.’ In Anthropocene Authoritarianism, privileges need to be held in check and to be balanced against others’ vulnerabilities. The consequences of an awareness of differential vulnerabilities in an interconnected world are far-reaching.

**Conclusion**

Rather than a modernist framing of rights and freedoms, an Anthropocene Authoritarian starting point would be ‘Is it (ethically) necessary?’. Is it (ethically) necessary to start playing football matches/ hold academic conferences/ arrange social events? Whereas a discourse of rights is generally permissive, there will always be someone to argue that exercises of privileges are, in fact, unethical and therefore unnecessary. Anthropocene Authoritarianism is ‘democratic’ and ‘bottom up’, making it more difficult to contest. For some, this need to constantly perform ethical reflectivity, to be seen to weigh up privileges and interests against indirect harms and impacts on differential vulnerabilities may be seen as oppressive and promoting a dangerous conformism. For others, of course, this need to constantly reassess what passes as ‘normal’ and to consider the harms and unintended choices of our actions and decisions is the real lesson of the Coronavirus. Either way, there will be no return to ‘normal’ after the lockdown is over.

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