LEGAL, POLITICAL AND SECURITY ASPECTS OF THE PANDEMIC LANGUAGE

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Abstract: *From spring onwards 2020 has been irrevocably interwoven with words such as “pandemic”, “emergency”, “crisis”, “urgent measures”, etc. The usage of the pandemic language to describe the outbreak of COVID-19 derives from the etymologies of these words. However, it could also be rooted in political motives. There are instances of how specific terms could be mobilized to support policy aims. This is the main reason why more attention should be paid to the strength of the language used and more awareness of the usage of particular terms within a political and security context. It could be considered necessary to take extraordinary “urgent” measures to save lives as a result of a global “pandemic”, but at the same time, it is vital to be careful how exactly these terms are used to justify political principles, which were in operation even before the outbreak of COVID-19.*

Keywords: pandemic language, World Health Organization, Siracusa principles

1. Introduction

The COVID-19 pandemic will remain the most defining event in 2020. For many months, the media has been attacking daily with news about the number of cases, methods of protection and treatment of the disease. All this cannot but affect speech and language.

Many authoritative English dictionaries - Webster, Oxford - already include words related to this infection. For example, the acronym COVID-19 (abbreviated to CORonaVirus Disease - 2019 or coronavirus infection/disease 2019) is now official.

One of the first discussions to be held last year was whether the outbreak of COVID-19 was an epidemic or a pandemic. Both words come from the ancient Greek language: *epi* = among, *pan* = all and *dēmos* = people. Thus, the Greek word “epidemic” refers to a disease (especially plague) that stays in one place and is “among” a group of people. Centuries later,

the term pandemic was used to refer to a disease that affected all people or the general population. The WHO (World Health Organization) statement that COVID is a pandemic is based on its dissemination across continents and nations and is therefore medically and linguistically correct [7].

2. The “language of catastrophe”

Experts point out that the word “quarantine”, which in the past was used for a group of people isolated from others, from society, acquires a new meaning - now the term is used in the sense that everyone is isolated from everyone. In an article on the Armenian Genocide, which may seem far-fetched, the author expresses an interesting idea that *you can spread doubts about the possibilities of language, and then think that the language belongs to you. The catastrophe is that of the language. I do not want to say that genocide is a*

linguistic phenomenon, that it does not exist, that it is not a historical event. But everything that happens around us also has purely linguistic consequences, even if we are used to not paying attention to it [4].

If it were not for the word "genocide", we would have built another associative system, otherwise we would not have the notion of purposeful and systematic destruction, in part or in whole, of a national, ethnic, racial or religious group. Dozens of events are known from history that are firmly rooted in language, politics and culture: cholera, the Holocaust, Chernobyl, Fukushima, Hurricane Katrina and others. Subsequently, some associative and semiotic fields are formed around such concepts, which eventually turn into closed systems. The "language of catastrophe" is the language in which we discuss, write, talk about pandemics, using words and associations for this event.

3. COVID-19 – medical challenges, economic costs and something more

A number of analyses of the new coronavirus infection focus on medical challenges and economic costs. However, the problem also matters in cases how policies are designed and implemented. As the public agenda focuses on disease control, related policy issues are likely to be included in its image. Faced with a virulent pathogen, everything starts to look like a virus. The approach suitable for combating infectious diseases may reappear in less appropriate areas, weakening the ability for targeted change.

The language of pathology has been central to current events for some time. The "contagion" of the markets, the "transmission mechanisms", the "exposure" to risk, the "pandemic", the "crisis", etc. are common terms for analysis. The concept of contagion became increasingly popular in the late 1990s during the Asian financial crisis (or the "Asian flu"), as economists and politicians at the International Monetary Fund were inspired by colleagues

to study diseases. Historians note that the interest in the terminology of epidemiology is evident from the tracing of a series of outbreaks - bird flu (1997), SARS (2002) and swine flu (2009), the effect of which is to promote concepts to shape the description and management of the Great Recession, especially in the eurozone crisis of early 2010 [14].

Migration policy is another area in which this perspective has been adopted. Openly racist views, in which migrants are considered to be spreading diseases (even being a disease themselves), are, to put it mildly, rude. The concept of the "hot spot" became central to pan-European policies aimed at controlling internal migration in autumn 2015, marking the sites of concentrated unregulated migration at the EU border. Hotspots become places for targeted measures and enhanced monitoring, bringing together local officials and supranational agencies in "frontline" Member States.

As public health metaphors and analogies make progress into parallel fields, they join the ones derived from other aspects of the natural world such as floods, storms, forces, and gravity. With the advent of the new coronavirus, the immediate attraction of these naturalistic images can be anticipated to grow: there is talk, for instance, of "vaccinating the economy" and building its immunity. These perspectives are widespread because they meet some powerful interests as well as resonate with some ingrained ideas about the nature of politics, economics, national security and society since they express deep political logic [1].

Most of the time, naturalistic perspectives could be a manner to rationalize limited government intervention. When socio-economic challenges are seen as an extension of the forces of nature, they raise lower expectations of what policy can achieve. Problems might at best be managed, and while causes are sought, they tend to be treated as gross facts - things that could be taken into account but not

changed. Policy-making is considered to be essentially in line with the dynamics that are already underway.

Conversely, when the costs of a prospect become unsustainable, the naturalization view doubles as a license to breach existing commitments, whether political promises or legal constraints. When something is likened to an infectious disease, it is likened to something that is unpredictable and can develop exponentially, inviting action that adapts to the demands of the moment. As logical as it is to deal with an epidemic, it offers a free pass for judgment and inconsistency in other aspects of governance. And when restoring health is the default goal, it can be expected to be combined with a conservative orientation toward much of the status quo [5].

A key policy point such as contagion control is that employees face challenges for which they are not the cause. The issues at hand - in finance, migration, social order and elsewhere - are seen as a spontaneous development and not as an effect of past elections. Comparison with a contagious disease separates problems from a broader social and political context. This is one of the ways in which officials can seek to reduce their responsibilities. When the challenges they face are naturalized, they do not arise through their fault. For those in charge of administering an economy prone to crisis, brought about only in part by political decisions, the appeal of concepts such as contagion is understandable. Similarly, the attractiveness of attributing any difficult circumstances to the emergence of a virus (the UK budget in March 2019) can be seen: economic stagnation, the causes of which are long-standing, along with many undesirable social conditions, is then redefined as disease, arising out of nowhere.

In the light of periodic political unrest and crises in various countries, it is obvious that there is a concern in international law doctrine that there are countries using emergencies in order to justify illegal

support for dictatorial regimes. This definitely undermines respect for the rule of law as well as the protection of human rights. There exist two main interpretive obstacles to the protection of human rights during emergencies in a country. First, several governments adhere to the understanding that in times of crisis, they are free from any form of control and can resort to any means that are needed to manage the crisis. Second, governments believe that international humanitarian conventions are inapplicable when the conflict is entirely internal and no war has been declared. As some researchers point out, in the period 1985-2014, a state of emergency was declared in at least 137 countries [6].

It is logical to conclude that states without constitutional provisions on the state of emergency resort to it significantly more often than states whose basic laws contain such provisions. Further analysis shows that it is important to distinguish between emergencies declared due to natural disasters and those declared as a result of political upheavals. Countries are more likely to declare a state of emergency in the event of major natural disasters, especially as they accumulate fewer resources [2].

4. Siracusa principles

In a Resolution adopted on 30 August 1977, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the European Economic and Social Committee, through the UN Commission on Human Rights, to analyze the relationship between human rights (especially in case of detention for an indefinite period without charge or legal grounds) and a state of siege or emergency. The sub-committee appointed Nicole Questiaux of France as a rapporteur and commissioned it to carry out a study on the subject. In 1982, the Special Rapporteur, Ms Questiaux, submitted to the Commission a report on the human rights implications of situations known as "emergencies".

From April 30 to May 4, 1984, in Syracuse, Italy, an international conference was held, the convening of which was sponsored by the International Commission of Jurists, the International Criminal Law Association, the American Association for the International Commission of Jurists, the Urban Morgan Institute for Human Rights and the International Institute of Higher Studies in Criminal Sciences. Conference participants have discussions on the restriction and derogation clauses in respect of the International Covenant on Civil and Political Rights (ICCPR), including the legitimate goals, the general principles of interpretation governing their imposition and application as well as some main features of the grounds for restriction or derogation [10]. There was also a discussion on Nicole Questiaux 's report regarding the effects of the state of emergency on human rights. The conference led to the development of the Siracusa Principles on Restrictions and Derogations in the International Covenant on Civil and Political Rights. The legally non-binding international instrument was adopted by the UN Economic and Social Council in 1984 in response to concerns that the ICCPR restriction clauses should be interpreted and applied in compliance with the objects and purpose of the Covenant [3]. It should be borne in mind that the Siracusa Principles were not drafted in the context of a UN-sponsored conference, but rather in a forum sponsored by a number of non-governmental organizations. In pursuing its primary goal of achieving the "highest possible level of health" for all people, the World Health Organization is empowered to make recommendations to countries [1].

In the past, the WHO has approved "interference with the freedom of movement in quarantine or isolation due to a contagious disease", as long as this intervention complies with the principle of necessity and can be considered legitimate. In the current context of coronavirus

infection, the WHO initially recommended "usual precautions" and counseling to introduce travel restrictions. However, even before the WHO officially declared a "Public Health Emergencies of International Concern (PHEIC)", the new coronavirus forced many governments to impose travel restrictions on China and other affected countries. Due to the exceptional nature of this mechanism, the compromise between the values protected (human rights and public security) must be carefully balanced against other alternatives and be appropriate for achieving the objective pursued. The principle of proportionality, therefore, requires States to provide a justification for any specific measure based on the declaration of an emergency, as well as to ensure that all measures imposed comply with the principle of non-discrimination [12].

A State that refers to a derogation must immediately inform the other States - Parties to the Covenant, through the Secretary-General of the United Nations, of the scope, duration and justification of the measures. Although the derogation is not subject to formal notification to the international community, States must at least indicate the need and "detailed description of the relevant facts" which justify the derogation [13].

In practice, there is a striking lack of consistency in derogations. It is true that most countries deviate from freedom of movement and freedom of association. Ultimately, however, these countries are a minority, as the majority of countries worldwide have not implemented derogations, although they have taken just as much or even more serious measures. In addition, nearly half of the States Parties to the American Convention on Human Rights have derogated, one-fifth of those party to the ECHR, and only two States have departed from applying ICCPR provisions without a regional derogation [8].

It is obvious that these state practices are in need of detailed research. Procedural

formalities to notify derogations are not all the time strictly monitored either.

5. Crisis, emergency, politics and security within the context of COVID-19

Against this background, the question of the "*crisis*" and the "*emergency*" in which we live now arises. Both words have interesting connections with diseases and infections. According to scientists, the new coronavirus appears as a zoonotic disease that has spread from animals to humans, most likely on a market in China. It creates an "*emergency*" as something unexpected occurs and turns into a "*crisis*". The crisis is also etymologically related to disease, although it is often used in other contexts such as the *climate crisis*. *Krisis* from Greek can mean *judgment*. In Spain and Italy, where health systems are overloaded, doctors are forced to make *judgments* among those infected and decide who will receive intubation and further treatment and who has little hope of recovery and has to be left to die [11].

Let us not overlook the fact that on March 17, 2020, the President of France Macron repeatedly stated in his address to the nation the phrase "we are at war" [15].

The political desire to restore territorial control against the backdrop of a cross-border pandemic and to make important decisions during a crisis has also been demonstrated in US discourse. In remarks on the coronavirus, President Trump said that *this crisis shows how important it is to have strong borders and ensure the immigration system* - reinforcing his party's rhetoric about the need for tighter controls and restrictions on border crossings. Furthermore, in line with his political priorities for nationalism and far from what he and his supporters often call "globalism", Trump emphasizes that "*We*

should never be reliant on a foreign country for the means of our own survival."

Therefore, the need to rely less on multilateralism and international organizations is defined not only as a matter of public health, but also more broadly as a matter of national security and "survival", a moment of life or death for the country as a whole. This framework helps to make sense of the administration's subsequent announcement that it plans to suspend all WHO funding pending an investigation into its *dangerous and costly* solutions to the pandemic. The language of the pandemic is also inextricably linked to specific political goals among Democrats [9].

6. Conclusions

In view of the aforementioned, it could be inferred that the use of the pandemic language to describe the outbreak of COVID-19 derives from the etymologies of these words. However, it could also be rooted in political motives. Given the linguistic connections to the turning points for disease recovery, applying a crisis to the dissemination of the coronavirus in this context might be much more appropriate than its wider application in other policy areas. There are instances though of how specific terms could be mobilized to support certain policy aims. This is the main reason why more attention should be paid to the strength of the language used and more awareness of the usage of particular terms within a political and security context [7]. It could be considered necessary to take extraordinary "urgent" measures to save lives as a result of a global "pandemic", but at the same time, it is vital to be careful how exactly these terms are used to justify political principles, which were in operation even before the outbreak of COVID-19.

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