

Critical Legal Thinking

— Law and the Political —

Home

Key Concepts

Counterpress

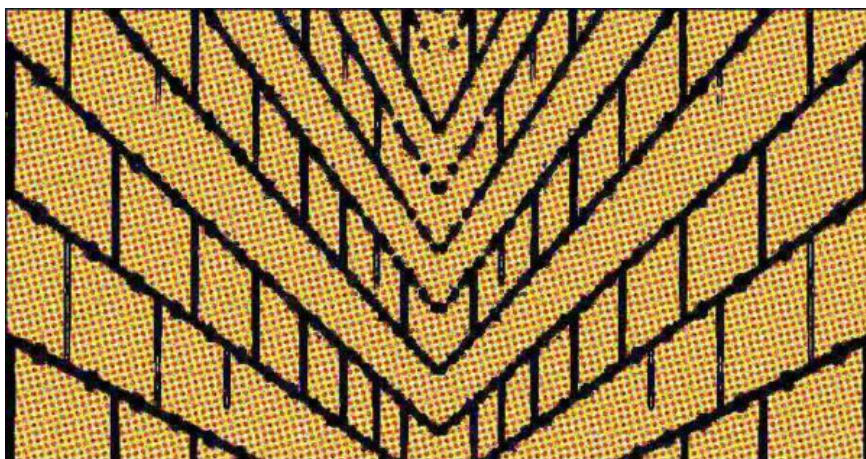
Subscribe

Submissions

Contact

Crying for Repression: Populist and Democratic Biopolitics in Times of COVID-19.

by [Karsten Schubert](#) • 1 April 2020



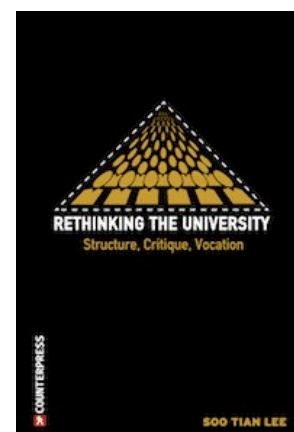
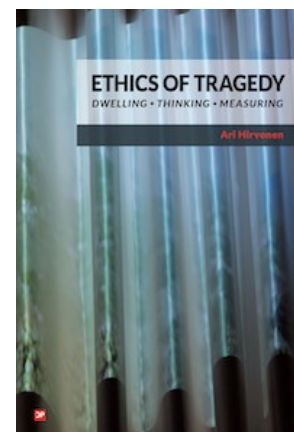
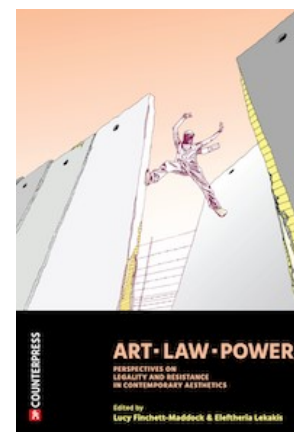
We live in very Foucauldian times, as the many think-pieces published on [biopolitics](#) and COVID-19 show. Yet what is remarkable—biopolitically—about the current situation has gone largely unnoticed: We are witnessing a new form of biopolitics today that could be termed populist biopolitics. Awareness of this populist biopolitics helps illuminate what is needed today: democratic biopolitics.

Traditional analyses of biopolitics focus on state and medical institutions and how they govern the behavior of individuals and the people. These analyses carve out the (potentially) repressive effects of such biopower on individuals and communities. Governing in the time of an epidemic is biopolitics in its purest form—it is no surprise that Agamben (Foucault et al. 2020) interpreted the severe measures that the state implemented in terms of their repressive effects. But more moderate analyses of the current situation also focus on the agency of government: Philipp Sarasin (Sarasin 2020) reminds us that there is no singular concept of biopolitics in Foucault's work, but rather that Foucault offers a careful differentiation of distinct modes of power employed as responses to an epidemic, which again focuses on the state's reaction to coronavirus.

Such biopolitical analysis are “top-down” and have no conceptual place for agency, freedom, and democratic decision-making. This focus of biopolitical theory on state institutions and repressive power is, however, only a side-effect of Foucault's central contribution to critical social analysis: Namely, to show that repressive power works within subjects, as

CP COUNTERPRESS

Fair Access



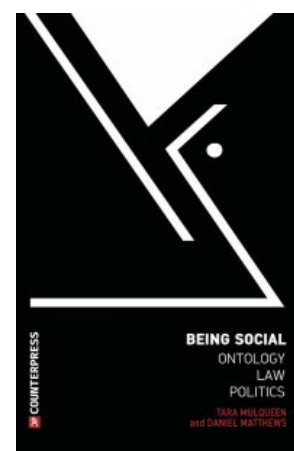
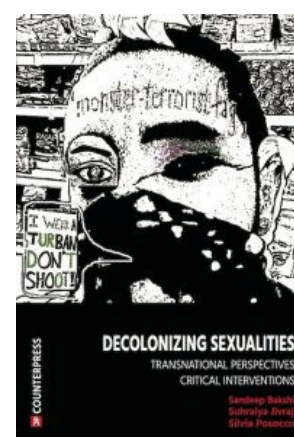
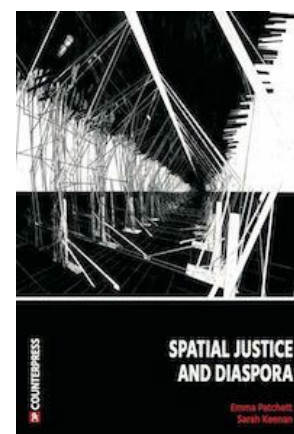
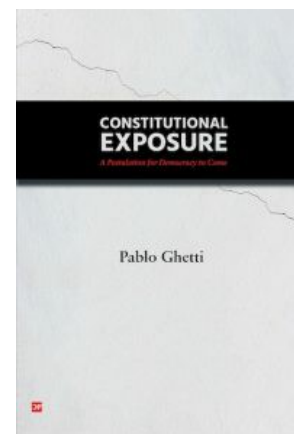
they are constituted by power in the process of subjectification. It is (apparently) unclear in this framework of subjectification how agency, freedom, resistance, and emancipation can be conceptualized—accordingly, this seeming lack of clarity is one of the most widely discussed questions in Foucault scholarship (Lemke 2019; Schubert 2018).

To counterbalance the focus on repressive power in biopolitical theory, in recent years there have been attempts to conceptualize “democratic biopolitics,” which accounts for the agency of citizens and activists and their active participation in biopolitics. This usage of democratic biopolitics is both analytical—following Foucault’s insight that power comes from below, it is necessary to take into account the manifold participants in biopolitical processes—and normative: Participation, political, and ethical deliberation of biopolitical developments is something to be valued and supported.

I developed such a concept of democratic biopolitics in my discussion of HIV-Pre-Exposition-Prophylaxis (PrEP) and show that PrEP is not (only) a strategy of big pharma to make money, but actively wanted by and developed with the gay community (Schubert 2019). PrEP is part of an ethical re-negotiation of sex in the gay community and can help to destigmatize sex and fight homonormativity. Because of the complex involvement of the affected community and the emancipatory effect this biotechnology has on gay lives, PrEP is an ideal case for developing the concept of democratic biopolitics. Coming back to COVID-19, [Panagiotis Sotiris \(Sotiris 2020\)](#) suggested, against Agamben’s repression narrative, that we can develop democratic biopolitics in the handling of the coronavirus epidemic. Along the same lines of my analysis of the ethical deliberations of sexual practices in the gay community, he imagines collective care in a non-coercive way in which practices like social-distancing are deliberated democratically, thus not only based on “the authority of experts” but on a “democratization of knowledges”.

Both concepts—traditional biopolitics focusing on the repressive state and democratic biopolitics focusing on the emancipatory agency of activists and the community—fail to account for a new form of biopolitical normalization and repression that occurs in the pandemic: Populist biopolitics. As populism is a degeneration of democracy, populist biopolitics is a degeneration of democratic biopolitics. It is a repressive and paternalistic form of democratic biopolitics, i.e. when members of the community and not the state engage in biopolitics that limits freedom and normalizes others. Populist biopolitics occurs both online and offline when members of the community shame each other for supposedly irrational and unsolidaristic behavior such as, for example, leaving the house or meeting with friends, encapsulated in #staythefuckathome. Populist biopolitics also occurs in more formal political discourse, when the state is pressured to enact stricter regulations on the population.

Populist biopolitics is mostly visible in countries where state repression is comparatively low, such as Germany. Before Germany enacted a nationwide ban on social contact, there were widespread demands for more authoritarian measures, and blaming and shaming of those who made use of their rights to meet. For example, the famous sociologist Armin Nassehi managed to combine both shaming and the demand for authority when he tweeted a picture of a dense crowd on a market in Munich, commenting: “In the end, the modern version of the authoritarian character celebrates here: the right thing will only be done if it is expressly ordered.”



Social Following

(<https://twitter.com/ArminNassehi/status/1239606706948247552>)

Denouncing the people who made use of their (at the time, still allowed) right to meet in groups as authoritarian is a misconception of the liberalism enabled by a state that can be mostly trusted in its epidemiological considerations, as I would say is the case in Germany. Trusting the state to establish reasonable rules enables us to live free from the paternalism of community control. In contrast, populist biopolitics' community deliberation and enforcement of the "right thing" is very dangerous, as the history of the stigmatization of people living with HIV shows

The populist biopolitics of Corona allows us to sharpen the young concept of democratic biopolitics, when put in relation to the notions of populism and democracy as discussed in political theory. Following Müller (Müller 2016), populists claim to represent the true interests of the people by monopolizing moral truth and thus reject pluralism. Populist biopolitics in times of coronavirus shares these elements: We are called to do the only morally right thing, to protect the people, which is said to work only through draconian social distancing measures. This framing is not pluralist deliberation but speaking the moral and political truth in the name of the people—we can see how, in states such as Hungary and Israel, this framing can be misused by actual populist leaders to establish authoritarian measures.

Democracy, by contrast, is pluralist. This pluralism needs to be ensured by constitutional law, as well as lived according to individual ethics. Thus, democratic biopolitics is inherently pluralistic. Democratic biopolitics involves the participation of many actors—politicians, epidemiologists, and other experts, for example social scientists, and members of civil society, among others. It needs to weigh different policy aims, such as preventing the collapse of the health care system while reducing the impact on the economy. Finally, and most importantly, democratic biopolitics needs a commitment to the rule of law and must always reflect the proportionality of measures taken.

Biopolitical theory can learn from this pandemic that biopolitics is not primarily a matter of repressive state and medical power, but rather an occasion for democratic deliberation. Nevertheless, such democratic biopolitics can go wrong and degenerate into populist biopolitics. We see here, contra Sotiris, and also contra my analysis of the democratic biopolitics of PrEP, that community involvement is not enough to advance emancipatory democratic biopolitics. On the contrary, especially in times of crisis, the general community tends to populist biopolitics, making moral judgements driven by fear that ignore the social impact of confinement measures and how these measures unequally affect people who occupy different social positions. While more democratic deliberation of biopolitics is needed, the pandemic calls for guidance by science and careful politics, severely limited by the rule of law and checks and balances that defend democracy against authoritarian ambitions. Legal proportionality should be the answer of democratic biopolitics to populist calls for repression. While this call for political institutions seems prima facie 'unfoucauldian', it is actually inherent to Foucault's concept of freedom as social critique, as I argue elsewhere (Schubert 2020). Democratic biopolitics is empty when it is not embedded in robust democratic institutions.

Dr. Karsten Schubert is an Assistant Professor for Political Theory at the Alber-Ludwigs-University of Freiburg, www.karstenschubert.net



13.6K



3.9K

Posts by Email

Join 3,346 other subscribers

References

Foucault, M., G. Agamben, J. L. Nancy, R. Esposito, S. Benvenuto, D. Dwivedi, S. Mohan, R. Ronchi, and M. de Carolis. 2020. Coronavirus and philosophers. <http://www.journal-psychoanalysis.eu/coronavirus-and-philosophers/>. Accessed 1 April 2020.

Lemke, Thomas. 2019. Foucault's analysis of modern governmentality. A critique of political reason. London, Brooklyn, NY: Verso.

Müller, Jan-Werner. 2016. What Is Populism? Philadelphia, Pa: University of Pennsylvania Press.

Sarasin, Philipp. 2020. Mit Foucault die Pandemie verstehen? – Geschichte der Gegenwart. <https://geschichtedergegenwart.ch/mit-foucault-die-pandemie-verstehen/>. Accessed 1 April 2020.

Schubert, Karsten. 2018. Freiheit als Kritik. Sozialphilosophie nach Foucault. Bielefeld: transcript.

Schubert, Karsten. 2019. The Democratic Biopolitics of PrEP. In Biopolitiken – Regierungen des Lebens heute, ed. Helene Gerhards and Kathrin Braun, 121–153. Wiesbaden: Springer Fachmedien Wiesbaden.

Schubert, Karsten. 2020 (accepted). Freedom as Critique. Foucault Beyond Anarchism. Philosophy & Social Criticism: ? Author's Manuscripts: https://www.academia.edu/42463537/Freedom_as_Critique._Foucault_Beyond_Anarchism

Sotiris, Panagiotis. 2020. Against Agamben: Is a Democratic Biopolitics Possible? <https://criticallegalthinking.com/2020/03/14/against-agamben-is-a-democratic-biopolitics-possible/>. Accessed 1 April 2020.

69
SHARES



Tags: [Biopolitics](#) [COVID-19](#) [Democratic Biopolitics](#) [Populist Biopolitics](#)

← International Economic Law & COVID-19

1 comment for “Crying for Repression: Populist and Democratic Biopolitics in Times of COVID-19.”



Sarel

1 April 2020 at 4:09 pm

Wonderful. I would caution about over-emphasising the repressive nature of biopolitical dispositif, but within the context of the paper, it is correct. I am probably going to be enamoured with the idea of 'populist biopolitics' for the rest of the week. Thank you so very much.

Reply

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

Notify me of follow-up comments by email.

Notify me of new posts by email.

Post Comment

This site uses Akismet to reduce spam. [Learn how your comment data is processed.](#)

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.
To find out more, including how to control cookies, see here: [Cookie Policy](#)

Close and accept