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## Unmasking the Exception: Covid and the Creation of Enemy in India

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### Abstract

In the contemporary political context, a state of exception refers to the ways by which the major liberal democracies are driven by the growing accretion of discriminatory executive power, increasingly evading existing legislative and juridical institutions. Italian thinker Giorgio Agamben's work becomes more relevant here. Agamben theorizes the state of exception and claims that it has become a dominant paradigm of government in contemporary politics. Agamben challenges the responses the state had while immediately dealing with the Covid-19 pandemic, which is merely normalizing the state of exception as it actually produced a policification of the municipalities and areas in the guise of tackling the virus. The Indian state, like others, has upheld the concept of lockdown as the only measure to fight the pandemic but the interesting aspect is the designing of enemies to deal with the problem. The paper argues that the Indian state has used the pandemic to blatantly create the "other" in a way pursued the agenda of exception. The method is qualitative, especially focusing on discourse analysis. The conclusion demonstrates that the measures taken by apparently the largest democracy in the name of fighting Covid establishes Agamben's argument that the world is transforming into a gigantic concentration camp.

**Keywords:** *Covid 19, Indian State, State of Exception, Otherization, Enemy*

The events which unfolded post 9/11 incident and the declaration of “war on terror” bears the hallmarks of what Carl Schmitt, an anti-liberal German philosopher of the 20<sup>th</sup> century, describes as “state of exception”. It has now been widely argued that the state of exception is becoming a permanent feature of governance across nations. In current political scenario, a state of exception can be defined as the ways by which democratic states are driven by the growth of discriminatory executive power, increasingly evading legislature and judicial institutions. To understand the state of exception becoming a widespread phenomenon in democracies, the political treatise of the Italian philosopher Giorgio Agamben becomes relevant. Agamben (2005) theorizes the state of exception from the Foucauldian perspective of biopolitics and claims that it has become “a dominant paradigm of government in contemporary politics” (p. 2).

### **Understanding the state of exception**

The concept of the state of exception has a long history that can be traced from the French Revolution. It defines a special condition in which the juridical order remains suspended due to an emergency or a serious crisis threatening the state. In such a situation, the sovereign (Executive in democracy) prevails over the others and basic norms and laws can be violated by the state while facing the crisis. The adjacency between the state of exception and sovereignty was established by Schmitt in his book *Politische Theologie*, which was published in 1922. Schmitt (2005) defined the sovereign as “he who decides on the state of exception” (p. 5) and has been widely commented and discussed. Schmitt followed the Hobbesian concept of sovereignty which is the secularization of a theological concept but not as a rational theology but a decisionist one.

Sovereignty is not a mere technical concept in state theory; it is about decision and domination. Rather a personal privilege of the ruler. David Held (2000) was much more technical in his understanding of sovereignty as he differentiated between internal and external aspects. But what is it to decide on the exception? The answer contained in the stature of the sovereign. Schmitt had mentioned that sovereignty as a “borderline concept”, “one pertaining to the outermost sphere” but he moved on to argue that though the sovereign “stands outside the normally valid legal system, he nevertheless belongs to it” (Schmitt, 2005, p. 7). He belongs to it based on his ability to decide on the exception. As Tracy B. Strong pointed out in his forward to the 2005 edition of *Political Theology*, for Schmitt (2005) “it is the essence of sovereignty both to decide what is an exception and to make the decisions appropriate to that exception” (p. xii). But Bruno Gulli (2009) comes up with a question: What enables the sovereign to decide on the exception and thus be sovereign? Which he himself rephrased as follows: What provides the sovereign that special capacity to see that there is an exception, a state of emergency and subsequently decides on it? Does the sovereign become sovereign because he can decide on the exception, or he can decide on it because he is already a sovereign? (Gulli, 2009, p.23) The answer to these questions may not be found distinctly in Schmitt’s work but in Walter Benjamin’s writing. Benjamin (1978) had stated that the violence always “implicated in the problematic nature of the law itself” (Benjamin, 1978, p.287). Gulli (2009) argues that any person with special powers could be recognized as sovereign but objectively a sovereign is that person who can identify the exception and deal with it. But Schmitt (2005) does not mention about any sense of recognition and judgement, but only of decision.

Agamben (2005) challenges Schmitt's logic of sovereignty and sides with Benjamin. He quotes Benjamin from the *Theses on the Philosophy of History* that "The Tradition of the oppressed teaches us that the state of emergency in which we live is not the exception but the rule" (Benjamin, 1968, p.257). Agamben (2005) mentions as follows: "it not only appears increasingly as a technique of government rather than an exceptional measure, but it also lets its own nature as the constitutive paradigm of the juridical order come to light" (Agamben, 2005, p.7). Agamben (2005) argues that "the transformation of a provisional and exceptional measure into a technique of government threatens radically to alter or has already altered the structure and meaning of the traditional distinction between constitutional forms. From this point of view, the state of exception appears as a threshold of indeterminacy between democracy and absolutism" (Agamben, 2005, pp.2-3).

The state of exception allows an exclusive interaction between sovereign states and its laws. In time of national crisis, such as natural disasters or war, government suspend the law to maintain order. This suspension has varied names across nations- the "State of Seige" in France, "Martial Law" in Canada (Kisner, 2007, p.223), "Armed Forces Special Powers Act" in India or the USA Patriot Act issued by the US Senate on 26 October, 2001 after the 9/11 incident which allowed the Attorney General to take into custody any foreigner suspected of activities that endangered the national security of the United States (Patriot Act, 2001, p.11). Though they have different names but they are fundamentally same thing, a state of exception. The state of exception is often enacted under the pretence of suspending laws and rights to ensure the protection of citizens, so they may be reinstated once normality is restored. On this point Agamben (2005) criticizes both Schmitt and Carl Friedrich theory of dictatorship and argues that "all such

theories remain prisoner in the vicious circle in which the emergency measures they seek to justify in the name of defending the democratic constitution are the same ones that lead to its ruin" (Agamben, 2005, p.8). The laws which undermine the ability of the state to maintain control, such as right to free movement or rights of privacy are ceased during the crisis until normalcy is restored. This sublimation of law by the executive allows the state to act unhindered by legal accountability, bestowing it with power and stripping rights from citizens (Durantaye, 2005, p.182). The state of exception is the state's means of self-preservation while sacrificing the law and citizens' rights.

Agamben (2005) argues that the state of exception has become a norm for Western and other liberal democracies across the globe. The gradual erosion of the legislative powers of parliament and simultaneous increase in the power of the executive led to the liquidation of democracy. Agamben (2005) traces many instances of its implementation from the First World War and through to the beginning and the continuation of the 21<sup>st</sup> century. To quote Agamben, "from this [the] perspective, World War One (and the years following it) appear as a laboratory for testing and honing the functional mechanisms and apparatuses of the state of exception as a paradigm of government. One of the essential characteristics of the state of exception- the provisional abolition of the distinction among legislative, executive and judicial powers- here shows its tendency to become a lasting practice of government" (Agamben, 2005, p.7). Through various examples Agamben demonstrates how the state of exception has become a frequently used political tool. Nowhere is this more apparent than in the construction of the camp. For Agamben, the camp, be it Auschwitz, Guantanamo, Abu Ghraib or Nauru, is the "spatial arrangement" of "the absolute space of exception"

(Ross, 2012, p.423). As Bourke (2012) argued that it is a physical space outside the juridical sphere where inhabitants are indefinitely detained and at the mercy of an unrestrained sovereign power (Bourke, 2012, p.443). The Australian Migration Amendment Act of 1992, Amendment of Citizenship Act of 2003 in India, the United States Military Order of 2001, and the Patriot Act etcetera undermines personal freedom and thus turns the exception into a norm. This order radically erases any legal status of the individual, in a way producing a legally unnameable and unclassifiable being leading to the birth of the "Homo Sacer" (Ray, 2012, p.3). Agamben (2005) states:

The immediate biopolitical significance of the state of exception as the original structure in which law encompasses living beings by means of its own suspension; emerges clearly in the 'military order' issued by the President of the United States on November 13, 2001, which authorized the 'indefinite detention' and trial by 'military commissions' (not to be confused with the military tribunals provided for by the law of war) of noncitizens suspected of involvement in terrorist activities. (p. 3).

The state of exception is no longer used as a sole reactionary measure to restore order. It is rather used as a pre-emptive means of preventing potential disorder from arising. The camp is no longer the only indicator of the naturalisation of the state of exception. The pre-emptive measures are exemplified by the creation of temporary Protective Security Zones. These are policification or militarization of a particular area where these agencies have additional powers to search individual houses and vehicles in the name of security. Gulli (2009) pointed out that this suspension of citizens' rights in the face of potential emergency is an indicator of the state of exception becoming a norm (Calarco et al., 2007, p. 220). It

diminishes the potential for political action as it anticipates the disturbance of sovereign order. The creation of these Protective Security Zones demonstrates how sovereign states use the state of exception to suspend laws and rights as per their convenience.

While assessing the normalisation of the state of exception in liberal democracies, Agamben (2005) argues that through this normalisation of exception liberal democratic nations descend into totalitarianism. He argued that “modern totalitarianism can be defined as the establishment, by means of the state of exception, of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reason cannot be integrated into the political system” (p. 2). Agamben (2005) postulates his concept as the quintessence of the sovereign right to kill and let live. At the political level the very life of the subject is at stake, not the intrusion into the processes of living. The political status and function of the legal exception is the core to Agamben’s understanding of biopolitics and it is through this he identifies the contemporary condition of politics which he characterizes as abandonment and nihilism.

### **Pandemic and the state of exception**

Reportedly, SARS-CoV2 originated in China and spread to several countries around the world. Faced with the frenetic epidemic of coronavirus, the majority of liberal democracies declared lockdown as the *prima facie* technique to deal with it. Authorities and media pressed the panic button as a means of security which Agamben argues provoked the state of exception. Agamben (2020b) identified that it manifests a tendency to use a state of exception as a normal paradigm for government. As per a World Health Organization (WHO)

report, cases of pneumonia of unknown cause were reported from Wuhan City on 31 December 2019. A novel coronavirus was identified as a cause by Chinese authorities on 7 January 2020 and was temporarily named “2019-nCoV” (World Health Organization, 2019). On 17 February, 2020, besides China, 25 other countries had been affected by Covid-19 outbreak with 794 cases reported with three deaths (World Health Organization, 2020). On 27 January 2020, a case was registered in a general hospital in Thrissur, Kerala where a 20-year-old female who came back from Wuhan city had a history of dry cough and sore throat. But she was released and asked to visit medical facilities if she developed any severe symptoms. Later, on 30 January 2020, her swab result was reported positive and on 31 January 2020 she was admitted to a government hospital in Kerala (Andrews et al., 2020, p.490). But the Government of India appeared casual in dealing with it and allowed several large-scale events with huge gatherings. “Namaste Trump” was held in Gujarat on 24-25 February 2020 and an attendance of over 100,000 people was reported (Reuters, 2020). Though opposition parties claimed that corona cases were registered after the event, the ruling Bharatiya Janata Party (BJP) dismissed it as “baseless” (Press Trust of India, 2020). As virus became rampant in Europe and other parts of the world, Non-Resident Indians (NRI) started coming back and surprisingly they were not tested or quarantined and allowed to travel to their resident states. Reportedly, the surge of comeback began around the beginning of March and on 18 March 2020; Bengal recorded its first case in Kolkata where a teenage youth with a travel history to the United Kingdom has been tested positive. On 5 May 2020 when the menacing lockdown had already begun, Kerala Chief Minister wrote a letter to Prime Minister Modi urging the Centre to ensure that the NRI’s undergo Covid tests before emplaning for the respective state (The Economic

Times, 2020). The government allowed the Tablighi Jamaat event from 10–13 March, 2020 and later the ruling party and its ministers blamed them as a principal cause behind the spreading of coronavirus. Though on 13 March, the Union Health Ministry said that “coronavirus is not an emergency” and people should not panic. The WHO declared Covid-19 a pandemic on 11 March, 2020 (Radhakrishnan, 2020).

The government, which was almost napping at the dangers of Covid declared a complete lockdown on 24 March 2020. In a televised address to the nation in the evening a stringent lockdown was declared for 21 days without allowing any preparation for the common people. Modi remarked that “this war” against coronavirus would take three more days than the Mahabharata war that had taken eighteen days to win (N. Pandey, 2020). After the announcement, stringent restrictions were imposed; areas were turned into fortified zones, torture and harassment by police increased over common people even leading to deaths in certain cases. Agamben (2020a) points out that a state of exception is established as normal paradigm through a legislative decree immediately approved by the government for “hygiene and public safety reasons” which actually produces an authentic militarization [policification] “of the municipalities and areas in which at least one person is positive and for whom the source of transmission is unknown, or in any case in which there is a case not attributable to a person coming from an area already affected by the virus” (Agamben, 2020a). While calling out the Italian government, Agamben mentions the serious limitations of freedom the decree contains, which are as follows: “a) a prohibition against any individuals going out of the affected municipality or area; b) a prohibition against anyone from outside accessing the affected municipality or area; c) the suspension of events or initiatives of any nature and of any

form of gatherings in public or private places; d) the closure of kindergartens, childcare services and schools of all levels, as well as the attendance of school, higher education activities and professional courses, except for distance learning; e) the closure to public museums and other cultural institutions and spaces; f) suspension of all educational trips; g) suspension of all public examination procedures and all activities of public offices, without prejudice to the provision of essential and public utility services; h) the enforcement of quarantine measures and active surveillance of individuals who have had close contacts with confirmed cases of infection” (Agamben, 2020b). This decree has been superlative and varied in several other countries including India. But the interesting aspect is that Agamben artfully provokes two aspects which he calls “ideal pretext”. The first, he says as terrorism worn out as a cause for exceptional measures, an epidemic offered the ideal pretext for scaling them up beyond any limitation. The second disturbing factor is the fear that has spread among individual consciences and translated into a situation of collective panic for which the epidemic provides another ideal pretext (Agamben, 2020b). In this vicious cycle the restrictions on freedom imposed by governments have been accepted in the name of safety that was created by the same governments that are now intervening to satisfy it.

At the heart of Agamben’s argument is how the range of measures adopted by the government in liberal democracies has reduced humans squarely to cling to mere “naked life” leading thereby nearly abolishing or reorienting all that is considered social and humane. The “naked life” is a bare life concept theorised in Agamben’s *Homo Sacer* which in Italian means “nude vita” (Agamben, 1998, p. 6). Unlike the *Homo Sacer*, the translators of the book *Means Without End: Notes on Politics* render it as “naked life” (Agamben, 2000, p. 8). The

concept of naked life originates from the Greek distinction of *Zoē* and *Bios*. While *Zoē* refers to life characterising of all living beings (including animals), *Bios* signifies a qualified and collective life in a polis. In ancient Greece *Zoē* was a mere biological life while *Bios* referred to life in political community. Agamben (2000) neatly demonstrates the separation between the domain of naked life and the sphere of political life which has beclouded into “a zone of irreducible indistinction” (p. 9). For Agamben the figure of the Jew in a concentration camp analogised as “*der Musselman*” (literally means the Muslim in Yiddish) is the paradigm of naked life– a life bereft of political status and stripped of any protocol of citizenship. Agamben (2012) maintains that this indistinction of life and law is real for both life under “a law without significance” and life in sovereign exception (Ray, 2012, p. 10). While re-inscribing *Bios* into *Zoē*, the sovereign power decides which life to dispense and which life to protect or let live. Though for Agamben, the Nazi extermination camp was the most grotesque example of state of exception but it is not simply one bad moment or event, it has gradually lost its exceptionality after the Second World War and has turned into a norm.

Agamben (2020) thinks that the attenuation of human life (*Bios*) to mere naked life (*Zoē*) after the state of exception has been introduced to deal with Covid; its semblance with the camp is observable in various ways. The similarity is not that the naked life in post-Covid world is prone to extermination in the same way as it was in the Nazi camp. Instead, the semblance lies in shattering the collective life in a community characterised by solidarity based on sociability. This is how the *Bios* get reduced to *Zoē* and the obsession with the *Zoē* singularly triumphs over the *Bios*. This social paradigm as an idyllic of one’s relationship with the polis concerns Agamben and gets reflected in his anxiety about the disposition of the

living towards the dying and the dead (I. Ahmad, 2020). There is a simultaneous relation between the diminution of human beings to a naked life and the state of exception that various nations have established in the pretext of the pandemic. For Agamben one of the worst and terrifying examples of naked life is the abandoning of the sick by the healthy, the dead by the living and people by the government. The naked life manifests in nameless corpses simply burnt, disposed of or buried and often allowing animals to prey on it without even a proper funeral in a minimalist sense. The right to be cremated respectfully is a right that everyone acquires but even this has been snatched away by the state in the pretext of a pandemic. The ground for this is a state of exception and for Agamben it is the new pandemic.

Agamben (2020b) has not been dismissive about the severity of the SARS-CoV2 virus. He made it clear in his set of *clarifications* published as a sequel to his writing on Covid on 26 February, 2020. But Covid as a disease and Covid as a tool of fear are two different aspects. Agamben is interested in the latter; where states have taken a series of measures through which they are radically transforming our identity as human beings, our very sense of relation to one another. The prime contention of Agamben is to reveal that human beings are reduced to “naked life” for the measures adopted by the states and the power elites (corporates) while claiming to “save” the people in whose very name the extraordinary measures have been taken and the state of exception established across all states. In India, Modi hurriedly declared the lockdown in the evening, giving people very little time before its enforcement. In imposing the lockdown, the union government did not consult any state governments, let alone the public. The government was aware that a lockdown out of the blue would be detrimental for thousands of toiling masses especially those

engaged in the unorganised sector. The continuing plight of the migrant labourers in several cities and brutality inflicted upon them is the ultimate sign of the fact they were barely of concern to the government.

The taboo, fear, abandonment, violence and neglect which generated through the series of governmental measures only worsened the situation. Agamben (2020b), while reflecting on the dead, observes that they “have no right to a funeral and it is not clear what happens to the corpses of our loved ones”. In India, piles of bodies of our fellow citizens, our loved ones did not even receive a cremation; they were left to rot in gutters, thrown into the waters or hurriedly buried allowing the animals and birds to prey on them. The very argument of viral contagion, under the garb of which the Indian state implemented stringent measures, got compromised. Agamben (2020b) argues that this practice of disposing of the cadavers or burning them without funeral “had never happened before in history”. The paranoia which the state and the media have generated even led to the abandonment of the spiritual message that one of the most virtuous acts is to visit and attend to the sick. The fear of death and losing what is already a naked life blinded and separated the human beings. In his *clarification* published on 17 March, 2020, Agamben poses a moral question: “What is a society with no other value other than survival?” (Agamben, 2020b).

The harrowed tales of people confined within four walls; rise in domestic violence; loss of livelihood; suffering of the migrant workers; death due to lack of oxygen, unavailability of hospital beds, dearth of medicines due to black marketing and scarcity of vaccines etcetera reveals the state of exception that Indian state has instituted in the pretext of a pandemic. Another critical aspect of this state of exception is the “war” which the Indian Prime Minister had vouched to wage against the virus

but in reality, it unmasked the “other” who is portrayed as the super spreader and thus the enemy of the nation.

### **Creating the enemy**

The war against Covid in India is in many ways a war waged against Muslims, the Northeastern people and then the migrant labourers. The vilification of these communities and terming them as the enemy of the nation is the designing of “Homo Sacer ” and then “der Musselman”. Agamben theorizes the relationship between the sovereign and the subject as two sides of a puzzle. On one side, there is the functioning of democratic politics which necessarily has assume the issue of rights based on liberal consensus. On the other side, there lies the incessant production of naked life through sovereign nexus that reduces life to its minimum essentials; a “spectral lump” devoid of all rights, but who at the same time has to be located in the interstices of the juridical (Ray, 2012, p. 4). Agamben excavates ancient Roman law to find the figure of Homo Sacer (‘sacer’ here means both sacred and cursed: the Latin sacrificium/sacr/sacer). Borrowing the concept from the Roman writer Pompeius Festus, Agamben theorises the Homo Sacer as the epitome of extreme marginality, one who cannot be sacrificed to the gods, as his death is of no value to them, but who can be killed with indemnity because he enjoys no legal protection. For Agamben, the figure is neither merely historical nor a residuum, but a generalised trope for included exclusion of modern life, “an epitomic site of the social markings and symbolization of the workings of the sovereign” (Lemke, 2005, p.6). It is basically a limit concept, the source of sovereign power. Homo Sacer is both sacred and accursed as it is located exterior with respect to human order. Annihilation of such life does not mean homicide. As killing here does not involve law,

it does not indicate lawlessness. The three communities that have been categorised as the enemy of the nation are the ideal Homo Sacer for the Indian state.

Agamben's epitomic figure of Musselman in the camp also fits in the scheme of otherisation in India. For Agamben, the Musselman of the Nazi camp were the group of walking dead: "an anonymous mass continually renewed and always identical, of non-men who march and labour in silence, the divine spark dead within them, already too empty to really suffer. One hesitates to call them living: one hesitates to call their death, in the face of which they have no fear, as they are too tired to understand" (Levi, 1991, p.96). Arguably, seeing the Musselmänner (the plural of Musselman) from afar, one had the impression of seeing Arabs in prayer.

Interestingly, the enemies in the war against coronavirus changed from time to time. The first enemy was the direct outcome of islamophobia in which the ruling elites and its obedient media houses began to spin the narrative that Muslims were spreading the virus to harm the nation. In March 2020, the topics like "Corona Jihad" and "Muslim means terrorist" trended on Twitter (FPJ Web Desk, 2020). The official discourse legitimised the narrative that corona curve was fine until Tablighi Jamaat; a non-political Muslim organisation radically changed it. Even one of the reputable newspaper house the Times of India linked Tablighi Jamaat with terrorism (The Times of India, 2020). Though, it was later debunked by other media houses. M.P. Renukacharya, a Bharatiya Janata Party lawmaker from Karnataka, equated coronavirus with terrorism and issued a clarion call "to shoot them [Tablighi followers] with a bullet" (The Wire, 2020). The Tablighi followers had been fearful of undergoing medical tests due to the stigmatization of the disease in general and the mass vituperation of Muslims as a deliberate spreader of the virus in

particular. Rumours were framed and spread through social media branding the Muslims as “coronavirus terrorists” and accusing them of spitting in food and even infecting water supplies (Bose, 2020). Based on these rumours violence were initiated against several Muslim families and in majority of cases legal actions were not taken. “If we file a police case, the Hindus will not let us live in the village” were words of one of the victims of violence (Peterson and Rahman, 2020). BJP leaders even compared the Tablighi followers with suicide bombers. One of the renowned youtuber from Tamil Nadu, named Maridhas uploaded a video on 2 April, 2020, titled “Maridhas answers: Terrorism+ Corona = India’s New Problem | Tablighi Jamaat Issue” (Thirumurthy, 2020). The political demonization of the Muslim as an enemy deliberately spreading the virus to harm the Hindus became the dominant narrative. These narratives were manufactured to design the enemy while deliberately eliminating similar gatherings by Hindus, Sikhs and other communities. A set of media deliberately used different words in describing the similar conditions of Hindus and Muslims after the announcement of the lockdown by the government. As Prof. Rizwan Ahmad (2020) had pointed out “Muslims in Nizamuddin were reported to have been hiding. But Hindus returning from a temple and Sikhs in a gurdwara were said to have been stranded” (R. Ahmad, 2020). It is worth noting that on 2 April, 2020, amid the lockdown, with already 2000 Covid cases in India, Telangana minister attended Ram Navami celebrations and in Bengal, on the same day, amid chants of Jai Sri Ram thousands of devotees assembled in temple in various parts of the state. Even after national lockdown was imposed, Chief Minister of Uttar Pradesh Yogi Adityanath blatantly participated in a puja with many other people to shift the idol of Ram Lalla (Mannathukkaren, 2020). Agamben’s theorisation of

“militarisation” and the exceptional measures adopted by the states to deal with coronavirus became glaring when Ajit Doval, India's National Security Advisor, visited the Tablighi headquarters to “evacuate” its residents (ABP, 2020).

After former US President Donald Trump called the coronavirus the “Chinese Virus” (Chiu, 2020) and later defended the use of that phrase, the gamut of racism shifted to India. A new enemy was identified and people from Northeast states residing in the mainland were targeted. As India’s tussle with China increased, the verbal and physical violence against the North-eastern people increased on the ground that they are “Chinese” and the carrier of the virus. In the words of Suhas Chakma (2020) of Rights and Risk Analysis Group, “Apart from being called ‘Corona’, ‘Chinese’, ‘Chinki’, India’s Mongoloid looking people were spat on and called ‘coronavirus’, forcibly quarantined despite showing no Covid-19 symptoms because of their looks, denied entry into the apartment complex, forced to leave the apartment, threatened with eviction from their apartment, forced to leave a restaurant to make others comfortable, none wanting to share transport with them” (Karmakar, 2020). On 22 March, 2020 in New Delhi, a picture went viral where a middle-aged man was spotted spitting on a Manipuri woman and calling her “Corona”. On the same night, a group of Northeast students were allegedly attacked and beaten by their neighbours who demanded they leave the premises (Sirur, 2020). After the fiasco with the people from the Northeast, the third enemy appears on the scene; the migrant workers. The downtrodden who suffered the most due to this unplanned lockdown were literally forced to return from cities to their native places and the absence of any mode of transportation, the labourers embarked on long perilous journeys on foot, walking thousands of kilometers, often without food and water. Several died due to heat stroke, some

due to hunger and thirst and few of them ran over by the train while sleeping on the tracks (Banerjee and Mahale, 2020). While the government arranged planes for the NRIs, thousands of Homo Sacer walked and died on the roads of India. Such scenes, unheard of in independent India, drew criticisms from all quarters and forced the union government to arrange “Shramik Express” trains but the respective state governments had to pay for it (Dhingra, 2020). When these labourers reached their home state after travelling thousands of kilometers on foot they were made to wait on the borders and tagged as “super spreaders”; sprayed with sodium hypochlorite, a disinfectant used to sanitise places and non-living objects. Chief Fire Officer of Bareilly district of Uttar Pradesh in an interview agreed that “the chemical is hazardous. It has its own properties, naturally it can cause harm but until it comes in direct contact with human ears or eyes” (Rashid, 2020). Many workers suffered burning sensations after spraying but apart from some hue and cry no legal protection has been guaranteed (S. Pandey, 2020). The Indian example reveals the striking convergence between the biopolitics of Foucault and the definition of politics as friend-enemy dualism by Schmitt. Agamben just engages with these theories.

## **Conclusion**

It is not only in India that attacking the stigmatised populations has happened; their alleged links to the disease has occurred in many places. In the alibi of tackling Covid, Viktor Orban, Prime Minister of Hungary, has become a dictator to rule by decree until he deems it fit. Shades of state of exception are also visible in Sri Lanka and Ghana. Bangladesh and Kenya intensified crackdowns on journalists and activists followed by India as well. So, the state of exception which Agamben theorised is in

front of all of us. To create a state of exception, an enemy has to be designed and as Agamben suggested—"with terrorism exhausted as a cause for exceptional measures, the invention of an epidemic offered the ideal pretext" (Agamben, 2020b).

When Agamben points out that states' response to Covid-19 is lopsided, he does so from the genealogical knowledge of the practices of government; it is not a result of paranoia, conspiracy theories or an irrational approach. From that perspective, governments' authoritarian attributions are only the most recent radicalization of the forms of complete domination over social life that has characterized western cultures since its inception.

For Agamben, modern biopolitics is expressed in the pandemic of how the disease reinforces a status of obligation. Control over human life is grounded on in-determinacy and un-founded power. The indeterminacy of the "place" and foundation of power is more belligerent concerning the control that can be exercised in "totalitarianism" and "dictatorship." The state of exception that we experience in the liberal democracies "is not a dictatorship but a vacuum space of law. That is a zone of anomie in which all legal determinations-and above all the very distinction between public and private-are deactivated" (Agamben, 2005, p.50). As a result of perverse and "intimate solidarity between democracy and totalitarianism" (Agamben, 1998, p.10). So, the state of exception generated by states' responses during the pandemic is a continuity of that order.

It cannot be denied that Agamben has been wrong on the point that Covid-19 is not a mere regular flu but most important of all the flu affecting millions of people. Agamben comparing vaccine passes in Italy to Nazi "Juden" stars has been widely criticised (Bratton, 2021). These wrongs can be ignored as French Philosopher Jean-Luc Nancy wants us to; only if one

considers the larger picture. Covid as a disease and Covid as a mechanism of fear are two different sides of a coin. Agamben wanted to focus on the latter which is the harsh reality that forces us to experience biopolitical decisions and also allows us to understand why the world for Agamben has become a “place where the state of exception perfectly coincides with the rule and where the extreme situation becomes the very paradigm of everyday life” (Silva and Higuera, 2021). The critics, who have denounced Agamben’s critique of Covid management as irrational and reactionary, obviously ignore the larger picture of the state of exception which is operational in India and in other countries. Agamben allows us to observe how and why the world is transforming into a gigantic concentration camp and it will not be surprising if the state of exception intensifies in the post-Covid world.

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