



# Populism and Contemporary Democracy in Europe

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Old Problems and New Challenges

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# Pandemic, Populism, and Polarisation

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## 1 DISINFORMATION AND FEAR: A COMPLEX BALANCE BETWEEN EFFICIENT RESPONSES AND LEGAL SHORTCUTS

Following the outbreak of the COVID-19 pandemic, the political context has suffered an earthquake that, moving between paralysis and emergency, has brought to light some of the substantive debates about the role of democracy in today's Europe. It has also fuelled the crisis facing democracy around the world. In the context of this debate, there are three major domains in which populism was able to spread during the pandemic: the efficacy vs. legitimacy debate, the freedom vs. security debate, and the debate over institutional guarantees vs. the need to respond. All three concern the key elements of democracy such as separation of powers, respect for human rights, or holding of elections. Disinformation has generated a climate in which different political actors have further contributed to the erosion of democracy.

It is a common practice to start any reflection related to the crises by highlighting its threats and opportunities. De facto, the crises operate as a

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stress test that assesses the credibility and robustness of some policies and institutions, and effectiveness of the political leadership in crisis management, and oftentimes it tends to accelerate the social and economic processes that were already well underway.

For the matter at hand, the unprecedented public health crisis that generated economic and sociopolitical disruptions has brought forward some potential debates about the state of democracy in Europe. Due to the pandemic, governments are facing challenges of balancing fundamental freedoms and the principles of the democratic decision-making, on the one hand, and risk aversion to protect health rights as well as the urgent call to end the crisis, on the other. The collision of rights and principles imposed on decision makers a duty to provide a balance between the two, and to prioritise certain rights over others.

When the World Health Organization (WHO) declared, on 11 March 2020, that the COVID-19 outbreak had reached the level of a global pandemic and called for countries to take urgent and drastic measures to contain the spread of the virus,<sup>1</sup> governments around the world took different actions. In these responses, which varied greatly across the countries, several options can be highlighted.<sup>2</sup>

Constitutional exceptionalism is a favourite term of the international bodies. In their perspective, its formal nature and the constitutional guarantee provide a sufficient legal instrument. However, in strictly social and political terms resorting to constitutional mechanisms is perceived as something exceptional, not necessarily negative, and it fuels the political debate over the efficiency of the response as well as its broader effects on individual rights and separation of powers. Therefore, the responses varied across the EU. Some countries took advantage of this constitutional provision, while others adopted only the specific provisions dedicated to the state of emergency despite the enabling constitutional framework that allows adoption of the exceptionality. At the same time, the preference of most of the countries has been for ordinary legislative measures avoiding declaration of the state of emergency or invoking emergency laws.<sup>3</sup> Regardless of their nature, all measures adopted to address the

<sup>1</sup>“WHO Director-General’s opening remarks at the media briefing on COVID-19 - 11 March 2020”.

<sup>2</sup>Council of Europe Venice Commission, “Interim Report on the measures taken in the EU member states as a result of COVID-19 crisis and their impact on democracy, the rule of law and fundamental rights”.

<sup>3</sup>Ibid., para. 35-38 and 41-43.

coronavirus pandemic have had a wide spectrum of effects on governance, democracy, rule of law, and human rights.

Given the globality of the issue at stake and the tendency of the responses to be of a national nature, some common elements with respect to legal and political structure and, regardless of the differences in which states have reacted, can be emphasised. The diverse responses that spanned the globe suffered from deeply rooted pressure caused by the political, social, and economic abnormality, which impelled searching for an equilibrium between the need for effective and rapid responses to crisis and preservation of the rule of law and constitutional democracy, and in particular, checks and balances and the validity of fundamental rights. Henceforth, we can highlight responses that share some populist features. The COVID-19 outbreak has led to an increase of uncertainty and fear, that constitutes the breeding ground for populism to thrive. This situation has triggered quick responses, “no matter the cost”, in terms of individuals’ rights and freedoms.

Some of the classic elements of populism flourished among the public. One of them is the corporate and mystical conceptualisation of the state that defines the state as an entity that exercises the popular sovereignty over the conscience of the individuals and which response to crises remains unquestioned. In this sense, the state determines the best for each person while an individual, that, being part of this machinery, doesn’t obey the order becomes a threat to the system. Along the same lines, the kind of an official “truth” is stretched, in an informal but largely effective way, which, in the name of science, suppresses any dissident voice. Cases including disqualification of laboratory leak theory, which was later proven to have been at least abrupt, provide a good example of this. Confronted with the passions, illusions, and ideals of the people, superficial and risky answers are proposed, promising the impossible and neglecting rational approaches to decision-making, and triggering social frustration with the government. This expansion of the executive power, vested with the capacity to meet the needs, places the rest of the institutions on a secondary level, while checks and balances are undermined by the will of people to accommodate their interests. There are also those who call for safeguarding the rights of people against the elites who ignore public concerns and interests. In this light, elites are accused of moral decay, corruption, and injustice, which is at odds with the Rousseau’s natural goodness of man, generally attributed to society.

Hitherto more populist trends are on a rise. Some authoritarian states have either denied the problem or cast it adrift. Others, mainly those in opposition, by taking advantage of the situation, claimed that some restrictions are an attempt by the governments to grant themselves more power and even to provoke a regime change. The third type can be referred to as techno-populist that opts mainly for technocratic solutions, thereby putting the politics to the background. The moment was ideal: breakdown of the basic consensus, polarisation, questioning the truth to renounce its democratic aspiration, the geopolitical opportunity in the attribution of responsibilities and searching for solutions such as vaccines. Another trend, which rests mainly in the battlefield of values, attributes the crisis to pre-existing problems such as environmental ones, and introduces the defense of other pre-existing agendas into the Covid agenda. “The presidential mutations, the sovereign retreat and, ultimately, that volitional-popular decisionism and populist expansion, which marked the electoral cycle in the West, (and which) have found their perfect storm” can be added to this list (Sanz Moreno 2020).

## 2 POPULIST FEATURES

In this context, three ways in which populist trends have been developing can be highlighted:

- a) An authoritarian response: Contrary to the effective model of democracy, citizens tend to seek certainty and assurance at the expense of their liberties. Having embraced this vision of democracy, citizens seek certainty and assurance at the expense of their freedoms. A longing for sovereignty mixed with fear and anger replaces the illusion which in the wake of the panic also recurs to authoritarian drifts in the name of security, “longing for a political power capable of putting order there where disorder reigns”, which Maldonado correctly noted prior to the outbreak of the coronavirus. This fear provokes “a reinforcement of the sovereign will of the people that goes hand in hand with the weakening of the liberal counterweights of the democratic system” (Maldonado 2020). A positive vision of the future is replaced by the fear of it and therefore a popular demand for protection. Desire for protection might imply closure of borders and push for denomination of virus not only to shed light on its origins but also to reduce panic, as if recognising its external origin would immunise from its effects.

- b) An effective response: The temptation to bypass institutional checks and oversight mechanisms to seek more rapid and efficient solutions by some governments. In this respect, Schmitt's words about Weimar Republic become relevant: "liberal democracies will be consumed in the effort to shape the general will" (Schmitt 2008). In this sense, democracy is perceived as a system unable to offer answers in real time, today and now. This perception is accented towards procedures including the parliamentary ones which rely on their own time frame to guarantee the fulfilment of their functions. A cyclical temptation to embrace sovereignty without limitations of liberty.
- c) A popular reaction: An uprising against the "impositions", fuelled by what has come to be called infodemic. By promoting simple solutions and answers that define populism, it reinforced a radical discourse characterised by the detachment from institutions of authority and proliferation of conspiracy theories. The uprising which coexists with a spiral of silence like Hobbes's Leviathan extends its power over opinions, imposing an official truth to end the cacophony prevalent in any human society. According to Maldonado, this represents "a paradox of an increasingly complex world with increasingly simple interpretations" (Maldonado 2020).

### *2.1 An Authoritarian Response: A Sovereign Nostalgia*

The worldwide spread of the coronavirus gave rise to a wave of praise for the "virtues" of authoritarian governments or dictatorships. During the health crisis, a bunch of countries championed mainly by Singapore, Russia, and China are believed to have performed better, both in their efforts to contain the virus and in the process of vaccination. These responses have been treated as a model for governance and have to some extent shaped the global geopolitical map (vaccine diplomacy of China and Russia in Latin America, later caught up with the European Union). The renunciation of institutional consensus and the denunciation of the "old party system" have led to the rapid expansion of the executive power, with some evident populist features.

The institutional approach of the European Union, on the other hand, has been portrayed as slow, hesitant, and somewhat ineffective. Erratic decisions regarding closure of borders, the vicissitudes of vaccines and vaccination process, and disagreements over so-called vaccination passport are just some examples of it. In addition, the responses of the member

states lacked consistency and tended to change depending on the circumstances and altering governmental decisions. The President of the European Commission herself has admitted vaccine rollout failure and its negative consequences. The consensus trap, mentioned by Darnstädt (Darnstädt 2005), is observed in the institutions including the European Commission.

The pandemic has presented a strain on existing legal systems, and therefore, it raised a concern to develop a clear legal framework that should be adopted in the emergency situations. In this respect, “the constitutional system” is seen as a main guarantor of fundamental rights, the rule of law, and democratic principles. This has also been noted by the Venice Commission, the Council of Europe’s advisory body. In accordance with this constitutional basis, regulations must be general, preferably organic, and approved amid normal times.<sup>4</sup>

As is well known, the state of emergency is a special legal regime of powers and rules that is adopted by the public institutions to address a serious public threat. Current international law and practically all national legal systems adhere to this approach. Albeit more flexible legal regime,<sup>5</sup> the state of emergency is regulated by law, always based on the primacy of the rule of law comprising five essential elements: legality, legal security, prevention of abuse (or misuse) of powers, equality before the law and non-discrimination, and access to justice. As pointed out by Castellà (Castellà Andreu 2020), countries that don’t have constitutional provisions to enact emergency measures should comply with the principles of the rule of law as well as with the principles of necessity and proportionality, temporality, parliamentary scrutiny or oversight, judicial review, preparedness of emergency legislation, and loyal cooperation between institutions (Castellà Andreu 2020).

Pertaining to the risks of authoritarian behaviour that dispenses with basic checks and balances, respect for fundamental rights and freedoms gains more importance. Although there is room for limitations and restrictions, fundamental rights and freedoms can be suspended “only in very exceptional circumstances” during the validity of the state of emergency. It is also possible to derogate from the obligations under international human rights treaties. This provision is envisaged by the European

<sup>4</sup> Council of Europe Venice Commission, “Interim Report”, para. 29-30.

<sup>5</sup> Council of Europe Venice Commission, “Respect for Democracy, Human Rights and the Rule of Law during States of Emergency: Reflections”, para 8.

Convention on Human Rights (art. 15) or the UN International Covenant on Civil and Political Rights (art. 4) and has been invoked by several member states during the coronavirus outbreak.<sup>6</sup> However, the use of this provision is dictated by certain procedural and substantive conditions including following the key principles of necessity, proportionality, exercised on a temporary basis, and keeping the international organisation fully informed.<sup>7</sup> Furthermore, there is a list of rights that cannot be a subject to any derogation but can be restricted or limited following the above noted principles and legitimate purpose.<sup>8</sup>

In addition, the procedure to extend the suspension of rights is not well defined, which must also be subject to the principles of exceptionality and legality. Experience shows that there is a regulatory deficit for such situations as they are inconsistent with the anticipated state of emergency or legislation on sanitary emergencies (material and the contentious guarantee of the same). This has allowed government to go beyond the law, given the need to provide immediate response. The ruling of the Spanish Constitutional Court represents a good example of this shortcoming.

Among the rights impaired by the pandemic, the right to vote deserves special attention due to its role in the exercise of the rest. During the pandemic, around 150 countries confronted with the challenge to hold elections. It wasn't an easy task as the indispensable nature of voting rights might conflict with the electoral process. The initial delay and rescheduling of elections to ensure sufficient guarantees (in terms of making the postponement decision, the required majorities, the intervention of the parliament, etc.) was followed by decisions made by some countries to hold the elections under special voting arrangements and extreme sanitary measures.

Current legislation has proved to be deficient to adapt to this precarious time. States lacked foresight or agility which in turn led to controversial approaches that put the legal security and electoral integrity at stake, albeit for the most part it was settled amicably. Regardless of the solution, legal certainty, equality of the parties, and respect for voting rights must

<sup>6</sup>Ten countries of the European Union suspended the application of international and regional human rights instruments during this crisis: Albania, Armenia, Estonia, Georgia, Latvia, Macedonia, Moldova, Romania, San Marino and Serbia.

<sup>7</sup>Council of Europe Venice Commission, "Interim Report", para. 15-16.

<sup>8</sup>Council of Europe Venice Commission, "Respect for Democracy, Human Rights and the Rule of Law during States of Emergency: Reflections", para. 40. Also in Council of Europe Venice Commission, "Interim Report", para. 14.

be observed. Elections are a process comprising the rules and regulations that are essential. Changing the rules around voting amid elections or disregard for potential flow-on effects can be detrimental. It is also emphasised in the Code of Good Practices in Electoral Matters adopted by the Venice Commission where it states that “the stability of the law is crucial for the credibility of the electoral process”.<sup>9</sup> Legal changes are advised to take place over a year prior to decision to postpone or suspend elections. Unfortunately, given the unprecedented character of the situation, changes in electoral playbook spanned the globe. In this regard, governments are required to ensure that these changes are limited, clearly communicated, and implemented with a simultaneous improvement of training and establishment of effective procedures. Even so, it is inevitable that these decisions tend to be politicised, and in some cases, they come down to the courts.

Ultimately, as for the rights, the global crisis demonstrated the relevance of reconsidering the protection of the social rights and the need to develop universal public health services, where the figure of “ombudsman” is of vital importance both for the protection of rights during the crisis and for the assistance provided to citizens affected by the emergency measures.<sup>10</sup>

## 2.2 *An Effective Response: Institudemia*

Rule of law is considered as a cornerstone of democracy, and one of the ways to weaken democracy is to turn democratic processes into a dead letter. This doesn’t occur instantly, but it is the final stage of the crumbling process that develops in a progressive manner. The powers of the state, whether individually or in a coordinated way, begin to create exceptions, driven by the gravity of the threat and the need for rapid and efficient response. This leads to the erosion of the normative and institutional architecture on which the principle of the rule of law rests upon. In this manner, which is also quite paradoxical, and as masterfully portrayed in the 1966 Oscar-winning movie *A Man for All Seasons* directed by Fred Zinneman about Tomas Moro, moving forward by circumventing controls causes an inverse effect. When institutions call for the protection of the rule of law, they realise that its key functions decayed and they turn out

<sup>9</sup> Council of Europe Venice Commission, “Code of Good practice in Electoral matters”.

<sup>10</sup> Council of Europe Venice Commission, “Interim Report”, para. 99.

to be the ones who contributed to its dismantling, impelled by their tendency to make exceptions in the established legislation.

As discussed in relation to fundamental rights, exceptionality doesn't imply the suspension of the rule of law. Rather, some restrictions and limitations can be adopted, and in some serious cases, certain rights can be a subject to derogation or suspension. As previously noted, it is allowed only if these restrictions meet the requirements of legality, necessity, and proportionality, and they ought to be time bound. Despite these parameters, restrictions of the individual rights result in the centralisation of power, strengthening of the executive, and weakening of the system of the checks and balances. Hence, it is essential to have a prior and adequate legal framework and a broad consensus that would ensure clear limits and periodic review of the measures. In case of the need to extend the measures currently in place, they must follow regulatory compliance with the principle of vested powers and the principle of checks and balances. Moreover, these principles must be secured against consequences of any shift in the distribution of powers. Under these circumstances, powers of the parliamentary and judicial oversight (internal and external) must be strengthened since it was recognised to have exhibited a significant self-restraint. A complementary role of the institutions such as the Ombudsman or independent mass media must be acknowledged as well.

However, the emergency brought by the pandemic led to the shift in governance. Central governments gained more power while the role of other institutions has been marginalised.<sup>11</sup> Among these institutions, Parliament was perhaps the one to have been adversely affected the most. Performing its control functions while the executive was assuming special powers contributed to the progressive recovery of its legislative functions and maintaining its symbolic role as an "essential service", sending a message of public example by continuing its activities and its presence in the setting of national sovereignty. These goals have been forced to coexist along with safeguarding the health of its members and staff, and the requirement of agile and effective solutions encountered by novel and unexpected developments. These objectives have had to coexist with the preservation of the safety of its members and staff and urgency to accommodate public needs produced by the pandemic. Parliaments around the world have been challenged by the COVID-19 crisis (Rubio and Gonzalo Rozas 2020). Although a false dilemma over the preservation of the

<sup>11</sup> Ibid, para. 61 and 64.

system of checks and balances and suspension of this mechanism on the grounds of management efficiency was raised, it is inaccurate to underestimate the role of parliaments during times of uncommon social tension. Parliamentary participation in crisis management is crucial to distinguish between democratic mechanism and strategies employed by the autocratic counterparts, and to guarantee legitimacy, justice, and efficiency. Therefore, where it was legally possible parliaments continued to assume their role in the debate and scrutiny of emergency legislation (with a qualified majority in some specific cases), oversight of the government action (entirely or through specific committees), or the approval of the extraordinary budgets.<sup>12</sup>

We must be prudent to prevent inclination towards adoption of merely technocratic forms of governance, which could disrupt the logic behind separation of powers. The importance of the territorial division of powers is another element that should be considered as it constitutes another complementary system of separation of powers in the decentralised forms of governance during the state of emergency. Central governments can limit the powers of the subnational authorities by transferring the competences neither without declaring suspension of autonomy,<sup>13</sup> nor without re-centralisation beyond the requirements of the state of emergency.<sup>14</sup> Instead, adoption of the principle of loyal collaboration and mutual respect should be encouraged.<sup>15</sup>

These centralising tendencies should be addressed by an increased parliamentary control and judicial review, over both the declaration of the state of emergency and the measures adopted. These oversight mechanisms may correspond to both ordinary and constitutional jurisdiction of the state, and those exercised by international bodies (both judicial and quasi-judicial entities), most notably the European Court of Human

<sup>12</sup>The Parliamentary Assembly of the Council of Europe, in its Recommendation 1713 (2005), has pointed out: “*Exceptional measures in any field must be supervised by parliaments and must not seriously hamper the exercise of fundamental constitutional rights*”.

<sup>13</sup>CDL-AD(2011)049, *Opinion on the draft law on the legal regime of the state of emergency of Armenia*, Adopted by the Venice Commission at its 89th Plenary Session (Venice, 16-17 December 2011), para. 34.

<sup>14</sup>CDL-AD(2017)021, *Opinion on the Provisions of the Emergency Decree-Law N° 674 of 1 September 2016 which concern the exercise of Local Democracy in Turkey*, adopted by the Venice Commission at its 112th Plenary Session (Venice, 6-7 October 2017) para. 92.

<sup>15</sup>CDL-PI(2020)005rev, *Respect for democracy, human rights, and the rule of law during states of emergency-reflections*, para. 61.

Rights. To comply with the principles of oversight and accountability, courts must be guaranteed an impartiality and independence, except for an overriding need or practical infeasibility.<sup>16</sup>

Although it depends on the political system, given the significance and risks associated with this option, Venice Commission emphasises the role of the constitutional justice which has capacity to grant “provisional measures”.<sup>17</sup> While Venice Commission admits that jurisdictional control is usually limited in practice due to a “judicial self-restraint”, it doesn’t imply complete concession of control, as it was observed in Portugal, France, or Spain.

### 2.3 *Public Reaction: An Infodemic*

The third populist risk is associated with the public reaction. Populist narratives, which provide simple answers to complex questions, were largely antagonistic in the beginning of the crisis as they oscillated between downplaying the threat or suddenly declaring its end, while the virus itself has been positioned as an instrument of the global conspiracy for geopolitical battles or even as a mechanism that elites employed to deprive us of our freedoms. The mainstream media has significantly contributed to the spread and further consolidation of these discourses. However, these media outlets were driven primarily by defamation, pseudo-media sites, by the embrace of populist political options, and in some cases by reckless complicity of the individuals with the influence in media.

On some occasions, political leaders like Trump, Bolsonaro, or Lopez Obrador dismissed or downplayed the coronavirus threat. Others have gone further by embracing denial and conspiracy including Ortega and his infamous “Love in the times of Covid” march and Turkmenistan, which claims to have had suffered zero COVID-19 cases. Nor will there be any as Gurbanguly Berdimuhamedov vetoed the word “coronavirus” in official documents and the media. However, the most common reaction has been seeking the union that would produce an identity feeling. In this way, aggravated by rivals’ external signs, any critical judgement is hindered

<sup>16</sup> Ibid., para. 87 and 89.

<sup>17</sup> Ibid., para. 88. (*The preference for constitutional justice is qualified, but not its adoption of provisional measures*, in the Council of Europe Venice Commission, “Interim report”, para. 78).

by severe errors committed in while dealing with the sudden and explosive nature of the pandemic.

As Sanz states: “The pandemic spread the virus; the populists, the anger in their towns” (Sanz Moreno 2020). To achieve it, disinformation has proved to be a main part of the populist toolkit. The information gap was exacerbated by ignorance and communication strategies that sought to reduce panic, in some cases by manipulating information for distraction that did not address the informational demand, inherent to people of the contemporary information society, especially when faced with uncertainty and fear. This plethora of misinformation has gained a new meaning as it became known as “infodemic” or epidemic of “information”. These attempts to disseminate wrong information in order to win the battle of the story are argued to hamper public health response and quality of democracy.

Social media networks and personal communication platforms like Telegram and WhatsApp became a global battlefield, prominence of which was amplified by changing circumstances, widespread boredom, and anxiety. They also transformed into an area for the construction and fixation of truths and beliefs, predominant or imagined, stirring and yet indisputable. Ignorance created a void space in which communication is frequently filled with rumours and polarised attitudes. Information search process, characterised by a possibility to select the news “A La carte”, representative of today’s informational ecosystem of the internet, allows accessing answers that are consistent with the personal views. This, more than ever, led to reinforcement of one’s prejudices and reaffirmed an infernal or beatific vision, which at the same remains the “reality” of the one encountering the information.

This infinite offer of information, which is just put at our fingertips, is further reinforced by the algorithmic gatekeeping that predicts individual preferences and reinforces them in a way that is unlikely to be noticed by the user. When exposed to algorithmically curated information, users tend to assume that the information reflects the reality, albeit differences are increasingly noticeable. Arguments and information selected by individuals transform into their own in a way that eventually is perceived as “truth” that are later defended with an authentic conviction, although it is a result of biased perception of reality rather than critical thinking. Reality is therefore what confirms our viewpoint and the flawed perspective of others. One’s truth neglects the “truth” of others and considers them as misleading and deceptive. Where there is no “truth” there is no rivalry. Once

becoming part of a team, the single purpose is, thereafter, to defend the colours and to triumph no matter the consequence. This way of simplifying skews the perception of reality. In addition, political actors remain outside in the parallel universe which makes any possibility of dialogue practically impossible.

Henceforth, a combination of these two effects leads first to an increased fragmentation and further to polarisation. There is a tendency to target those who produce more interactions and who incidentally tend to be more radical. This is common not only in politics but also in social platforms as algorithms find more extreme content to optimise user interaction without considering its character. As a result of this process, more polarisation occurs. Instead of decline, the echo that emerged in the social networks extends far beyond.

These developments have taken place in an environment that has already been experiencing democratic backsliding and struggle to communicate and transmit knowledge. While at first glance, the transmission of information, in this context, is horizontal, the priority is given to more resourceful entities that are equipped to influence the public exchange of information. In this political climate, polarisation is enhanced and exacerbated by technology which not only offers broader and faster forms of distribution, but also seriously compromises its content, as well as our perception of contrasting views and those behind them.

Under the given scenario, the polarisation was fuelled by the exaltation of own identity, which exploits the community feeling, belonging to the outside, the virus, its creators, or the governments in charge of health management. A collective feeling that, instead of carving out breaches, it exploited and intensified the existing ones. By taking advantage of this fragmentation, tribal groups arise and become more homogenised by acquiring a sense of belonging that leads them to take sides and act collectively, and only accepts the actions of his group while rejecting others. This is achieved by exploiting networks' autonomous dynamics and accelerating with misinformation or distortions which affect the perception of the rest. It goes on to exalt affiliates, by amplifying the content of the one that grabs more attention and generating an imitation effect in which it competes for acceptance and popularity. Meanwhile, anyone who is bold to disagree or provide alternative points of view is rejected with the same enthusiasm, incorporating attacks coordinated from reference accounts. One can always go further in the level of exaggeration, without examining

the credibility of arguments, as defeating a rival becomes more important than changing the rules.

The battle for attention also generates polarisation (Peirano 2019). Individuals seek to stand out over the average by inducing originality, heterodoxy, intensity, or volume. It was observed that once the rumour reached these groups, the dramatism of the promoted ideas surged (a look at the way any topic related to pandemic was treated on twitter helps to grasp this idea). In this way, the tension wasn't circular but linear and continuous and to a certain extent expansive. It starts from "well, what about you" to "and you more" (which is a qualitative leap). Furthermore, as it makes difficult to access content that does not follow that line, it reinforces internal prejudices, which in turn makes rectification almost impossible. Personal ideas and beliefs are underpinned by turning to the most irrational and ridiculous of others as if polarisation was just a game, a plot trick without social consequences.

Thereby, "zero tolerance" is embraced against anything that goes contrary to one's way of thinking. Policy framed in this manner is presented as an eternal chess game, a zero-sum game, where moves always depend on the opponent and the victory as a final goal. This process, typical of the infodemic, becomes contagious as it forces others to take sides in the information warfare. The one, who embraces the true faith, with a religious conception of politics, despises the dissident, incapable of capturing the reality. This becomes a source of hatred towards one who is equidistant, independent, and who eventually is perceived as traitor and enemy.

This prompts the movements that deny the existence of the virus, discredit the efficacy and safety of vaccines, and suspect hidden intentions. This has had an impact on the provision of healthcare as some false sanitary recommendations emerged as a result of these narratives, strengthening populist discourses. Another implication is the reaction of the platforms that, in response to health threats, acted on by eliminating accounts, content, or redirecting to official information on any content related to the pandemic, to allow users to compare the information. Nevertheless, these efforts have produced side effects. The most striking one is the one related to the claim that the virus originated from the Chinese laboratory. This theory emerged early on in a crisis due to the lack of information and was quickly dismissed as a conspiracy theory, receiving implicit censorship from social media users and mass media as well as explicit censorship by social media platforms that did not hesitate to label or even remove it. However, more than a year later, following exhaustive investigations, we

see how this lab leak theory has gained traction, receiving widespread attention, and turning into caveat about the responsibility for the hasty decisions that opt for erasing information (without any criteria or procedure other than a will of the digital platforms) and its profound undemocratic effects.

### 3 CONCLUDING REMARKS

This populist boom, illustrated in the discussion above, and looking back at the European Union, suggests that pandemic sparked by the novel coronavirus doesn't imply the acceleration of the processes entailing the construction of Europe, the deepening of democracy of the EU, and bringing citizens closer to their institutional structures in shaping the future of Europe. Instead, it demonstrated the opposite. Strengthening the European project is not necessarily a consequence of the pandemic; rather it is an ideal that today is more difficult to achieve than prior to the crisis and therefore it requires greater effort.

As illustrated, exceptional situations require exceptional actions such as temporary suspension of certain rights or an extraordinary separation of powers. However, these developments should proceed on a temporary basis and under the conditions dictated by the circumstances and scope of the necessity. The supremacy of the rule of law shall remain by ensuring parliamentary control and judicial review of the essence and duration of a declared state of emergency to avoid any abuse of power.

Similarly, risks that misinformation poses to public health require a response, but it must be ensured against potential secondary effects on fundamental rights such as freedom of expression. Sanz warns about rising trends that pose a threat to democracy (Sanz Moreno 2020):

- Anti-elitist. Upswinging mistrust towards science and, what is even worse, the aristocratic pride of scientific community in an uncertain and rapidly transforming field.
- Anti-pluralist. Reinforcing the role of the people as an omnipotent power not subject to any restraint, beyond its electoral revalidation and its foreseeable authoritarian mutation.
- Anti-dialogic/anti-rational, which turns public management into a game of identities and feelings.

All of these can be reduced to identity politics, or bloc politics, where institutions are diffused at the service of each other. As stated in an alarmingly accepted interpretation: “as they are willing to do anything, we cannot give up playing by their own rules, even if they wear democracy down”. In this vein, faith in democracy is replaced by democracy as an act of faith. From the democracy of ideas there is a transition towards the democracy of beliefs, as “we have ideas, but we live on beliefs” (Ortega y Gasset 1997).

When institutional paths are curtailed, the recourse to dialogue and justice ceases to function and thus heavily relies on the extent of power. The legitimacy of the other to govern is questioned, and any action of ours, even if it exceeds the legal framework, is justified, paving the way for dangerous anti-politics. Consequently, polarisation is a step that precedes confrontation marked by strong emotions that are difficult to suppress.

Clearly, simple solutions that have been boasted by populist leaders have fallen short of mitigating the unprecedented public health crisis. Despite the lack of a uniform approach to coronavirus pandemic, the end of the crisis is not yet in sight and will largely depend on future policy responses. What is more, there is no doubt that an ongoing health crisis will turn into a long-term economic crisis and further reinforce the populist discourse against the establishment and bloc politics. Both crises are also likely to trigger an institutional stagnation. What remains is to lower the expectations, improve the efficiency of crisis management, not yield to providing explanations, resist the perverse dynamics of confrontation, and above all recognise the primacy of the democratic rules. This is essential for defending these principles and seeking legitimacy beyond bare efficiency.

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