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COVID, Commodification and the Market

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The City Law School

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COVID, Commodification and the Market

Forthcoming in *Law, Humanities and the COVID Crisis* (ed. Carl Stychin), University of London Press, London, 2023

David M. Seymour*

Abstract

Presented as a keynote talk at the Critical Theory Conference in Rome 2022 and included as CLS Working Paper 2020/14. This version is a thoroughly updated version of a previously uploaded paper.

Here, I discuss the connection between state responses to coronavirus and the emergence of conspiracy theories.

The first section of this paper argues that the dominant response to society's confrontation with coronavirus was by integrating it within political economy's framework of social and legal relations that reduces 'nature' to a commodity; that is, a species of private property freely exchangeable with its market competitors and so articulated through the language of private rights. The paper moves on to discuss the connection between commodification and conspiracism in which the concept of (individual and collective) sacrifice takes centre stage. However, unlike other instances of commodification, where social survival rests on humanity adapting to this commodification means that at stake here is nothing less than physical survival. It is the intense anxiety brought about by this shift that accounts for the equally intense outbursts of recent conspiracy thinking about the virus.

Keywords: COVID, Coronavirus, Critical Theory, Conspiracy theory, commodification, legal rights

* This paper was presented as a keynote at the Critical Theory Conference (May, Rome 2022) and is a reworking of my previous paper - *At War with Themselves: Coronavirus, Commodification and Conspiracy* – published as CLS Working Paper 2020/14.

COVID, Commodification and the Market

After six months it is surely time to relax the rules so that individuals can take more personal responsibility and make more of their own decisions about the risks they are prepared to run.

“The generation of the second world war had been prepared to risk life to preserve freedom. This generation is ready to risk freedom to preserve life.” Former Australian Prime Minister, Tony Abbot, 1st September, 2020

‘If No 10 proposes tighter restrictions straight after Christmas, those cabinet ministers with freedom-loving instincts – who gave us all so much hope last week – must speak out,’ said one member of the Covid Recovery Group of Tory MPs. “In any future leadership contest, we will all remember how they acted this week. We need real, gutsy, freedom-loving Conservatives to rescue us from this madness.” [The Guardian, 25th December 2021]

Over more than an hour, Mr. Herbster, dressed in his trademark cowboy hat and vest, unspooled a complex and meandering tale of the threat to America, interspersed with labyrinthine personal yarns and long diatribes about taxes.

It was convoluted but (as best I can understand) goes something like this: The coronavirus was manufactured in a lab in China and released into the United States in early 2020 by “illegals” from Mexico who were also smuggling Chinese-made fentanyl across the border. One of the smugglers, he said, had enough fentanyl in a single backpack to kill the entire population of Nebraska and South Dakota. The goal of this two-pronged attack, he explained, was to create a panic, stoked by Facebook and \$400 million of Mark Zuckerberg’s money, to justify allowing voting by mail. Then, through unspecified means, the Chinese government used those mail-in ballots to steal the election — though Mr. Herbster hates that word. “They didn’t ‘steal’ it,” he told the crowd, his finger raised. “Do not use that terminology. They did not ‘steal’ it. They rigged it.” [NYT 11th May 2022]

This paper examines lockdown as governments’ responses to the coronavirus pandemic, the

market's response to lockdown and how and why this latter response is often articulated through conspiracy theories. As we will see, the market response to lockdown brings to light long existing contradictions and tensions that are inherent in the modern nation-state. For reasons that I hope will become clear, the nature of *commodification* forms the centrepiece of my analysis.

I begin with a brief discussion of the nature of the state's response to the pandemic with emphasis on the periods of lockdown. It then moves on to examine the response to that response. This latter discussion is framed within a pre-existing tension, if not conflict, between the market and the state. It is from this tension that the 'space' for conspiracism around the issue of lockdown and other measures comes to the fore.

Responses to Covid: Lockdown and the Market

The almost immediate and universal response to the COVID pandemic was what came to be known as *lockdown*. The purpose of lockdown was quite straightforward. Its aim was to limit as much as possible any social contact outside of domestic settings in order to halt the spread of the virus. The UK and devolved governments' announcement of lockdown was accompanied by a series of emergency measures and decrees to ensure its effectiveness.[†] Despite some important exceptions, lockdown brought with it the (temporary) suspension of the normal operations of the market along with the (temporary) suspension of associated legal rights. Places of production, distribution and consumption were closed and individual private rights, such as freedom of movement, freedom of assembly and others were likewise severely curtailed.

The Conflict Between the Market and the State

The conflict between the imperatives of lockdown and those of the market can be reframed in the language of a conflict between the individual and the collective, or the particular and the universal. On the one hand, lockdown emphasizes the collective interests of the nation-state (and expressed through public law and the public health of the population as a whole); while, on the other hand, the market's conception of the 'public good' frames it as an aggregation of individual interests and private rights. In other words, the pandemic has highlighted this conflict between the *market* and the *state* that has been present from the nation-state's inception.

In particular, I argue that the connections between COVID, commodification and conspiracism turns on the contemporary radicalised notion of liberal conceptions of political philosophy that reduce the state to little more than to protect the market freedoms and the

[†] For a full list of the relevant legislation in England see, [Coronavirus Legislation](#) (last accessed, 27th October 2020)

legal rights of the owners of private property of which it comprises. It is from this perspective, which we can term the *ideology of the free-market*, that gives rise to the belief that the *only moment of freedom* that exists is *within the market*. It is from this belief, therefore, that any other moments of freedom that exist beyond this realm (i.e. the realm of civil society or the state) are inverted and reappear as instances of *unfreedom*.

At the heart of this ideology as presented here, is Hegel's concept of *subjectivism*. In short, subjectivism is the fetishism (fetishization?) of the modern subjectivity, understood as the market situated rights-bearing owner and exchanger of private property. More specifically, *subjectivism* treats the realm of the market and associated rights as the sole site of *absolute freedom*. Subjectivism posits itself against other moments of freedom Hegel identifies in the modern body politic. Subjectivism, '[C]onverts [the subject] into the absolute and fixes on this moment in its 'difference from and opposition to the universal'

Fine captures this distinction between subjectivity and subjectivism as follows,

For Hegel, the distinction between subjectivity and *subjectivism* (or the fetishism of the subject) is crucial. If the former is the greatest achievement of the modern age, the latter constitutes its characteristic pathology. The subject becomes 'like God'. It presents its will as absolute. It demands worship. What starts life as a principle of critical thought becomes in the course of its own development a new source of superstition. (Fine 2001: 34)

I return to this point in more detail below, but it underpins the current discussion.

COVID, the Market and Commodification

The prism of the ideology of the free-market helps us to understand the market's response to the virus; most notably its *normalization*, through which the market attempted to remake COVID in its own image. As I will show shortly, by so doing, it sought to take the sting out of the virus' uniqueness and so to downplay its catastrophic potential for causing mass harms and deaths. Correspondingly, it downplayed the need to interfere with the market's normal operations.

Following Marx, all we need to about a commodity in this context is that it is an article of private property capable of exchange through the market. As we know, what defines something as a commodity is less its existence as a particular article (its use-value) but rather its ability to be exchanged (its exchange-value). From the point of view of the market, all that matters is the exchange value behind which the use-value disappears. It is only as a result of this process that unlike things can be made alike and so capable of exchange. By presenting the virus as a commodity therefore, not only does COVID become 'just' one more product capable of exchange with another, but as a species of private property, it is also deemed a matter of 'individual freedom' whether one chooses it over a host of other equally

available goods.

This intimate economic connection between market and commodification is reflected in the nature of their associated rights. Just as the commodity abstracts and reifies exchange-value at the expense of use-value, so analogously do the legal rights of private property abstract the juridical person (the rights-holder) from the flesh and blood, socially situated individual along with all their specific or peculiar characteristics. As with the commodity, so too does the abstract nature of associative legal rights allow the unlike to become alike and, as owners of commodities, enter the realm of exchange, the market.

Since it is also for owners and exchangers of private property that market-related rights come into existence, it is no surprise that the 'choice' to choose COVID as a commodity like all others, free of outside interference, is framed in the language of *private legal rights*. It is as a consequence of this way of thinking (which in its contemporary radicalised iteration in which the market and only the market is seen as the sole repository of freedom within the body politic), a seemingly unbreachable link is made between COVID, the market and rights. At first sight, it may seem strange that COVID should be treated as a commodity, as something that an individual could, and indeed, should, be able to exchange for anything else (including their (and others') health and life). However, it is to be recalled that in many countries, notable the US and, to a lesser extent, the UK, health and health care are already considered commodities like any other service (and, indeed, can be part of the employment contract).

Secondly, from the perspective of the ideology of the free-market, the notion that one can alienate one's health or virus as a species of private property is not as far-fetched as it may appear. After all, the notion that one has property in one's own body is far from novel. For both Hegel and Marx (with the latter's distinction between labour and labour-power), this is a central aspect, if not the fundamental aspect, of the difference between person and thing (between worker and slave). Personality, or more specifically *legal personality* is equally a hallmark of the modern age.

It is this view of private property as ownership of one's body that has a direct bearing on the commodification of both health in general and COVID in particular. It opens the potential that a person can like, for example, their labour-power, treat their health as their own private property and so alienate and exchange it through the market and so become just one more good to be exchanged according to private preference. It is this view that was expressed by the then Australian Prime Minister,

After six months [of lockdown], it is surely time to relax the rules so that individuals can take more personal responsibility and make more of their own decisions about the risks they are prepared to take.

From the perspective of the market, the core of this attempt at commodifying COVID is to

make it amenable to contract-based exchange. This point is again evident in the many attempts to find equivalences between the virus and other ‘products’. For example, the claim that COVID was ‘just like’ the common cold, the flu or SARS. Similar equations underpinned claims that since people die of all kinds of illnesses and diseases, what difference if they died from COVID? In other words, as with the nature of commodities in general, COVID’s ‘exchange-value’ came to be *abstracted* from its content (its use-value). Once robbed of its content, the virus, so free-marketeers continues, is just like those other illnesses and outbreaks that did not necessitate the suspension of the market – which, from the ideological point of view is to sole sight of modern freedom.

More callous were the claims of equivalence that extended to the exchange of COVID with human lives. Included in this way of thinking was that, *for the sake of the market*, it was both necessary and expedient to ‘exchange’ the lives of the elderly or ‘the weak’ for those of the young and ‘the strong’. Perhaps the clearest example of this (fascistic?) train of thought were the statements of Texas Lieutenant Governor, Dan Patrick,

Let’s get back to the living ... Those of us who are 70-plus, we’ll take care of ourselves, but don’t sacrifice the country. [After saying that he is not living in fear of COVID, he continued] What I’m living in fear of is what’s happening to this country. No one reached out to me and said, ‘As a senior citizen, are you willing to take a chance on your survival in exchange for keeping the America that all Americans love for your children and grandchildren?’... *If that’s the exchange, I’m all in!*[‡]

Here we come to the nub of the problem and the axis around which COVID, commodification and conspiracism turns. The exchange inherent in the commodification of COVID means not only that rights-bearing individuals are free to exchange their health for the virus, but that *they also take on the same commodity characteristics of COVID*. As with COVID, the abstract rights-bearing individual is robbed of their ‘content’ (i.e. their health, life). Just as COVID is endlessly contagious and transmissible, so too is the individual as they make the exchange of COVID a potential risk to all who come into contact with them. In other words, the nature of COVID and the nature of the rights-bearing person not only come to mimic one another, but also, understood in this way, the commodification of both virus and person means the *interchangeability* of COVID and its ‘owner’.

COVID, Commodification and Conspiracism

This last observation – the *interchangeability of COVID and its ‘owner’*, brings Adorno and Horkheimer’s concept of *mimesis* into view. In brief, *mimesis* points to the need that, in the era of universal commodification, in order to survive, once has to adopt the characteristics of the commodity (including COVID). Of itself, *mimesis* of itself does not account for

[‡] [Texas Lt. Gov. Dan Patrick suggests he, other seniors willing to die to get economy going again \(nbcnews.com\)](https://www.nbcnews.com/news/health/texas-lt-gov-dan-patrick-suggests-he-other-seniors-willing-to-die-to-get-economy-going-again-ncna107823) (accessed, 26th October 2020)

conspiracism. Rather, it is its precondition.

In this context, Dan Patrick's exhortation to *sacrifice* oneself for America – an America that, in keeping with the ideology of the free-market, reduces 'America' to a market – chimes with this concept of *mimesis* which, in turn, entails a corresponding *personal* sacrifice. This sacrifice, again following Adorno and Horkheimer, is of one's own 'use-value', one's own particularity (including one's own health). In short, it involves the sacrifice of one's own unique individuality, to accept the world (or 'America') as it is and so deny the thought or even a hint of a better life or a better way of living.

This endless pressure to sacrifice and disavow one's self cannot come without a cost. That which is sacrificed always runs the risk of an unwanted return. From the perspective of the subject, the aspect of itself that has been sacrificed returns through projection as a *threat*, not only to the subject, but also to the market. This threat is especially troubling because it comprises a part of oneself (one's health, life and the potential for an emancipated future). It is for this reason that what has had to be disavowed takes on, from the point of view of the ideology of the free-market, the character of a *taboo*; of something strictly forbidden

As we know, Adorno and Horkheimer continue by noting that to carry on living with these fundamental conflicts, the content of the taboo (in this case, the potential for a healthier, emancipated life) is *projected* onto others. Rather than accept that potential and desire as the subject's own longing, as taboo, it is projected onto what is perceived as a threatening 'other'. *In the case of COVID*, this 'other' is not only the State in the sense of institutional and public law responses to the virus through lockdown (which is now treated as a threat to the market, the sole repository of 'freedom') but also the individual's own life as a *citizen*, as a member of the State, the implications of which are not exhausted by the market's 'freedom' and the commodification it entails. In short, therefore, the State's actions in seeking to ameliorate the spread of COVID (no matter how limited – and lockdown is far from a limited response) hints at an emancipated life that exists beyond the market place. Yet, it is precisely the realm of the state, the realm of public law, the realm of a welfare state, so to speak, that under the ideology of the free market and commodification, has to be vehemently denied.

It is for these reasons, therefore, that the State comes to be the target of both hostility and of conspiracism. It is because from the perspective of the ideology of the free-market, it is Right or (to reference Hegel) life in the State as a moment of freedom that has to be disavowed, expunged and sacrificed and, ultimately projected onto 'others' (in this case, the state). In other words, from the perspectivism of *subjectivism* (of the belief that the market and its associated rights, is the sole and absolute site of freedom) the state's attempts to limit harms and preserve individual lives *at the expense of the market* appears as taboo and as so destabilizing as to be threatening to the subject.

However, before finishing, a few words need to be said about the specific form in which the conspiracism relating to COVID appears.

COVID, Conspiracism and Personification

As we have seen, the fact this this hostility is aimed at the State. And here I will explain how on more detail, how and why it takes the form of conspiracism. The first step is personification as a specific form of conspiracism that is inherent within the ideology of the free market. Personification is the notion of the projection of the radical subjectivism inherent in contemporary free-market ideology. It is the notion that the obscure and complex nature of social relations can be reduced to – and understood as – the consequence of individuals. In other words, the image of the world created by this ideology is little more than a mirror of its own subjectivism. This projection, therefore, leads to the conspiracist belief that *someone, somewhere* is responsible for the fate of the world and its inhabitants.

It is this projection onto a wider reality of a distorted subjectivism intimately connected to the free-market ideology that results in the personification inherent in much conspiracism. This accounts for the paradoxical belief that if something good happens, then it must be the result of individual effort and perseverance; but, if something bad happens, then it can only be the result of secret, malevolent powers emanating from some person or persons illegitimately and clandestinely interfering to derail the good outcome dictated by the promise of industriousness alone.

From this perspective, therefore, the complexity of the state both as an institution in its own right and in its relationship to the market is denied. The state is reduced to a singular, unitary and independent entity standing in splendid isolation and populated by malign malcontents who oppose the beautiful freedom of the market. Through this type of conspiracism COVID has brought the contours of, and added impetus to, the nature of the contemporary ideology of the free-market. However, it is relevant to note that these conspiratorial imaginings are not mere fantasies, but rather are malevolent distortions and manipulations of what the social world is actually like. The State's response to COVID - lockdown – really did interfere with the market. It really did limit freedoms and it did cause hardship for large swathes of the population. These realities give to state-targeted conspiracism an 'authenticity' in the eyes of its adherents (and beyond) that is lacking, for example, in the truly baseless fantasies that the virus is caused by 5G mobile phone masts.

For these reasons, COVID has brought into relief and amplified several, already existing 'theories' that draw on the subjectivist and personalist elements of conspiracism that claims to 'explain' lockdown and other state responses to the pandemic. One such theory is the belief that 'the state' has been hollowed out and has become the plaything of 'hostile' and 'alien' powers – that the State's own and national interests have been usurped by 'foreign' interests of the interests of a particular domestic group (or both!). More often than not, the

personification of these powers is captured through the (populist) language of 'elites' or of one specific individual representative of such elites. It is precisely for this reason that conspiracism speaks of the illegitimate actions of Bill Gates, 'Soros', 'the scientific elite', etc., etc..

A similar phenomenon, and other again that pre-existed COVID but has gained increasing currency since the pandemic, is the idea of the Deep State. Slightly different from the previous state-targeted conspiracism, the 'Deep State' alludes to the belief that the State and national democratic institutions are shams and empty vessels infiltrated and controlled by a surreptitious network of individuals who, like parasites, feed off and destroy the bodies in which they embed themselves.

The commonality of these two versions of conspiracy myths is the belief in the existence of a malevolent web of *individuals* that has either usurped or seeped into the state for no other reason than to undermine and destroy 'freedom'; in this instance, the freedom of the market which as we have seen, is treated as the sole repository and site of freedom *tout court*.

Perhaps the clearest example of these phenomena is the notion that COVID was a 'hoax'. It is believed that the 'purpose' of this hoax was to allow 'the state' the opportunity to 'finally' destroy individual freedom, understood as the freedom to own private property, exchange it on the market and related rights. Associated with this belief is the myth that COVID serves to further and complete an inescapable state surveillance of the entire population. It is these more extreme beliefs that account for the idea that the vaccine was given a prime role by the state because it is said to include a microchip of one kind or another.

However, there was a more populist and recent iteration of this type of conspiracism, even though it stops short of the notion of a 'hoax'. This was President Trump's claim that the clandestine operations of the Deep State, including, *inter alia*, 'Big Pharma', federal scientific advisors, various State departments and the Democratic Party, jointly and severally, have conspired to hold back the release of a vaccine so as to deprive both 'the people' and its President of a second Trump term. In this account, lockdown and other State sanctioned restrictions are only a foretaste of the damage 'the State', now in the hands of usurpers, is said to have in store for the fate of individual freedoms.

Conclusion

In this presentation, I have identified a confluence of factors that help us to understand the emergence of conspiracy theories relating to the conflict between lockdown and the market. In free market ideology, the rights-bearing individual, reduced to the status of a commodity and driven by subjectivism, is understood solely by their relationship to the market. In this ideology, COVID appears as simply one 'good' or 'commodity' among others, where the meaning of private rights entails sacrifice, including of health and of life. Any attempt by the State to ameliorate such sacrifice is treated as no more than a violation of rights by

malevolent individual forces, whose purpose is not seen to be providing for improved health and the general public good, but rather to threaten freedom. [contains a threat to life itself.??]

Just as in social terms, the pandemic, lockdown and related measures have made visible that which had been 'invisible' (inequality in housing, domestic abuse, racial inequalities, poverty, etc.), so too have they made visible a way of 'thinking' that is, historically speaking, far from new. After all, the conflict or rather tension between individual, market and State has been present since the birth of the modern nation-state. However, what strikes me as novel is that the spokespersons for this anti-state conspiracism are not, as in the past, political and social outliers. Instead, they are embodiments of the state, such as Presidents Trump and Bolsonaro. It is equally noteworthy that such opposition to the State's response to COVID is not a *rejection* of the language of rights *in toto*, but is articulated through the language of *private rights as if they were the only expression of freedom in the structures of Right*.

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