

# Discipline vs Vulnerability: A Biopolitical Look at COVID-19 Crisis Response

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#### Abstract

Biopolitics has been widely used during the COVID-19 pandemic, to call attention to the discipline and control imposed to safeguard public health and the resultant normalization of states of exception. This limited reading of biopolitics, however, stands on a narrow understanding of politics and results in what Rancière (2004) has called disagreement (mésentente), a failure to hear or to understand. This essay explores the possibilities of reconfiguring the political and biopolitical, embracing affirmative potentials inherent in the work of Foucault (1978, 2003) and Butler (2022). It will, above all, touch on notions of vulnerability, interdependency, and care, as developed by feminist thinkers. The potential of vulnerability to reconfigure the political is also subjected to a critical lens, as it has also been successfully exploited by conservative movements (e.g., in the contexts of masculinity, marriage equality, immigration and race) to cement the power of dominant groups (Oliviero, 2018). Yet, despite this potential for cooptation, critical awareness of the recognition of the shared vulnerability as a source of agentive capacity has the potential to overcome the political impasses revealed by the COVID-19 policy response. **Key words:** biopolitics, vulnerability, COVID-19, Michel Foucault, Judith Butler

# 1. Introduction

The COVID-19 pandemic created a heated debate about freedom and responsibility, care and control in liberal democracies. On the one hand, the pandemic led to the forceful imposition of states of exception that overrode many of the central principles of liberal democracies, especially those concerning individual freedoms. On the other hand, the very ferociousness of resistance to the crisis mitigation measures across the political spectrum led to an equally important discussion of the extent to which individual freedom can be prioritized over community and of the nature of our duty to others around us. In many countries across the world, the division was also exploited by political actors, deepening polarization and making it more challenging to achieve any compromises, as the health crisis converged with the broader crisis of trust in governments and the very notion of democracy itself even in established democracies (Youngs, 2023). This 'discursive explosion' (Foucault, 1978, p. 17) has produced a rich array of texts in different registers, including philosophical reflection on the nature of crisis discourse as well as on the nature of the political.

This discursive explosion has also, however, demonstrated the pervasiveness of what Jacques Rancière (2004, p. x) has called disagreement (*mésentente*): 'a determined kind of speech situation: one in which one of the interlocutors at once understands and does not understand what the other is saying.' People in power fail to recognize the speech of the powerless as political because they are not viewed as political actors whose voice deserves to be heard. As a result, certain political demands are not recognized as such. For Rancière this disagreement, the contestation of the ideal of equality and naturalized actual fact of inequality, is inherent in the political process. The elites and dominant structures hear, but do not comprehend the voices of the dispossessed, because of a failure to recognize solidarities across power differentials. The answer is not a set of competing claims of victimization, but those who have been excluded from power have to demonstrate the presence of this exclusion and to form a collective political subject (Rancière, 2004, p. 39, 78). According to this vision, democratic political process is a coming together of political subjects in solidarity for collective action within a regime that does not necessarily recognize equality in the broad terms.

This type of coming together, but especially failure to listen or willingness to understand, was striking during the pandemic. Yet this failure cannot be equated with Rancière's juxtaposition of the political (*la politique*) and the police (*la police*). The former, for him, is ultimately tied to the contestation of social hierarchies and the striving towards equality. The latter, in contrast, distributes differential roles in society and thereby creates hierarchies (Rancière, 2011, p. 3). In Rancière's usage, politics is the domain of the police, in his sense of the word, and hence the distortion of the political that is rendered invisible in the process (cf Tanke, 2011). The pandemic did not create the opening for the political and just reconfirmed the power of the police.

The dissensus resulting from the tension between the political and the police has the ability to create equality, not consensus that suppresses difference (Rancière, 2004). In some countries, like the USA, the protest against health measures was tacitly endorsed by those in power, that is, the police in Rancière's terms, and thus the protest failed to create equality-generating dissensus and disagreement. The potentially disruptive potential was neutralized into a populist form that did not challenge the status quo of surveillance capitalism. People resisting anti-COVID measures thus cannot be viewed as an embodiment of dissent, according Rancière (2021), as they rely on simplifications that do not attend to the multiple root causes of the present problems. The pandemic only deepened the dispersal of social relationships that had emerged already before the pandemic, instead of building solidarities.

I argue that the pandemic, despite its corrosive effect on democratic processes, did not reconfigure the political, because of the limited nature of disagreement it reveled. Instead of a deep-seated political contestation of regimes of power, we just saw the failure to listen and refusal to understand the other, shown in zero-sum shouting matches, where the needs of the socially dispossessed were ignored, as they had been before the pandemic. This eroded faith in public institutions and expert knowledge, in the context of extensive 'white-coat washing,' that is, hiding political decisions behind the veneer of science (Birks, 2022), but it did not increase solidarity in society.

The present essay turns its attention to the core questions of the disagreement, individual perception and vulnerability often occluded by the

debate about disciplinary societies (Foucault, 1977) and societies of control (Deleuze, 1992). Thus, I explore the question of biopolitical relationality and shared vulnerabilities as a potential source of political agency and dissensus. Caring is viewed as a political act based on solidarity and openness to the other that can potentially challenge the limiting structures of conventional politics (police in Rancière's terms). As Judith Butler (2022, 5) reminds us, the etymological roots of the word 'pandemic' refer to 'people everywhere,' suggesting that 'people are porous and interconnected.' It is this awareness of the interconnectedness of people and the attendant potential for care that necessitates a return to the notion of biopolitics. In particular, this essay focuses on affirmative biopolitical discourses as a means for expanding our understanding of the political. The essay is rooted in my experience of living the pandemic in two countries with strikingly different pandemic responses, the USA and Estonia.

### 2. Biopolitics or Power over Life

The COVID-19 crisis and the related public health measures across the world have cemented the sense that our citizenship is increasingly biological (Rose & Novas 2005, p. 440). We were masking, testing and vaccinating, bearing COVID-19 certificates issued by health agencies in the same function as passports issued by states. We were made aware that the extent of our public action depended on our ability to provide proof about our virological compliance and the biological functioning of our bodies. We were encouraged to become Foucauldian docile subjects. It is therefore not surprising that one of the widely used theoretical concepts of the pandemic years has been 'biopolitics,' usually in tandem with notions of surveillance and state of exception (Agamben, 2021; Esposito, 2023; Lorenzini, 2021; Marling & Pajević, 2023).

Although other writers wrote about biopolitics already in the early 20<sup>th</sup> century, the notion has been first and foremost associated with the work of the French philosopher Michel Foucault (for a history of the term, see Lemke, 2011). Foucault is interested in how power shifts from being merely repressive to something that 'exerts a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations.' (Foucault, 1978, p. 137) Under this understanding of power the body starts to be viewed as a machine that could be disciplined and integrated 'into systems of efficient and economic controls.' (Foucault, 1978, p. 139) This applies to individual bodies as well as to the population as a whole. Indeed, modern states seek to protect populations on the level of biology, through health care, different types of benefits and the control of reproduction and mortality (Foucault, 1978, p. 139). Thus, our bodies, our health, fertility, life expectancy and, in general, our biology come to the attention of and become a matter of concern for the state. Our bodies, as if, no longer just belong to us, but to the state. Foucault, indeed, explicitly writes about the 'nationalization of the biological' (*étatisation du biologique*).<sup>1</sup>

This framework certainly can easily be positioned into the pandemic context where states re-imposed restrictions on border crossings to keep out disease and to keep national economies going. Populations were being protected through different sanitary guidelines, from distancing to masking, from testing to vaccination. States thus took an intense interest in bodies allowed and not allowed into public spaces, in order to ensure the smooth running of the economy and medical systems. Our bodies were nationalized and indeed our national allegiances helped to determine our ability to access vaccines, certificates necessary for travel and the very permission to travel. The status of national subjects was solidified and the pandemic can be interpreted as the expansion of the biopolitical link between mobility and nationality, reinforcing existing exclusions.

For Foucault, biopolitics does not operate under states of exception when normal rules are suspended, but in banal everyday circumstances, in a way that we accept as common sense. We had in many ways normalized biopolitical surveillance even before the pandemic, although not one by the state but corporations that seek to monetize our desire for socializing and selfoptimization. Indeed, we can see a reconfiguration of the political during the pandemic, but not in the states of exception established by national governments. Rather, power constellations were disrupted and to an extent shifted from corporations to the state, leading to a reconfigured police order.

This is what many critical commentators seem to have overlooked in the context of COVID-19. As Daniele Lorenzini (2021, p. S43) reminds us, 'we already *are* docile, obedient biopolitical subjects.' The COVID-19 certificate was not exceptional for people who already were relying on national digital health records, like in Estonia, or who were sharing their menstrual cycles with different app developers, as has been shown in different studies on 'biopolitics of biometrics' (Ajana, 2013). What is clear, however, is that the ability to gather biostatistical data does not guarantee biopolitical success if such success is equated with the control of the population. No Western country effectively used the biopolitical tools available in today's surveillance capitalism during the pandemic to confine people to their homes or to force vaccinations on them. Most states in the West relied on persuasion, albeit in often alarmist registers, to generate compliance, with unimpressively mixed results.

This biopolitical failure has found less discussion during the pandemic than the critique of the undermining of individual liberties. Like Lorenzini (2021, p. S41), I believe that this is due to the 'blackmail' of biopolitics that forces people into antagonistic positions and does not allow them to analyze COVID-19 as a generation-defining event that requires many-sided discussion. One of the theoretical frustrations of the COVID-19 discourse, I argue, is its reliance on a relatively narrow interpretation of biopolitics and disagreement, through the notions of discipline and control, most controversially by Giorgio Agamben (2021) in his writings on the pandemic and states of exception. The investigation of the reconfiguring of the political under these exceptional conditions is indeed urgently needed. Yet these biopolitical questions have also been extensively and publicly debated under emergency measures and they have already claimed a space in pandemic-era public discourse. I propose that we, instead, need to look at the internal tensions of the term 'biopolitics' itself, to ask what is the liveliness that we possess as humans who are porous to each other even in the pandemic conditions.

#### 3. From Vulnerability to Agency

Lorenzini (2021, p. s43) reminds us of the simplifications rife in the rote repetition of the formula 'making live and letting die' since 'biopolitics does not really consist in a clear-cut opposition of life and death, but is better understood as an effort to differentially organize the gray area between them.' The pandemic has been one long gray area that has not so much revealed a stark contrast of control and freedom or life and death as the glaring differences in our ability to shield our vulnerability. Those whose voices have been the strongest in the protest against COVID-19 restrictions are not necessarily those who are most vulnerable, like the underpaid workers who have kept our societies running while upper- and middle-class people have been able to selfisolate and work remotely in the comfort of their homes. Those who have been let die during the pandemic have tended to come from marginalized communities or the 'undercommons', to use the concept proposed by Fred Moten and Stefano Harney (cited in Butler, 2022, p. 3). The politics of death has become all too apparent, as some deaths are deemed to be acceptable to keep the economy going. The biopolitically normative, healthy and productive body has been juxtaposed to what Judith Butler (2010) has called ungrievable subjects, the porous group that includes the unhoused, prisoners or refugees. The unhoused were attended to, for example, not to end homelessness but to protect 'the general population against a "homeless bio-hazard" (Stevens, 2022, p. 249). Vulnerabilities that existed before have been exacerbated, not reduced after the emergency measures. Paul Preciado therefore argues that in order to move on, we need 'a parliament of (vulnerable) bodies living on planet Earth' (Preciado, 2020). For him, the first step is the acceptance of this shared vulnerability, not denying it. The next step, perhaps, can be thinking beyond surveillance, towards the agency we can have.

This sense of agency requires a re-thinking of power and the political. For Michael Hardt and Antonio Negri (2001, p. xiii) biopolitics moves beyond the human to cover 'the production of social life' that allows for the development of intersubjectivity, as well as the ontological development of the world. Hardt and Negri recur to the thinking of Spinoza, specifically the notion of 'multitude,' people who are not (yet) organized into a population and who thus can limit the power of the sovereign. The 'multiplicity' and 'open set of relations' that characterize the multitude make it a creative and productive force (Hardt & Negri, 2001, p. 103, 62). This thinking does not forgo critique, but seeks to go beyond it. During the pandemic, Jean-Luc Nancy (2020, p. 266) even believed that it is possible to see a 'revival of interdependence' as it is characteristic 'of the virus as well as of solidarity, of physical distancing as well as of mutual consideration.' The multitude might still be too amorphous and lacking in selfregulation, but it is powerful. It is this recognition of the power that can counteract force that matters (although this power can also be unleased for unprogressive ends, as could be seen in the riots on the US Capitol on January 6, 2021, in addition to the different anti-authority marches across the globe that were hijacked by right-wing populism to enact profoundly anti-democratic political changes).<sup>2</sup>

Yet, despite these grave concerns, we must think of the liveliness of assemblages outside the sanction of the state to imagine new modes of being and not concede them to populist rage. Writing before the pandemic from a feminist and posthumanist angle, Rosi Braidotti emphasizes the importance of seeing potentia, 'experimentations with new arts of existence and ethical relations,' not just the restrictive power or potestas that dominates the majority of biopolitical debate (Braidotti, 2016, p. 30). If we just dwell on restrictive force, we are unable to recognize and believe in the potential to change. Braidotti fears that if we cannot imagine a change, we are condemned to relive our present, shrugging off its flaws in resignation. Instead, Braidotti calls for 'an increased awareness of the shared vulnerability of embodied subjects' caught in relations of power (Braidotti, 2016, p. 33). The present essay is not advocating for a full-scale acceptance of Braidotti's ontological thinking, because of its theoretical abstraction and the problematic aspects of translating it into meaningful political action (cf. Carrigan & Porpora, 2021). In the context of the present essay, however, I want to emphasize an important strength of her work, namely her emphasis on agency and creativity that allows others to fill her theoretical work with activist meanings. Merely oppositional thinking leads us into impasses, as can also be seen in the case of the COVID-19 crisis and its blackmail of simplified opposing positions. The narrow focus on death and discipline does not create space for hope, and through that, action.

Braidotti asks us to imagine possible futures based on 'a constitutive intimacy with the world' (Braidotti, 2016, p. 35). This is also important in the COVID-19 pandemic conditions where our inevitable porousness to each other became all too obvious, as we recognized that we breathed the same air in enclosed spaces and hence encounters carried the sense of a deepened sense of interconnectedness to a very embodied level. Not everybody took this as a call to recognize our being-with not just with other people, but with viruses, our computer screens or with our companion species in various agentic assemblages (Bennett, 2010, p. 21). This kind of self-perception resembles the traces of a 'slackened' subject that Timothy Campbell (2011, p. 155) sees in Foucault's last interviews. Such a subject is open to different practices of relationality with other beings beyond the human and even the animate. This recognition promises a different, radically relational way of life that respects the multiple ecologies in which we are already inevitably entangled. The focus should be not on what we are, but rather on what we could be, as Braidotti (2020) has also stressed in the context of the COVID-19 pandemic.

This is also a profoundly political issue. The 'fundamental dependency on anonymous others is not a condition that I can will away. No security measures will foreclose this dependency; no violent act of sovereignty will rid the world of this fact' (Butler, 2004, p. xii). Butler (2015, p. 211) specifically makes us think about vulnerability as an 'aspect of the political modality of the body' because this vulnerability dispossesses us by opening us up to others. This prompts Butler (2015, p. 149) to ask:

If we can become lost in another, or if our tactile, motile, haptic, visual, olfactory or auditory capacities comport us beyond ourselves, that is because the body does not stay in its own place, and because dispossession of this kind characterizes bodily sense more generally. When being dispossessed in sociality is regarded as a constitutive function of what it means to live and persist, what difference does that make to the idea of politics itself?

This provides a different logic of biopolitics, one that does not ward off vulnerability but embraces it and uses it as a basis for creating solidarity, based

on the recognition that we can never be fully impermeable or cut off from other. People are always 'in some sense outside themselves' (Butler, 2015, p. 116), even if we want to shield ourselves from this knowledge. We saw many attempts at this kind of a self-enclosure from those who radically isolated or a mythic sense of inviolability from those who defied public guidelines. Both prevent people from seeing a third alternative, not to suppress or overcome interdependency but rather, in Butler's words, 'to produce the conditions under which vulnerability and interdependency become liveable.' (Butler, 2015, p. 218) This is the radical aspect of emerging *potentia* that we need to embrace, not suppress. Butler has made this link even stronger in her post-pandemic reflections, especially by inviting us to think of the multiple inequalities that the zero-sum COVID-19 discourse has suppressed. She also invites us to remember the potent combination of 'affect and action' (Butler, 2022, p. 105).

This is also one aspect of the pandemic relationality that we seem to have failed to learn from, as most states have returned to the old normal in their engagement with the socially vulnerable. Indeed, as Oliviero (2018) has pointed out, the very language of vulnerability and victimhood is being appropriated by dominant groups, like white men in the Global North, who are alarmed by the dissensus and the potential reconfiguration of the political that is created by various forms of feminist and anti-racist protest. Thus, we cannot just optimistically hope that the affirmative biopolitical awareness will emerge automatically but will have to build critical political interventions to move towards an actual reconfiguration to the political.

The discussion of biopolitics has, in fact, overwhelmingly dwelled on the second part of the word, 'politics,' and underappreciated the first part, 'bio'. Life need not yield to control as fully as pessimistic discussions of biopolitics suggest. We need strategies for seeing and imagining capabilities, not just critiques of power, in the context of present political impasse. Like Lorenzini (2020, p. s45), I also want to see the generative aspect of life that would give us some faith in our capacity to go beyond disagreement and to create an alternative political field. This capacity can be expressed not just in protest but also in different instances of self-sufferance, resilience and care. These, too, are expressions of agency that counteract the nihilism and the dispersal of the social that we have witnessed in the 21<sup>st</sup> century, both prior to and after the pandemic. These actions, as could be seen during the pandemic, were not necessarily and not only taken out of fear or duty, but as a conscious choice of social care. This agency can be seen as reaction to biopolitical indifference in countries where public health care systems were failing. These actions are instances of self-responsibilization where individual conduct, not social action, is a guarantee of social resilience. This is in tune with neoliberal governmentality, rather than Agamben's stark vision of the expanded powers of sovereign states. Yet, despite its neoliberal inflection, this form of conduct shows the possibility of individual agency and ethical choice (cf Brown, 2023).

Already Foucault's first formulation of biopolitics shows the capacity for resistance, although Foucault (1978, p. 157) remains tantalizingly enigmatic on the affirmative aspect of biopolitics, with but a short reference to 'bodies and pleasures.' This question returns to Foucault' work in his late-life ethical turn and attention to the care of the self as a possible resistance to the biopolitical molding of neoliberal subjects. Sergei Prozorov (2017) also traces the affirmative element in Foucault's search for the transformation of the world through the power of one's life. This brings together politics and life in order to show 'people that they are much freer than they feel.' (Foucault, 1988, p. 10) Prozorov thinks that this affirmative look at biopolitics was forged through Foucault's engagement with Eastern-European dissidents whose life demonstrated the possibility of resistance. During the pandemic, speaking truth to power was not just expressed in anti-mask protests but perhaps more potently in different campaigns to turn our attention to, for example, the care gap in marginalized communities or the underpayment of frontline workers. These aspects received surprisingly little attention in the national resilience plans that all EU nations drew up during the pandemic. We were also freer than we felt, perhaps, to reach out to neighbors and to develop new networks of connection when the states blundered to present a decisive face when confronting the crisis, imposing and changing rules without a rational explanation. In this dialogue between Foucault's early and late engagement with biopolitics, we can see a reminder of our agency, be it expressed in speaking truth to power or non-violent resistance.

We should imagine better and open our discussion to perspectives that expand the polis and the political and that invite us to formulate values that ground responsible action, not surrender to the temptation of nihilism (Brown, 2023). If we can bring more imaginative scenarios into the discussion, we might be able to account better for what Judith Butler has called our shared vulnerability and make use of the *potentia* of life itself. The language of vulnerability needs to be framed by political awareness, often lacking in ontological theories. It is only then that vulnerability can potentially create dissensus that may lead to the reconfiguration of the political. This requires a bolder theoretical inquiry across established academic political lines.

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# Notes

- 1. I am using the modification of translation suggested by Daniele Lorenzini (2021, p. S41) to show how strongly Foucault stresses the link between biological life and the concerns of the state.
- 2. The editors of *boundary 2* also express their concern that the multitude can also become a symptom of our chaotic and populist age (Jäger and Overwijk, 2021).

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