

## Conclusion

### Disquieting Echoes of History, or Covid and the Liberal Left

What was frightening about the [Stalinist show trials in Moscow] was not the fact that they happened—for obviously such things are necessary in a totalitarian society—but the eagerness of Western intellectuals to justify them.

George Orwell, Review of Arthur Koestler's *Darkness at Noon*

The most radical revolutionary will become a conservative the day after the revolution.

Hannah Arendt, *The New Yorker*

This volume has recounted the collateral damage of the Covid lockdowns and the neglect of vulnerable populations. It has raised concerns about potential conflicts of interest at the intersection of science, public health, and industry interests. And it has provided a short reflection on “digital authoritarianism” with an analysis of social compliance and the instrumentalization of fear, while drawing parallels to past authoritarian regimes. It has highlighted the role of censorship in maintaining control over our contemporary societies. The Covid response has revealed the ease with which authoritarian measures have been adopted by democracies, fueled by nudging and the instrumentalization of fear. Thus I underscore the urgent need for a thorough examination of Covid measures in the face of authoritarian tendencies and the erosion of democratic norms, as exemplified by legal battles

against the American administration's inclination to suppress free speech. By holding on to my method of socioreflexive cultural engagement, I have tried to navigate a central line and dodge two types of conspiracy theories that divide our contemporary societies: the one from the top down, which calls nearly all criticism "disinformation," and the one from the bottom up, which calls nearly all official policies "lies."

For a historian of European authoritarian regimes, there is a sense of *déjà vu* in all this. The repressive and censoring measures which multiplied under the pretext of Covid but took a life of their own in its aftermath distinctly recall the pre-apocalyptic situation that Western societies experienced in the 1930s. Worrying trends in our current predicament are, first, a popular dissatisfaction with political elites and despondency in the face of the seemingly inexorable ascendance of the populist right in many countries; second, an alarming surge in economic inequality, with the withering of the middle class and the emergence of a vast underclass of working poor; and third, a widening chasm between intellectual elites and the proverbial ordinary people so that the former tend to preach only in an echo chamber, leading to the decline of empathy in the public sphere. The Covid crisis has laid bare the complex interplay between power, knowledge, and public health governance, with intellectuals occupying a crucial yet contentious position throughout. It has underscored their responsibility in failing to uphold democratic values, promote transparency, and engage in rigorous debate.

Worse, Carlo Caduff has noted that the power to respond to the Covid crisis has dazzled the intellectual elites in a complex and perverse combination:

Pandemic fear is unnerving and mentally exhausting. Yet for those who embrace the feeling, it has the power of sustaining a state of excitement—excitement derived from the secret

pleasure of spoiling a precious thing, wasting enormous resources, and engaging in an all-consuming project with total dedication. What we might call the provocation of the crisis—its intensification, expansion, and totalization beyond any notion of utility—seems so excessive and extreme that it borders on sheer madness. What could be more dangerous, more daring, more exciting than a walk on the wild side, an excursion to the other side of reason?<sup>1</sup>

Public health experts had been preparing for a major influenza pandemic for years, and Covid presented an ideal opportunity to unleash this energy.<sup>2</sup> And as an authoritarian temptation has been historically recurrent on the left, it now found a new pretext to be mobilized.<sup>3</sup> Let us deconstruct what happened here.

## **The origins of wokeness and critical theory**

The roots of popular dissatisfaction with elites, economic inequality, and the estrangement of intellectuals from ordinary people can be traced back to the onset of globalization, a transformative economic model that gained prominence during the era of Margaret Thatcher and Ronald Reagan in the 1980s. Globalization fueled aspirations for improved living standards and unrestricted consumption, a trend that played a significant role also in the collapse of the Berlin Wall as people behind the Iron Curtain sought to partake in the growing Western prosperity.

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1 Caduff, “What Went Wrong.”

2 See Carlo Caduff, *The Pandemic Perhaps: Dramatic Events in a Public Culture of Danger* (Oakland, CA: University of California Press, 2015). See also Bonilla, “Covid, Twitter, and Critique.”

3 See this volume with an eloquent title: Elena Lange, Geoff Shullenberger, eds., *Covid-19 and the Left: The Tyranny of Fear* (London: Routledge, 2024).

Liberal intellectuals as a social class endured a seismic upheaval with the fall of communism in 1989, even in Western Europe. To defend a vision of social engineering reminiscent of Mitterrand's first mandate as French president (1981-1988), for instance, suddenly became inconceivable. The left relinquished its pursuit of economic equality, while the working class fervently embraced mass consumption, both in the East and the West. For the left to enjoy wealth became permissible and even desirable in the 1990s, while the notion of the public good suffered a palpable blow. Tony Blair and Gerhard Schröder personified a new shamelessness among Western liberal political elites in which individuals sought political office not as a noble calling but as a means to amass personal fortunes after the end of their mandate. More recently, entrepreneurs such as Donald Trump, Rishi Sunak, and the Czech leader Andrej Babiš achieved billionaire status before they even entered the political arena, ostensibly with benevolent intentions but in large part to consolidate or expand their wealth thanks to their elected mandate.

Faced with the ideological crisis of the left and the growing division of society, liberal intellectuals found a new cause to champion: identity politics. Critical theory had questioned strategies of domination and the way they had been made invisible; identity politics now essentialized these strategies, regardless of whether intellectuals were now going against the principles of critical theory.<sup>4</sup> After all, what better topic to reflect upon than their own existential crisis? They heralded anti-racism, sexual minorities, feminism, and the defense of minorities. Predictably, the more the progressive and liberal left distanced itself from the toiling masses, the more radical it became.

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<sup>4</sup> Many thanks to Éloïse Adde for her input here.

## **Wokeness as a social practice of domination**

This phenomenon is not without recalling the 1930s either. George Orwell savagely castigated the intelligentsia of his days as “every fruit-juice drinker, nudist, sandal-wearer, sex-maniac, Quaker, ‘Nature Cure’ quack, pacifist, and feminist in England.” Only such an educated person, he mused, could be so distant from the “genuine proletarian.”<sup>5</sup>

George Orwell harbored no desire to destroy the left; on the contrary, he embraced socialism, the kind of democratic socialism that championed social justice and common decency over power and privilege. He endured homelessness in London and the life of a miserable dishwasher in Paris, where he experienced hunger and faced near-death in a dilapidated hospital. He descended into a Welsh coal shaft and shared the life of miners to capture their everyday struggle. He fought in the Spanish Civil War, where he took a bullet in the throat and nearly died, then was hunted by Stalinist henchmen who would rather kill fellow left-wing activists than tolerate potential dissenters. Orwell and his wife narrowly evaded their clutches, an experience which provided the basis for his deconstruction of the Stalinist dictatorship in *Animal Farm* and *Nineteen Eighty-Four*. During one or another of these adventures, he contracted the tuberculosis from which he died at the premature age of 46.

How would a no-nonsense democratic socialist as Orwell have interpreted the reaction to Covid? As the pandemic unfolded in the Western world, despite local nuances in timelines and varying levels of cynicism, the virus modeled a society that he would have doubtless vehemently opposed. The left abandoned its commitment to defend the disadvantaged,

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5 George Orwell, *The Road to Wigan Pier* (London: Gollancz, 1936), chapter 11, available here: [https://www.george-orwell.org/The\\_Road\\_to\\_Wigan\\_Pier/10.html](https://www.george-orwell.org/The_Road_to_Wigan_Pier/10.html).

especially children, during the pandemic, opting instead for (self-)sycophancy; the national debt of many countries developed at an alarming pace, reaching levels not witnessed since the eve of the 1789 Revolution in France, for instance,<sup>6</sup> due to the fact that the wealthy are now undertaxed;<sup>7</sup> and crucial personalities within the political class in many Western countries have prioritized individual wealth accumulation over the public good.

Orwell would have recognized another familiar trope, too: an authoritarian fetishism within the intellectual left, which reappears time and again in history in the name of a brighter future that requires momentary sacrifices. This time around, it is wokeness. Herbert Marcuse, sometimes considered the “father of wokeness,” wrote a famous essay in 1965 entitled “Repressive Tolerance.”<sup>8</sup> Can tolerance be repressive? This is the whole question, one to which George Orwell or Karl Popper would certainly say no. There is a strong temptation within the current left to abandon democracy as an ideal, especially after being proven so wrong with Covid. In 2024, the famous *Guardian* columnist, icon of the liberal left and fervent supporter of a repressive version of the Covid response, George Monbiot, penned an editorial claiming that elections are a “travesty of democracy” and “people” must find a “real voice” in order to have “real representation.” He claimed: “An

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6 See Simon Brunfaut, “Thomas Piketty, économiste: ‘Nous sommes dans une situation très proche de celle de la Révolution française,’” *L’echo*, September 11, 2021, <https://www.lecho.be/opinions/general/thomas-piketty-economiste-nous-sommes-dans-une-situation-tres-proche-de-celle-de-la-revolution-francaise/10331365.html>.

7 Emmie Martin, “Warren Buffet and Bill Gates Agree That the Rich Should Pay Higher Taxes—Here’s What They Suggest,” *CNBC*, February 26, 2019, <https://www.cnbc.com/2019/02/25/warren-buffett-and-bill-gates-the-rich-should-pay-higher-taxes.html>.

8 The full text is available here: <https://www.marcuse.org/herbert/publications/1960s/1965-repressive-tolerance-fulltext.html>.

election is a device for maximizing conflict and minimizing democracy.” A better system might be, according to him, a “lottery vote.”<sup>9</sup> The *New York Times* also sees the American constitution as “a threat for democracy”<sup>10</sup> or as “obstructing democracy,”<sup>11</sup> while the First Amendment guaranteeing free speech allegedly is “out of control.”<sup>12</sup>

Monbiot shows that it is easier to call for the end of democracy than to apologize for supporting our undemocratic response to Covid, a demonstration if ever that to dehumanize a group of the population delegitimizes its authors.

### **From compliance to enforcement: The irresistible temptation of authority**

The liberal left, which has largely sought refuge in the past decades in the field of education and quality mainstream media, flocked with Covid “towards the smell of ‘progress’ like bluebottles to a dead cat”<sup>13</sup> (another Orwell metaphor), with the caveat that modern-day intellectual “heroes” forsake the opportunity to take a bullet in the throat to safeguard democracy; instead, they stay home to save lives and wear a mask

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9 George Monbiot, “General Elections Are a Travesty of Democracy—Let’s Give the People a Real Voice,” *The Guardian*, June 6, 2024, <https://www.theguardian.com/commentisfree/article/2024/jun/06/general-elections-democracy-lottery-representation>.

10 Jennifer Szalai, “The Constitution Is Sacred: Is It Also Dangerous? One of the Biggest Threats to America’s Politics Might Be the Country’s Founding Document,” *The New York Times*, August 31, 2024, <https://www.nytimes.com/2024/08/31/books/review/constitution-secession-democracy-crisis.html>.

11 Letters to the editor, “Is the Constitution Obstructing American Democracy?” *The New York Times*, August 29, 2022, <https://www.nytimes.com/2022/08/29/opinion/letters/constitution-democracy.html>.

12 Tim Wu, “The First Amendment Is out of Control,” *The New York Times*, July 2, 2024, <https://www.nytimes.com/2024/07/02/opinion/supreme-court-net-choice-free-speech.html>.

13 Orwell, *The Road to Wigan Pier*.

to protect you. Behind this virtuous façade lies, of course, a sanctimonious exploitation of delivery workers. Working-class laborers remained at liberty to die from Covid so long as they posed no risk of contamination to liberals. Irony lied in the meticulous disinfection of home-delivered goods coupled with impassioned lectures on moral virtue, all delivered through the conduit of mostly cozy homes and powerful Wi-Fi connections and computer equipment, of which the disadvantaged had only a downgraded version, if at all.

Today, the mainstream media fail to remind their audience that the considerable inflation we are experiencing is coming from being paid to stay at home and do little or nothing for months on end while our governments printed money.<sup>14</sup> Determined not to question the policy of lockdown, they blame the cost-of-living crisis on the Russia-Ukraine and Hamas-Israeli wars and conveniently forget that the inflation started long before these aggravating factors.<sup>15</sup>

One of the most irksome paradoxes of the Covid response is that academics who righteously stand against the rise of inequalities in normal circumstances supported a Covid response which dramatically increased inequalities. The disadvantaged were free to plunge into ever greater poverty in exchange for a fleeting sense of security for the intellectuals, while the world's billionaires found themselves

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14 Éric Desrosiers, "Qui réglera l'addition de la crise de la Covid-19, selon Thomas Piketty?" *Le Devoir*, November 17, 2020, <https://www.ledevoir.com/économie/589869/coronavirus-qui-reglera-l-addition>.

15 Phillip Inman, "Leading Economies Sliding into Recession as Ukraine War Cuts Growth, OECD finds," *The Guardian*, September 26, 2022, <https://www.theguardian.com/business/2022/sep/26/leading-economies-sliding-into-recession-as-ukraine-war-cuts-growth-finds-oecd>. See also Richard Partington, "Escalating Middle East Conflict Could Send Global Inflation Soaring, Says S&P," *The Guardian*, October 28, 2023, <https://www.theguardian.com/business/2023/oct/18/escalating-middle-east-conflict-could-send-global-inflation-soaring-says-rp>.

US \$4 trillion richer by the end of the first year of the pandemic.<sup>16</sup> Meanwhile, any form of criticism became “fake news.” Alan Sokal remarked in a piece evocatively entitled “Free Speech and Fashionable Hypocrisy” that academic freedom is defended only when it buttresses “politically correct” narratives.<sup>17</sup> Intellectuals found themselves as incapable of challenging intellectual conformity and obedience as they were of defending free speech.<sup>18</sup>

While studying the Stalinist period in Czechoslovakia, I had always wondered how Czech intellectuals could be so blind as to loudly support the implausible propaganda promoted by Stalinist leaders while suppressing their own critical doubts—a conundrum which they collectively reflected upon and apologized for during the 1968 Prague Spring and its aftermath, becoming once again the charming intellectuals they had doubtless been before Stalinism. In the 1970s and 1980s, they often became respected dissidents, too.

The Covid pandemic has illustrated anew the tendency of intellectuals to fall prey to ideology and purported good intentions while momentarily endorsing dehumanization. Perhaps an apology is still coming, like in Czechoslovakia, where it took sixteen years from the most egregious Stalinist show trial in 1952 to the 1968 Prague Spring. In the US and on the other side of the political spectrum, it took eight years for the similarly dogmatic McCarthyism to be completely overcome and discarded. On the other hand, it took 90 years for the *New York Times* to present an apology of sorts to its readers for the lies of its star reporter, Moscow correspondent

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16 Green, “Covid-19 and the Left.”

17 Alan Sokal, “Free Speech and Fashionable Hypocrisy,” *The Critic*, January 24, 2024, <https://thecritic.co.uk/free-speech-and-fashionable-hypocrisy/>.

18 Steve Salaita, “The Customs of Obedience in Academe,” *No Flags, No Slogans* (blog), February 12, 2024, <https://stevesalaita.com/the-customs-of-obedience-in-academe/>.

Walter Duranty.<sup>19</sup> Duranty was granted the 1932 Pulitzer Prize for his glowing reports of Stalin's collectivization, even though it resulted in a famine that killed millions in Ukraine, the Holodomor, now considered a full-fledged genocide. He also vilified other reporters for allegedly twisting the truth.<sup>20</sup> Covid really has brought nothing new.

A new form of illiberalism is also revealing itself in other themes than Covid. In 2020, James Bennet, editor of the Opinion section at the *New York Times*, published an op-ed by Tom Cotton, Republican Senator of Arkansas, which went counter to the opinion of many of Bennet's colleagues and of the readers of the *New York Times*: in the context of the George Floyd scandal, Cotton called for the deployment of federal troops in American cities in case of violent rioting. The scandal was such, even though it was only an op-ed which did not implicate the editorial line of the paper, that Bennet resigned. Three years later, he went over this episode in a piece for the *Economist*, referring to the insufficient support of NYT publisher A.G. Sulzberger:

The *Times*'s problem has metastasized from liberal bias to illiberal bias, from an inclination to favor one side of the national debate to an impulse to shut debate down altogether. All the empathy and humility in the world will not mean much against the pressures of intolerance and tribalism without an invaluable quality that Sulzberger did not emphasize: courage.<sup>21</sup>

19 See "New York Times Statement about 1932 Pulitzer Prize Awarded to Walter Duranty," undated, <https://www.nytco.com/company/prizes-awards/new-york-times-statement-about-1932-pulitzer-prize-awarded-to-walter-duranty/>. See also David Folkenflik, "The New York Times Can't Shake the Cloud over a 90-Year-Old Pulitzer Prize," *NPR*, May 8, 2022, <https://www.npr.org/2022/05/08/1097097620/new-york-times-pulitzer-ukraine-walter-duranty>.

20 Gareth Jones, for instance. See the film *Mr. Jones* by Agnieszka Holland (2019), <https://www.imdb.com/title/tt6828390/>.

21 James Bennet, "When the New York Times Lost Its Way," *The Economist*,

Intolerance, tribalism, and cowardice were further compounded by authoritarianism and inhumanity during Covid. This is where George Orwell, again, is right on point. He keenly observed that progressivism is generally not driven by a genuine desire to combat misery or champion freedom but is rather rooted in a “hypertrophied sense of order.” He noted that “to many people calling themselves Socialists, revolution does not mean a movement of the masses with which they hope to associate themselves; it means a set of reforms which ‘we,’ the clever ones, are going to impose upon ‘them,’ the Lower Orders.”<sup>22</sup> During Covid, inhumanity became widespread even among scholars of the humanities.<sup>23</sup> The “proper left,” derides French comedian Régis Mailhot, is now the left “which smells good from the armpits.”<sup>24</sup>

The ease with which critical thinking was discarded while many intellectuals didn’t harbor any doubt about their own infallibility is truly disconcerting. Edward Skidelsky speaks of a “slow erosion of moral and intellectual standards of which commercialism and wokery are merely the effect”: “Many are convinced that ‘freedom of thought’ must conceal a toxic right-wing agenda—as if the left had no possible interest in intellectual freedom.”<sup>25</sup>

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December 14, 2023, <https://www.economist.com/1843/2023/12/14/when-the-new-york-times-lost-its-way>.

22 Orwell, *The Road to Wigan Pier*.

23 See this article: Michael Hiltzik, “Mocking Anti-Vaxxers’ COVID Deaths Is Ghoulish, Yes—but May Be Necessary,” *Los Angeles Times*, January 10, 2022, <https://www.latimes.com/business/story/2022-01-10/why-shouldnt-we-dance-on-the-graves-of-anti-vaxxers>.

24 “Régis Mailhot: pour Stéphane Bern, ‘on va tous bouffer du Fillon pendant cinq ans,’” À la bonne heure (radio talk show), *RTL*, November 22, 2017, <https://www.youtube.com/watch?v=2F45-xEclmU>.

25 Edward Skidelsky, “It’s Time to Stop the Rot: Students Denounced, Lecturers Cowed and Managers with Little Interest in Truth,” *The Critic*, March 2024, <https://thecritic.co.uk/issues/march-2024/its-time-to-stop-the-rot/>.

## A democratic society does not sacrifice ethics with impunity

The attitude of liberal intellectuals has proved not only counterproductive in the fight against Covid but dangerous as well. With the passing years and the subsiding panic, the staggering level of corruption and/or conflict of interest around the vaccine is slowly being revealed—one of the most egregious examples being, if I may repeat myself, that the NIH is a co-owner of the vaccine patent and has stood to make \$1.2 billion and counting from its “objective” vaccine recommendation to the public.<sup>26</sup> The so-called “Pfizergate” involving EU President Ursula von der Leyen, coined the “scandal of the century” by journalist Thomas Fazi, also deserves thorough investigation, one which is however slow in coming. In the name of the EU, von der Leyen single-handedly signed off on a \$35 billion deal with Pfizer, i.e., fifteen times the cost of production per dose of vaccine, mainly by text messages and phone calls, texts which she has still refused to hand over upon the completion of this manuscript in September 2024.<sup>27</sup>

Still, liberal intellectuals and political elites don’t collectively appear to be anywhere near conceding that they made a grave mistake in relinquishing their critical ability during the pandemic. Only a few individuals have displayed the courage and honesty to do so.<sup>28</sup> Intellectuals who supported censorship

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26 Alexander Tin, “Moderna Offers NIH Co-Ownership of COVID Vaccine Patent amid Dispute with Government,” *CBC News*, November 15, 2021, <https://www.cbsnews.com/news/moderna-covid-vaccine-patent-dispute-national-institutes-health/>.

27 Thomas Fazi, “Von der Leyen Could Still Be Toppled,” *UnHerd*, May 31, 2024, <https://unherd.com/2024/05/pfizergate-could-still-topple-von-der-leyen/>.

28 See Danny Kruger, “We MPs Need to Recognize That What We Did to the Country during Covid Was Wrong,” *The Daily Sceptic*, January 30, 2024, <https://dailysceptic.org/2024/01/30/we-mps-need-to-recognise-that-what-we-did-to-the-country-during-covid-was-wrong/>. See also Larry Elliot, “The Price Britain Paid for Lockdown Was Colossal. Was There an Alternative?” *The*

then would rather continue supporting censorship now than admit they were wrong.

Disparaging democracy is worrisome because it paves the way for ever more authoritarian measures. Compounded by a media landscape that no longer scrutinizes power but rather defends it, our civic societies find themselves defenseless. Traditional media appear rather unfazed by the censorship imposed by various states on social media, perhaps because, as already mentioned, social media had effectively put an end to their privileged position as political commentator in the public sphere, and they are thus getting rid of a powerful competitor. In this precarious state, the need for figures of the George Orwell format becomes increasingly urgent—individuals unyielding to power and committed to portraying the unvarnished truth, irrespective of its potential to unsettle those in authority. Will we find enough of them, and will we find them in time?

### **To externalize criticism of the lockdown to the extreme right was an egregious mistake**

Before Covid, critical approaches to censorship and the surveillance state were traditionally viewed as left-wing and progressive. However, when surveillance and the biosecurity state gained unexpected actuality during the Covid crisis, critics were swiftly labeled right-wing or even alt-right—

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*Guardian*, February 12, 2023, <https://www.theguardian.com/business/2023/feb/12/price-britain-paid-lockdown-colossal-alternative-recession-austerity-stagnation>; Bennet, “When the New York Times Lost Its Way”; and Nadeen Badshah, “Matt Hancock Wanted to ‘Frighten Everyone’ into Following Covid Rules,” *The Guardian*, March 5, 2023, <https://www.theguardian.com/politics/2023/mar/05/matt-hancock-wanted-to-frighten-everyone-into-following-covid-rules>.

including not only Agamben, as seen above, but also Glenn Greenwald, who had been one of the *Guardian* journalists who had been awarded the Pulitzer Prize in 2014 for his investigation of global surveillance programs on the basis of Edward Snowden's revelations.

The pernicious aspect of the Covid censorship is that it has ensnared the liberal left in a trap. It has proven impossible to enforce censorship and defend democracy at the same time—the “miracle” has not happened.<sup>29</sup> Legitimizing censorship to defend public health amounted to playing with fire, even when, or if, the public approved.<sup>30</sup> Barbara Stiegler points out that to oppose health and freedom was a “fallacious narrative.” She underlines that the measures taken in France against the virus weakened not only the most vulnerable but also the very concept of public health. When health is opposed to freedom, patients’ rights give way to an “authoritarian, centralized, and neoliberal health policy.”<sup>31</sup>

To relinquish the defense of freedom to the extreme right is one of the most egregious political missteps of the Covid response, one that might cost several Western democracies dearly. By labeling anyone advocating fundamental freedoms

29 I borrow the term “miracle” from Abdennour Bidar, *Démocratie en danger: Dix questions sur la crise sanitaire et ses conséquences* (Paris: Les liens qui libèrent, 2022), 19.

30 More than half of the American public now apparently thinks the First Amendment guaranteeing free speech goes “too far,” although it is now hard to tell, because of censorship, if it is public opinion which pushed liberal intellectuals to criticize free speech or vice versa. See Laurel Duggan, “Majority of Americans Think First Amendment Goes Too Far,” *UnHerd*, August 1, 2024, <https://unherd.com/newsroom/majority-of-americans-think-first-amendment-goes-too-far/>.

31 “Barbara Stiegler, santé publique et libertés,” *France Culture*, May 17, 2022, <https://www.radiofrance.fr/franceculture/podcasts/tracts-le-podcast/barbara-stiegler-sante-publique-et-libertes-1994435>. See also her two essays: Barbara Stiegler, *De la démocratie en pandémie*, and Barbara Stiegler and François Alla, *Santé publique année zéro* (Paris: Gallimard, 2022).

“extreme right,” our societies have inadvertently granted to the extreme right the agency and legitimacy to represent anyone who still thinks freedom is a value worth fighting for. To defend liberty has become the new subversive attitude, one which is bound to seduce the voters.

Why the liberal left has chosen to embark on this self-destructive path is perplexing, all the more so that once in power, the extreme right is likely to put an end to its sudden commitment to “freedom” and to dismantle what remained of the liberal movement. Pierre Gentillet is a jurist and ideologue of the French extreme right movement Rassemblement National (National Rally), which captured 37% of the votes in the July 7, 2024, French parliamentary elections. The lesson he draws from the Covid response is unequivocal and chilling:

I’m optimistic because the rule of law is dying.... We have observed under Covid that when a politician decrees an emergency situation (I remind you that Covid was not all that urgent in proportion to the measures we took), the rule of law can be overcome. During this political crisis, politics really took precedence over the law. So, this is why I’m optimistic: if, tomorrow, we want to emancipate ourselves from certain treaties—not just the European Union treaty, but other treaties as well—from certain standards that are poisoning us, well, provided we bring the Constitutional Court into line, we will be able to do anything we want. Politics is now back at the top of the hierarchy of concrete standards.<sup>32</sup>

How to bring the Constitutional Court “into line”? Pierre Gentillet proposed two “solutions”: either by dismantling it entirely since he no longer sees it as necessary for the functioning

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32 Chaîne officielle TVL, “L’Etat de droit se meurt, le Peuple retrouve enfin le pouvoir—Le Zoom—Pierre Gentillet—TVL,” YouTube video, 24:17, April 8, 2022, <https://www.youtube.com/watch?v=JaijKWPACtC&t=710s>.

of the state, or by appointing new justices to the court in the name of a better representation of the “real people” until the old, presumably hostile, justices are in the minority.<sup>33</sup>

Human rights lawyer Patrice Spinosi deems this prospective tactic “extremely worrying.”<sup>34</sup> He deconstructed in 2024 how “emergency measures” and “legal exemptions” are almost always instrumentalized, and the threat justifying these measures tends to “never disappear.” Nevertheless, in the case of Covid he inexplicably had no objection to the emergency measures. Four years later, he still deemed them necessary and unavoidable. That “we didn’t know” and the measures were “only transitory” compounded in his view the deprivation of public freedoms they entailed.

And yet, thanks to the Covid response, “momentary” restrictions such as QR codes to prevent people from freely moving around and censorship on social media to prevent “dangerous behaviors” became part and parcel of our societies. The adoption of such measures was made possible only thanks to an artificial “scientific consensus” itself predicated on silencing dissident voices. We *did* know that the Covid measures were disproportionate to the threat, or even more to the point, we could and would have known if the debate hadn’t been stifled. A censorship practice which was implemented for a would-be “just cause” and “only for a short while” significantly weakened the rule of law long after the emergency had passed, and it created a dangerous precedent.

Censorship was and remains unacceptable in a democracy, especially during a crisis when collective intelligence

33 Chaîne officielle, “L’État de droit se meurt.”

34 See the radio talk show hosted by Charles Pépin, “Patrice Spinosi: comment défendre les libertés publiques?” “Sous le soleil de Platon,” *France Inter*, July 11, 2024, <https://www.radiofrance.fr/franceinter/podcasts/sous-le-soleil-de-platon/sous-le-soleil-de-platon-du-jeudi-11-juillet-2024-1076019>.

must be crucially mobilized. Without censorship, alternative policies could have been discussed since the beginning, and many lives might have been saved. If or when these censorship tools fall into even worse hands, as appears almost inevitable considering the economic crisis and popular discontent unleashed by the lockdowns (18 countries of the EU out of 27 are in danger of falling into the hands of the extreme right), the consequences for democracy are potentially devastating.

