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# UK: Where is the voice of the left as 'libertarians' annex the Covid-19 debate?

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## Defenders of civil liberties are losing the debate in the face of rightwing demagogues

“Not all heroes wear masks.” So [tweeted Tory contrarian Toby Young](#) in July after fellow freedom warrior James Delingpole posted a selfie of himself maskless in a supermarket. How daring. How heroic.

The tweet was revealing not just of how degraded debates about “freedoms” and “liberties” have become, but also of how a certain cabal of rightwing libertarians has come to dominate the discussions on these issues. One reason they have been able to do so is because too many on the left have vacated the space.

This week, the [Coronavirus Act 2020](#), which became law in March, giving the government emergency powers to deal with the pandemic, is due for renewal by parliament. There has been criticism of the law from [civil liberties groups](#) and from a handful of human rights lawyers. Opposition, both inside and outside parliament, has, however, come mainly from the [“libertarian” right](#). Yet the powers that the government has given itself should be a crucial issue not just for Tory rebels or rightwing contrarians, but for all those who take the pandemic seriously but also take seriously questions of liberty and of the need for proper scrutiny of government actions.

The pandemic is a major public health emergency that makes restraints on liberties inevitable. Such restraints ought, however, to be proportionate. And they should involve measures that work. In Britain, the government has grievously mishandled virtually every plan to reduce Covid-19 infection rates, from inadequate PPE to a catastrophic policy towards care homes to the debacle of test and trace. It has combined such failures with the imposition of more authoritarian regulations, which seem less about bolstering the wider coronavirus strategy than about compensating for its failures.

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Requiring people to wear masks in shops or on public transport is proportionate (and the opposition to it pathetic, not heroic). But allowing the police to detain anyone they have “reasonable grounds” to suspect is “potentially infectious” (as the Coronavirus Act does), or imposing [£10,000 fines](#) for organising protests, or making mass [surveillance easier](#), should more than give us pause. As last week’s report of the parliamentary select committee on human rights [puts it](#): “It is unacceptable that many thousands of people are being fined” when “regulations contain unclear and ambiguous language”, the police “do not fully understand their powers” and a “significant percentage of prosecutions have been shown to be wrongly charged”.

Worse than the act itself is the fact that so many regulations have been pushed through by ministerial decree with little or no parliamentary scrutiny, making use both of the Coronavirus Act

and the Public Health (Control of Disease) Act 1984. The [Hansard](#) Society has found that, since the start of the pandemic, the government has made law using “statutory instruments” 242 times. Statutory instruments are a means of bypassing parliamentary scrutiny. They can be made either “affirmative”, requiring retrospective parliamentary approval, or “negative”, which ensures that the regulations remain in place unless parliament annuls them within 40 days. The vast majority of statutory instruments relating to coronavirus have been negative, meaning that ministers are making law by default.

There is certainly public support for tough coronavirus regulations. According to [polls](#), 78% of the British public back the latest government restrictions and almost half think those restrictions should be even harsher.

It's a public mood that has been shaped by government policy. Rather than build on the community-mindedness that flourished at the beginning of the pandemic, the government has helped inculcate mistrust. From the constant [finger-pointing](#) to support for snooping on one's neighbours, ministers have encouraged the idea that other people are the problem. Rather than nurturing the public's social instincts, they have continually threatened to impose sanctions on those who break rules. The starting point seems to be that people won't do what is necessary, so we need to force them to - not a useful way of fostering social trust and solidarity.

The widespread support for government regulations paradoxically reveals the need for greater vigilance. It's precisely when so many support government by diktat that those diktats should be particularly closely scrutinised. It would be a calamity if such scrutiny was confined to those who imagine that not wearing a mask is heroic or have an ideological opposition to pandemic restrictions.

From free speech to civil liberties, much of the left has in recent years retreated from issues that once helped define it. This has given a free pass to the libertarian right both to don the mantle of freedom and to distort its meaning. The left needs urgently to rediscover its old passion for liberty.

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The Guardian

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