

KNOCKING DOWN THE PILLARS OF DEMOCRACY IN EUROPE: POLITICISATION OF SCIENCE AND LAW IN RESPONSE DURING COVID-19

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Abstract

The European Parliament has stressed on numerous occasions in public documents and speeches its non-conditional support for the principles of democracy, the rule of law, good governance, respect for human rights and fundamental freedoms. Yet as the pandemic has developed these principles have not been defended by various member states of the EU, being traded for public health and public good. This presentation seeks to critically analyse the content of key rhetoric and narratives from the outbreak of the pandemic until the present time through public statements that shall be contrasted against the “unconditional principles” above within the theoretical frame of Situational Crisis Communication Theory. Attention shall be paid to key political officials and understand the role of mainstream mass media and social media as gatekeepers of the orthodoxy of knowledge established. Orthodoxy of knowledge is group consensus on defining and constructing ‘realities’ in the physical realm, even when the consensus is coerced. Given the increasing lack of scientific debate, which is a fundamental element of good scientific practice, and the use of heavy handed and largely unsuccessful responses to the virus (such as lockdowns, vax passports and vaccination campaigns), Europe (not only) is in a precarious position in terms of its societal principles and practice. Crisis management is expediently rushed through face of fear and time constraint based upon a lack of consideration for the consequences and long-term effects, some of which are already emerging but being silenced. Hence a creeping crisis of significant psychological and physical impact is in the making.

Keywords: democracy, crisis communication, COVID-19, politicisation, rule of law, risk and hazard

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Introduction

The intention and purpose of this article is to serve as a limited review of the development of dilemmas and contradictions that began to appear in the official response to the COVID-19 pandemic in the European Union that resulted in the decades long underlying values espoused with the accusation of the politicisation of science and law. Every crisis that affects society creates disruption and distress to those affected, no matter the nature of the crisis, and running parallel to the physical crisis is a crisis of information that must be considered and needs to be understood (Ogrizek & Guillery, 1997). This was clearly seen in historical health crises, such as SARS as the first pandemic of the 21st century that originated in China and began to spread internationally leaving a trail of disruption and fear in its wake (Olsson & Xue, 2012). Often in every crisis there is a dilemma that results from opportunity costs and trade-offs within the context of managing the source of risk and threat. How these trade-offs and opportunity costs are managed and conducted in a crisis, such as the current COVID-19 pandemic, is very telling and revealing about the relations between the governed and the governors where word and deed can create a sense of dissonance between the constructed and physical reality.

This review article is taken at a point in time at the height of the crisis, the many uncertainties and unknowns present, such as the full extent of the effects and consequences of both the coronavirus and the countermeasures untaken (such as the vaccine programme). A lot of words and deeds were done in the name of ‘the science’ and ‘the law’, which were not always scientific or lawful, although they were

contested. It was a matter of choice to define (active stance) or be defined (passive stance) by this crisis situation, to be an object or a subject of circumstances. The official (government) hegemonic narrative at the time invoked the idea of collective responsibility that was dictated from above in the names of law and science, which was challenged from below (segment of public) by a narrative that stressed a need to respect for individual human rights and the sanctity of the rule of law (key pillars and slogans of the European Union's brand). Therefore, the binary arguments of collective security through an imposed duty versus individual security through personal responsibility and conscience.

Often the European Union (EU) projects itself to the outside world as an ideal form of benevolent governance based upon a set of rules and values that can never be compromised and should be emulated (Zamfir & Dobрева, 2019). However, the (mis)management of the current COVID-19 pandemic has revealed numerous inconsistencies and contradictions between written and spoken word and practiced deeds. A great deal of hyper-politicization of all aspects of nominally 'democratic' society is being observed, including the selective use of politicised science by key political figures from within the EU and its core member states. This review paper concerns interpreting and evaluating the COVID-19 related crisis communications narratives of leading political figures within the European Union. The research question is whether Situational Crisis Communications Theory can be used explain the context of enforcing value trade-offs on publics?

This paper begins with a section on the role of value conflicts in crises and the effects of knowledge on the process. Then the next section gives an overview of the definition and role of Situational Crisis Communication Theory as the lens for understanding communication strategies in a crisis. Following this section, the method approach applied to the data is explained. This leads to the next section that involves the case study of the EU's communication strategy towards the COVID-19 pandemic and the vaccination campaigns, which has created value dilemmas and crises within a crisis.

Value Conflicts and Crises: Effects of Knowledge

There are multiple definitions and interpretations of a crisis and what it entails. There is agreement that crises are extraordinary events that bring with them disruption to the normal functioning of an affected society. In order for a disruptive event to be defined as a crisis there needs to be three simultaneously occurring elements or components at play: 1) *A threat to values* (life, safety, security, health, property, political or social system, and etc.); 2) *presence of uncertainty* (not known what shall happen next, and when); and 3) a *sense of urgency* (the longer a crisis event endures the more damage is inflicted) (Boin, 't Hart, Stern & Sundelius, 2005, pp. 2-3). Within the context of this present article, the most relevant component is the first one, the threat to values.

During times of crisis, a dilemma can be created or engineered where victims are presented with the stark choice of an opportunity cost, where they are forced to trade one value to be sacrificed for another value to be saved. Svedin (2012) details such examples, both theoretically and practically, where decision makers and practitioners engage in value judgements and value trade-offs. When these judgements are not exercised with care or done with malice, ignoring key ethical and moral aspects there is a tendency to increase the level of public distrust towards politicians and public authorities. There is a clear role played by knowledge in shaping public perception and expectations, where a constructed orthodoxy of knowledge can be used to engineer public consent. Orthodoxy of knowledge is a consensus-based approach to defining 'reality' through influencing and dominating the prevailing public narratives through various forms of persuasion (Simons, 2021a). Hence, the engineering of the public consent is carried out through the information realm as a means of shaping the cognitive realm of the target audience.

Trade-offs and opportunity costs are not new and have been a recurrent theme through the recorded history of man. There have also been warnings concerning making these bargains, and exercising of caution when thinking of doing so. Especially when emotional collective logic overtakes rational individual logic, when an individual is more likely to be a subject and not an object of events. There are academics

that advocate that communication in the COVID-19 crisis should be making use of the “insights from the social and behavioural sciences can be used to help align human behaviour with the recommendations of epidemiologists and public health experts” (Van Bavel et al., 2020, p. 460). To coerce compliance, there is the suggestion to use communications that instil a sense of fear among the target audience. “The behaviour of individuals living communities is regulated by moral norms and values. People who do what is ‘right’ are respected and publicly admired, while those who do what is ‘wrong’ are devalued and socially excluded. These mechanisms of social enforcement encourage people to embrace and internalize shared guidelines, making them motivated to do what is right while avoiding behaviours that seem wrong, and do not rely on legal agreements and formal sanctions” (Van Bavel et al., 2020, p. 465). Benjamin Franklin once warned that those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety. This is highly evident in the value trade-offs and opportunity costs being demanded of the publics of the world by their governments within the context of the COVID-19 crisis.

The EU’s slogans on its central and non-negotiable values and norms that identify its constructed reputational idea of an ideal society, which it exports to countries beyond its borders include strict adherence to the fundamental principles of democracy, which include: the rule of law, good governance, respect for human rights and fundamental freedoms (Zamfir & Dobрева, 2019, p. 10). These political slogans and values are also supplemented by legal or ethical frameworks, where many of these current democratic values and norms were envisioned and established in the wake of collective traumatic crisis events in the recent past. One of the most fundamental expressions of this is the Nuremberg Code that was established in August 1947, serving as the most important document in the history of ethics of medical research in the wake of the inhuman coerced medical experiments conducted by Nazi doctors. The Code includes the absolute necessity of voluntary consent by the human subject, the need for sufficient testing and safeguards for subject safety from possible harm and injury, ten very clearly articulated points (Shuster, 1997). However, these various foundations of a democratic society have been largely ignored or circumvented in the context of the COVID-19 pandemic, where extraordinary circumstances have been used to override the value and normative basis of what defines a just democratic society.

Situational Crisis Communication Theory

The COVID-19 Pandemic has been defined as being a global crisis, which has wide ranging and profound effects (Janssen & Van der Voort, 2020; Powell & King-Hill, 2021). Crises and their management are not some dry and isolated academic definition, but involves political conceptualisation through policy, which is guided by the accumulated experience and wisdom of operational practice. This means that the previous experience and interpretation of crises influences and informs the academic, political and practitioner approach to present and future crises (Porfiriev & Simons, 2016). This can create the situation and a context, where it is possible to not only learn the ‘correct’ lessons, but also to draw false or misleading conclusions as well. It can lead to the creation of an orthodoxy of knowledge that may not be valid or reliable, hence increasing the possibility of applying incorrect or problematic solutions to the ‘wrong’ crisis problem.

Any crisis situation that occurs in the physical realm also runs the risk of a parallel crisis occurring in the information realm. This also includes the role and influence of past crises on the presently occurring crises. Situational Crisis Communication Theory (SCCT) stipulates, “information about past crises is a significant factor that can affect perceptions of a more recent crisis” (Coombs, 2004, p. 269). This leads to a two-step process of assessing the crisis threat. The first step involves creating the crisis type or frame: natural disaster, rumour, product tampering, workplace violence, challenges, technical error product recall, technical error accident and so forth. After the crisis type has been established, the next step is to attribute crisis responsibility: victim, accidental and intentional (Coombs, 2004, p. 269; Cheng, 2018, p. 60; Ham & Kim, 2019, pp. 354-355). This forms the basis of the crisis narrative, which includes the aspects and attributes of crisis history, stakeholders’ relationship history, and the severity of damage and disruption caused by the crisis event (Coombs, 2004, pp. 270-271). Managing crisis communications is important as their mismanagement can exacerbate the severity of a crisis event and prolong its duration.

When amid a crisis, certain categories or domains of topics and activities need to be monitored and given due attention. Previous health crisis communication research with the lessons drawn from it, indicate five vital domains that form the basis of a crisis communications approach (Jong, 2020, pp. 966-967). These domains are: 1) Sense making in times of crisis; 2) Public leadership in times of crisis; 3) Public health professionals; 4) Interaction with stakeholders; and 5) Instructions to the public. The domains of the most interest and relevance to this article are one, two, three and five. When these domains are considered in conjunction with the two-stage process of assessing a crisis threat within the framework of SCCT, the combination can reveal the use of obstructive reputation management of the 'non-compliant' segments of the population as a means of social coercion to conform by the political leaders' politicisation of science.

Methodology

This paper intends to present a single case, which involves discussions on the alleged politicisation of science and law in the official governmental responses to the COVID-19 pandemic in Europe. Therefore, the results derived need to be understood as being indicative and not generalisable in nature. Rather than undertaking a large-N data scraping experiment from mainstream media sources and conduct a quantitative approach that yields a generalisable result, the intention is to undertake a qualitative approach of a limited select literature sources where the discussions of the article's focus take place. Several benefits exist in using deductive reasoning in a qualitative approach for an indicative result by seeking understanding through interpreting processes and meanings, using a theoretically based concept, and describing the phenomena in context (Silverman, 2020, p. 6). The assumed characteristic of qualitative research is that it makes use of words, involves the study of a case, concerned with meanings and induces a hypothesis from the resulting data (Silverman, 2020, p. 7). The present work is intended to serve as a limited review article of the dilemmas and contradictions that are inherent in an example of crisis management where a trade-off occurs in the form of some liberties that are 'given' in exchange for the perception of security – the pillars of European democracy being eroded through the politicisation of science and law in response to the Pandemic.

There are different methods for interpreting the environment of the political and social human world around us, for example, through the lived experience of phenomenology. Although, this case is interpreting and analysing text, which can be done using agenda setting or framing. But this article seeks to bring understanding to the underlying power relations that are achieved through the critical qualitative approach to discourse that is offered by Critical Discourse Analysis. The collected empirical materials from mass media sources were interpreted with the use of Critical Discourse Analysis (CDA), which employs a critical dimension in the theoretical and descriptive analyses and evaluations of those texts seen through the power relations that are revealed by the inequalities in the use and access to language (Kress, 1990; Fairclough 1993; Van Dijk, 1993; Blommaert & Bulcaen, 2000). It is informed by the inherent embedded relationship between discourse and political power that is derived through meaning "as constructed during production or comprehension, is liable to embody opinions that derive from underlying ideologies" (Van Dijk, 1995, p. 283). This includes the use of deceptive or misleading language that intends to assign moral or ethical judgement and a delineation between the 'good' (compliant) and the 'bad' (non-compliant) that simultaneously intends to empower the good and disempower the bad. "We found that manipulation involves: enhancing the power, moral superiority and credibility of the speaker(s), and discrediting dissidents, while vilifying the Others, the enemy; the use of emotional appeals; and adducing seemingly irrefutable proofs of one's beliefs and reasons" (Van Dijk, 2006, p. 380). Certain shortfalls and neglected aspects of language and its politicisation have been noted by Van Dijk (1995, p. 284), who noted the need "to attend to the ideological basis of phonological and graphical expressions, syntax, style, rhetoric, pragmatic properties and interactional dimensions of discourse." Furthermore, Blommaert and Bulcaen (2000, p. 461) state that a further weakness of CDA is the overly linguistic outlook that prevents it from incorporating linguistic and non-linguistic dimensions of semiosis. These aspects mentioned above are communicated through mass media communications, where Johnson (2018) notes that the power of

media in the information age influence the access to events and how they are perceived, which tends to result in the formation of a dominant interpretive framework.

Discourse was selected, analysed and interpreted from select documents drawn from open source official governmental and pan-governmental sites (such as the European Commission) and mass media reporting that focuses on the scientific and legal discussions of European political leaders (von der Leyen, Macron and Merkel) during the COVID-19 response. There is a specific interest in understanding how the mass media coverage of official policy and publicly articulated stances tended to be uncritical by not holding the politically powerful to account through bringing transparency and accountability, which is expected of a functional and viable fourth estate within the environment of liberal democracy. Searches were conducted on open-source materials by using key words as: 'unvaccinated', 'zero covid', 'lockdown' with the names von der Leyen, Macron and Merkel. By examining and analysing whether the mass media challenges or amplifies the discourse of these influential European political figures it is possible to deduce whether mass media was acting in public interest by holding the authorities to account or acting in the interests of the politically powerful if they amplify without interpretation the official discourse.

Coronavirus and Crises Within a Crisis

The data for this section was drawn from online open access news media sources, namely selected public speeches and commentary from influential and leading political actors from EU member states (namely France's Emmanuel Macron and Germany's Angela Merkel) and EU institutions (namely Ursula von der Leyen) on the matter of public policy measures against the spread of the Coronavirus, including lockdowns, vaccine passports and vaccination. These sources are drawn in the period of the pandemic crisis from March 2020 until the end of the calendar year of 2021. The results are to be considered as being indicative of the prevailing political attitudes and policy responses to the pandemic and public reaction to the measures.

Before presenting and analysing the collected materials, a baseline needs to be established with respect to how key scientific and legal aspects are defined and measured academically, operationally and legally. The intention is to provide background context to the open materials and to serve as a measure for detecting signs of the politicisation of science and the law. As an initial step in the case study, it is necessary to understand the context of the political response and public reaction, which has its origins in the orthodoxy of knowledge created by the politicisation of the science on COVID-19. There are a bewildering variety of measures of risk and threat used to determine the danger posed in health crises. The Infection Rate (IR) – how quickly the pathogen spreads; Infection Fatality Ratio (IFR) – those infected by the pathogen that die **OF** the pathogen; Case Fatality Ratio (CFR) - those infected by the pathogen that die **WITH** the pathogen (WHO, 2020). The CFR or IR are commonly used as measures of the COVID-19 threat, the numbers are much greater, and the threat seems scarier than if the more standardly used IFR was used. In fact, some scientific research has found that there is not a significant difference in the death rates of COVID-19 and strains of seasonal influenza (Gotzsche, 2020). In addition to increasing fear among the public through elevating and personalising the perception of threat, the tactic of publicly rewarding compliance and punishing dissent has been used.

The collective memory of historical health crises has been used in mass media and political communications, often in a misinformed manner, but one that has influenced the perceptions and reactions of stakeholders (Simons, 2021b), and hence impacting situational crisis communications and policy. In line with the writing of Van Bavel and others (2020), communications sanctions compliance with lockdowns and vaccinations and punishes those that do not comply and question the orthodoxy of knowledge slogan of "following the science." Those who comply are permitted to be members of society (so long as they continue to comply) and those that challenge the official line become 'contagions' and hazards to society and are excluded from mainstream society, subject to character assassination in mainstream media and are banned from social media (Attwell et al., 2021). This includes leading public

figures and scientists, such as the expert in mRNA technology, Dr Robert Malone and others being deplatformed and cancelled from social media and ignored or attacked by mainstream media. Different classes then begin to emerge in supposedly democratic societies that have legal, social and economic implications, even if the legal basis is not clear and done with the selective use of historical precedent to justify or legitimize, that which is morally or ethically dubious (Wier, 2021). The effect is to attempt to shut out contradictory information via different forms of censorship, to retain information domain narrative dominance and therefore keep the orthodoxy of knowledge intact. The selected quotes to follow shall illustrate the context material above as well as links to relevant academic concepts and theory.

Discourse on the Scientific and Legal Response to COVID-19 in the EU

Discourse is an important, if not highly abused tool of communication that brings definition and meaning to people, places, events, trends and processes being interpreted and represented in our information and cognitive domains. Defining the environment creates physical and psychological reactions by those exposed to that discourse, where people will react to what they believe to be true and not necessarily what is true. This is highly important to consider, especially within the context of uncertainty and risk that is inherent in the association of a crisis.

The head of the European Commission, “Ursula von der Leyen said vaccines would be crucial in the fight against the “highly contagious” new variant.”⁴² She even called for EU member states to consider mandatory vaccination against the latest COVID-19 variant, even though it has been rated as contagious and not deadly. The emphasis is placed on the infection rate and not the case fatality rate, but the implied meaning is that this ‘new’ crisis is a matter of life or mass death, which is presented in a non-scientific manner that has potential legal implications as the potential mandatory vaccination as this goes against specific legal codes. Not to mention the fact that the long-term effects of vaccines are not known,⁴³ their effectiveness is far less than originally thought (not even preventing transmission or contagion), and the increasing death and injury toll from the vaccines (Yellow Card Reporting System in UK, VAERS in US),⁴⁴ where the drug companies have no legal liability for those deaths and injuries⁴⁵ with a ‘product’ that is described as being in trial phase in company vaccine information in contradiction to the mainstream media and politicians claiming it to be proven and safe. The implications are an abandoning of the Nuremberg Code, which ‘fact checkers’ are trying to deny that is breaking the code with the argument the vaccines are not experimental (in contradiction to product labelling), and they are tested and safe.⁴⁶ In subsequent public speeches, she has emphasized the IR through the number of cases and also the so-called duty of people to get vaccinated,⁴⁷ therefore engineering public perception and behaviour through selective and subjective means of interpretation and presentation of medical data. Those ‘bad’ non-compliant segments of society that freely choose not to be vaccinated or boosted are treated as a contagion that needs to be

⁴² COVID Omicron: Time to Consider Mandatory Jabs, EU Chief Says, BBC, <https://www.bbc.com/news/world-europe-59497462>, 1 December 2021 (accessed 18 January 2022).

⁴³ For known side effects see manufacturer's information on mRNA vaccine here <https://www.fda.gov/ph/wp-content/uploads/2021/11/Pfizer-BioNTech-and-Comirnaty-Product-Information-for-vaccine-recipient.pdf>. The Pfizer clinical protocol can be found here https://cdn.pfizer.com/pfizercom/2020-11/C4591001_Clinical_Protocol_Nov2020.pdf.

⁴⁴ There are various national databases, for example, see <https://health-infobase.canada.ca/covid-19/vaccine-safety/>.

⁴⁵ See <https://www.reuters.com/legal/government/covid-vaccine-injury-claims-mount-recourse-is-lacking-those-harmed-2021-10-19/> for example.

⁴⁶ Reuters Fact Check, *Fact Check-EU's von der Leyen did not call for abandonment of Nuremberg Code*. Reuters, <https://www.reuters.com/article/factcheck-nuremberg-falsevonderleyen-idUSL1N2ST26Y>, 8 December 2021 (accessed 19 January 2022). There are financial and personnel links between the pharmaceutical giant Pfizer and Reuters, for example https://www.pfizer.com/people/leadership/board_of_directors/james_smith.

⁴⁷ *Speech by President von der Leyen at the European Parliament Plenary on the preparation of the European Council and EU's response to the global resurgence of COVID-19*, European Commission, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_6902, 15 December 2021 (accessed 19 January 2022).

somehow 'cured' as they are a threat to society, referring to the situation as "a pandemic of unvaccinated."⁴⁸ This politicizes both the science of the pandemic and the crisis itself by framing the unvaccinated and unboosted as an 'other' group and rhetorically detaching them from society, creating segregation at a point in time when unity is needed most. There is clear deeply embedded subjective ethical, moral, legal and power judgements in the discourse, where a multi-tier level of citizenry is created and not all citizens are treated equally based on their medical status. An extrajudicial division of society is created that lacks a legitimate scientific or legal basis, where those who choose 'medical autonomy' are singled out for sanctions and exclusion from those that choose or are coerced to comply. This flies in the face of the EU's often stated value informed pillars of their liberal democracy of democracy, rule of law and respect for human rights.

The French President, Emmanuel Macron, is also an ardent supporter and enforcer for lockdowns, vaccine passports and vaccination in contradiction to the European Parliament's (Zamfir & Dobрева, 2019) identified essential elements in a democratic society. In an interview with the newspaper *Le Parisien*, Macron stated "the unvaccinated, I really want to piss them off (in French - *emmerder*). And so, we're going to continue doing so until the end. That's the strategy."⁴⁹ Even though Macron states he does not want to force vaccinations, the process is far from being democratic and based upon gaining the informed consent of French citizens. In March 2021, Macron announced France's third COVID-19 induced lockdown, stating that the COVID-19 "variant was creating 'a pandemic inside a pandemic' that was more 'contagious' and 'more deadly.'"⁵⁰ Macron was using selective information to induce fear and compliance to public instructions, for example the CFR and IR being conflated with more deadly to influence the audience sense making of the crisis. This also ignores the fact that the tactic of lockdown has proven to be unsuccessful as a means of managing the strategy. Furthermore, excessive police force has been used in France against citizens wishing to express their fundamental rights to freedom of expression and speech.⁵¹ Macron has a track record of dismissing the concerns of those opposed to vaccine passports and mandatory vaccinations, referring to them as being "irresponsible" and "selfish"⁵² rather than offering valid and convincing scientific-based arguments. This is flying in the face of the EU's slogans on the fundamental values and norms for a democracy. Macron's discourse is open and frank about the intent to create unlawful and non-scientific categories of 'good' (compliant) and 'bad' (non-compliant) citizens, which is the basis to empower one group and to simultaneously disempower the other. The effect is to enhance the power of the head of the French state through enhancing their personal power based on the façade of supposed moral/ethical superiority that is derived from a citizen's personal medical status. The emotionally stressful use of fear and uncertainty in the context of a crisis is invoked on the reasoned logic that extraordinary times call for extraordinary measures, which disregards scientific and legal orthodoxy. Furthermore, as with von der Leyen, Macron is not held to account by the mass media, rather he is enabled.

Germany's former chancellor, Angela Merkel, also took a strong public stance on managing the pandemic crisis that displayed the already familiar pattern of value trade-offs based upon an orthodoxy of knowledge that informed the crisis communication along the five domains identified by Jong (2020). The results of

⁴⁸ Herszelnhorn, D. M., *Von der Leyen sees 'Pandemic of the Unvaccinated'*, Politico, <https://www.politico.eu/article/von-der-leyen-pandemic-vaccine-unvaccinated-coronavirus-fourth-wave/>, 23 November 2021 (accessed 20 January 2022).

⁴⁹ *Macron's vow to 'piss off' the unvaccinated sparks outrage*, France 24, <https://www.france24.com/en/france/20220105-macron-says-he-wants-to-piss-off-france-s-unvaccinated>, 5 January 2022 (accessed 20 January 2022).

⁵⁰ *Coronavirus: French President Emmanuel Macron extends lockdown nationwide*, DW, <https://www.dw.com/en/coronavirus-french-president-emmanuel-macron-extends-lockdown-nationwide/a-57068692>, 31 March 2021 (accessed 20 January 2022).

⁵¹ Broe, D., *France bans citizens from filming and identifying violent police officers*, People's World, <https://www.peoplesworld.org/article/france-bans-citizens-from-filming-and-identifying-violent-police-officers/>, 25 November 2020 (accessed 21 January 2022).

⁵² Thompson, H., *Macron to Covid anti-vaxxers: Freedom relies on reciprocal duty*, The Connexion, <https://www.connexionfrance.com/French-news/Macron-to-Covid-anti-vaxxers-Freedom-relies-on-reciprocal-duty>, 26 July 2021 (accessed 21 January 2022).

implementing her pandemic strategy were to trade civil rights and liberties for the false promise of health security. The policy debates on mitigating the pandemic were binary and lacking nuanced thinking or approaches, such as the proposal of zero COVID,⁵³ a medical feat that has never been achieved in human history. Extreme policy options will gradually incur a gradually increasing level of public resistance and state coercion to enforce, where police in Germany have been documented as inflicting excessive force on protestors against the endless cycle of pandemic measures.⁵⁴ While the protestors are characterised as being violent and extremist in nature rather than having legitimate concerns by the mainstream media,⁵⁵ the post WWII German constitution expressly permits the unalienable right of German citizens to protest. In line with the reasoning and approach of Van Bavel (et al., 2020), Germany is one of the countries that created a tiered system of citizens where 'jabbed' citizens had the illusion of having more rights than those not vaccinated.⁵⁶ This was a means of coercing citizens to get vaccinated and not securing informed consent as per the Nuremberg Code's requirements. Even though Merkel refrained from the crude rhetoric and insults employed by Macron, she did threaten to create a tiered society where categories of compliant ('good') and non-compliant ('bad') citizens are created, with differing levels of freedoms and rights.⁵⁷ Given Germany's recent history, it would be an appalling idea to move forward with the plans, which may act of a form of psychological constraint on the authorities at that point. In a similar vein as the other two political figures, Merkel is permitted by the mass media to propose an unscientific and unlawful basis for the public to accept, without public debate on the merits of the pros and cons. The contradictions with the existing legal framework are not challenged by the mass media nor is the much-vaunted ambition zero-COVID-19 in Germany, which is something that has never been scientifically achieved or even considered to be feasible. The common pattern of disempowering and disenfranchising the 'bad' non-compliant based on their democratic and legal right as a means of coercion and punitive punishment is demonstrated once more.

Across the three examples given, the selected political figures and mass media outlets were in a leading position in the sense making efforts of the COVID-19 Pandemic crisis, which was assisted by the deliberate and targeted exclusion of voices that diverged or challenged the official discourse. An emotional discourse was used shame or the threat of exclusion or punitive punishment to coerce compliance with what were unscientific and unlawful edicts, where the operationalised cognitive aspects of fear and shame featured prominently. All three political figures attempted to use the crisis to highlight and signal their public leadership in times of a crisis. Although, the modus operandi was guided by the principles of the politicisation of a crisis where the facade of being seen to be doing something rather than applying the scientifically and legally correct measure held sway. Only public health professionals that agreed with the discourse of the official line played a role and those that did not join the political consensus were excluded on ideological grounds, such as Dr Robert Malone (associated with the development of the MRNA discovery) and others that had a long history in working at high levels in the public health sector. Interaction with the stakeholders by the European political leaders and mass media outlets was transactional, displaying an asymmetrical imbalance of influence and power dynamics, especially with

⁵³ Kickbusch, I. & Mayer, M., "No-COVID" Germany: Launching a Policy Debate in a Complex Political Environment: This new strategy proposal adheres to the principle that every infection is one too many, Thinking Global, <https://www.thinkglobalhealth.org/article/no-covid-germany-launching-policy-debate-complex-political-environment>, 9 February 2021 (accessed 21 January 2022).

⁵⁴ UN concerned over police violence in Germany: UN special rapporteur says use of excessive force against demonstrators 'absolutely unacceptable', Anadolu Agency, <https://www.aa.com.tr/en/world/un-concerned-over-police-violence-in-germany/2326928>, 6 August 2021 (accessed 21 January 2022).

⁵⁵ Källgren, J., Concern in Germany over radical elements at COVID restrictions protest, Euronews, <https://www.euronews.com/2022/01/11/concern-in-germany-over-radical-elements-at-covid-restrictions-protest>, 11 January 2022 (accessed 21 January 2022).

⁵⁶ Less freedom for the unvaccinated, Merkel's top aide warns, DW, <https://www.dw.com/en/less-freedom-for-the-unvaccinated-merkels-top-aide-warns/a-58630790>, 25 July 2021 (accessed 21 January 2022).

⁵⁷ Scally, D., Germans refusing vaccination may face penalties, Merkel says, Irish Times, <https://www.irishtimes.com/news/world/europe/germans-refusing-vaccination-may-face-penalties-merkel-says-1.4474519>, 2 February 2021 (accessed 21 January 2022).

stakeholders that challenged or did not comply with the demands of the official discourse. The instructions to the public consisted of dictates that were driven using fear to create a herd mentality, which included a strong element of coercion to incentivise compliance and disincentivise non-compliance by creating artificial power inequalities in society on the basis of pseudo-scientific and extrajudicial means.

Conclusion

A research question posed in the introduction of this paper asked Can Situational Crisis Communications Theory (SCCT) be used explain the context of enforcing value trade-offs on publics? The reactions of crisis managers and communicators across the EU (and the wider world) in their (mis)management of the current COVID-19 pandemic demonstrate that it plays a role. This is especially evident in the five vital domains that were identified by Jong (2020). SCCT informs the approach used by governments and agencies in assessing the crisis threat, one that has been making use of flawed scientific means that has resulted in the perception of highly communicable and highly deadly virus that has disrupted all aspects of human life and activity. However, even though the virus is contagious, its IFR is low and not comparable to the historical precedents such as the Spanish flu or Black Death. The fact that many people have been conditioned in to fear and/or compliance is an illustration of the role played by the information and knowledge that has been manufactured to engineer public consent and to accept value trade-offs and opportunity costs that disadvantage the many and greatly benefit a narrow few (Simons, 2021c). This has been achieved through the careful cultivation of an orthodoxy of knowledge that has supported the pandemic measures that have effectively forced the public to accept the loss of liberty in exchange for a false sense of security in the short term. This situation is beginning to change as the vicious cycles where the fundamental rights and freedoms trumpeted by the EU, aggressively exported, but conveniently forgotten during extraordinary times in Europe, is meeting greater public resistance and pushback.

The historical legacy of values, norms, legal and ethical frameworks were forgotten by the public in their collective fear and ignored by politicians exploiting the herd mentality. One example is the rapid development of the vaccine that defied all scientific and legal orthodoxy of democratic society in terms of its development to the mandatory vaccination programmes, given the unknown risks of side effects and unintended consequences. There has been a tendency by the political leaders examined in this paper, to use the deceptive and manipulative communication tactics outlined by Van Bavel (et al., 2020). Where different tiers have been created in society based upon medical status, which have a very questionable and dubious legal and ethical basis. However, creating a herd mentality through fear and coercion has in the short-term, created a compliant mass citizenry that is acting against their objective interests. The image and imagination of an almighty threat to human life primed many to comply, in the context of an incremental societal fear of death over time, even though life and history dictates this outcome is inevitable for us all in the very end as the cycle of life.

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