

COVID-19 measures and the consequences of them on democracy from a libertarian point of view



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Abstract

The paper offers a critical view on the legitimacy of measures put forward by the Norwegian government during the COVID-19 pandemic, and how they have affected the individual liberty. It questions the level of power to the state, and how it can be avoided that the government gains too much power. The paper has a libertarian approach due to its consideration in individual liberty. The thesis tries to answer the following question: How have the measures during the COVID-19 pandemic influenced democracy?

The measure on closing the borders is central in the discussion, and how this affects the individual liberty. Furthermore, whether the choice of prioritization of protection of citizens have been the most expedient, and how another way could be more effective is discussed. Also, discussion on how it would be wise to follow measures now, in order to prevent too much power to the government is presented. A definitive answer to the research question is not given because the pandemic is still ongoing. But, from a libertarian point of view, the measures have not been legitimate, hence democracy has taken damage. On the contrary, from a democratic point of view the measures has been initiated in order to protect citizens, which has been successful to a certain degree, hence the democracy has not taken damage. The paper is meant to put forward a message on the importance of being critical to government decisions.

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1.0 Introduction

The 12th of March 2020, a day after the World Health Organization announced that the situation was considered a pandemic (World Health Organization, 2020), the prime minister of Norway, Erna Solberg, broadcasted that today the most restrictive and intrusive measures ever initiated in peacetime would become reality due to Coronavirus Disease (COVID-19). Over the following hour she explained in detail the measures that would apply for the following weeks. Including them was, those who could work from home was ordered to do so, schools closed in order to plan new routines, as did the kindergartens. Unnecessary travel was not recommended, hugging and handshakes was recommended to be kept at a minimum and there was initiated a recommendation on keeping a distance of 1 meter to everyone who was not living in the same house. The latter also being the recommendation for social contact.

As the pandemic has developed, new measures have been initiated, repealed, reinitiated, and this is the storyline for the last year. The government has investigated the possibility for a curfew, then decided that it was not necessary. New recommendations, punishments, and injunctions have been developed. Every rule can be found in the COVID-19 regulation, an evidence on how fast the government can put together a judicial document in order to make citizens responsible for their actions. A written document which can be used to punish citizens if they execute their right to freedom. It is also evidence on how much power the government has if the situation is pressing. Questioning the legitimacy of the measures is important due to this expression of power. According to John Stuart Mill (2009), human beings owe it to each other to help distinguish the better from the worse, and encouragement to choose the former and avoid the latter. Is a world with measures better than a world without measures?

How does it affect democracy if individual liberty is violated? As long as the restriction to freedom is voluntary, it is hard to argue that anything has been violated. But because most of Norwegian citizens trust the Norwegian government, very few people are opposing the measures. Not because they are ignorant or uninformed, but because they trust that government decisions are what serves the common good and themselves. Hence, the discussion is considered an important one. This opens up questions of power abuse, is the government abusing its power? To what extent is it permissible for the government to put

restrictions on citizens' lives? How much should individuals sacrifice for the common good?

Liberty is the main focus in this thesis, and thus it is natural to look at libertarianism as the main theory for supporting the arguments. The thesis investigates how the measures have affected individual freedom and the consequences it has on democracy. Keep in mind, that it is meant to enlighten liberty and the importance of individual freedom to citizens, and the value of it in a democracy. And is not a discussion on how the pandemic could have been handled differently regarding choice of strategy, but on the measures and the consequences of them. Because of the high level of trust, we (Norwegian citizens) are less able to acknowledge possible violations towards our liberty (Inglehart & Welzel, 2005). Citizens trust the government, but does the government have trust in its citizens?

The thesis begins with a theory section offering an introduction to main scholars in liberal theories, libertarianism and the value of liberty and civil rights, including what kind of government libertarians usually accept, followed by the main thoughts of Robert Nozick's argument for a minimal state. The discussion begins with an imagination of how a world without measures would look like, followed by some of the consequences the measures has had. In this line of thought, a discussion of how the travel ban and closed borders has affected individual liberty is presented. The discussion moves into how the government has been able to protect their citizens, and the concerns around the government gaining too much power, and how that can be avoided. Towards the end a collective answer to the questions posed throughout the thesis is presented, although not given a definite answer due to the nature of the thesis being motivated by concern for the individual liberty and the importance of being critical to government decisions.

The research question is as follows:

How have the measures during the COVID-19 pandemic influenced democracy?

1.1 Methodology

To investigate these questions a theoretical approach has been used. In order to find relevant information, the curriculum of the Political theory course in the bachelor's degree in Political science has been thoroughly looked over. Due to the limit and space of the thesis, one theory was chosen in order to support the argument. The paper focuses on the individual liberty and how it has been affected during the pandemic, thus libertarianism was a natural choice. This theory favours individual liberty over the society and makes

several arguments as to why it is illegitimate for a state to intervene unless it is to prevent violation of the individual liberty. In this line of thought, Robert Nozick's argument for a minimal state has been introduced and implemented in the discussion as well as a general libertarian perspective. Other theorists you will encounter are John Locke, Thomas Hobbes, John Stuart Mill, Will Kymlicka and Jason Brennan due to their work in political theory.

It is not possible to take into consideration every aspect of the measures, hence it was decided to use one measure as the main point of the discussion to be able to make a reflected and thorough argument. Closing the borders and the travel ban has been the main measure of investigation for the argument. Another important case for the paper has been whether the choice of prioritization of protection of citizens have been the most expedient, and how another way could be more effective. Power to the state and how it can be avoided that the government gains too much power has been another important issue. These are the three main lines of the paper, and hence there have been a lot of issues that has not been considered due to the nature and space of the thesis.

2.0 Main thoughts in liberal theories

Traditionally, the ideological spectrum can be seen as a line stretching from left to right, whereas one tries to place a political principle somewhere on this line. Typically, the people on the left believe in equality and argues for some form of socialism, while the people on the right believe in freedom and argues for some form of free-market capitalism. In the middle are the liberals who believe in a mixture of equality and freedom and argues for some form of welfare state capitalism. However, it is increasingly difficult to place anyone on a specific place on that line. People usually agree a little with everyone, and hence agree with both the left and right side (Kymlicka, 2002).

John Locke and Thomas Hobbes is presumed to be two of the most influential liberal theorists and has majorly contributed to liberal political theory (Berg, Sterri, & Simonsen, 2019; Grant, 1987). Both Locke and Hobbes argued for a thought experiment where there is no state or power, a state of nature where individuals come to an agreement (a social contract) on how a state and legitimate power would come into being (Rawls, 2007). Thomas Hobbes argued that the power should be given to a sovereign who has certain abilities and is obliged by the law of nature to ensure security of the people. He acquired a lot of weight to the individual self-preservation and argued that no one can be understood to deliberately do anything contrary to their self-preservation. He argued that the state of nature equals a state of war, and that it would be in everyone's interest to exit the state of nature and enter a society with a sovereign with unrestricted power (as cited in Rawls, 2007). On the contrary, Locke considered the state of nature to be regarded as a state of equal political jurisdiction where all is equally sovereign over themselves, and that "the idea of a social contract is used to maintain that legitimate government can be founded only on the consent of free and equal, and reasonable and rational persons (Rawls, 2007, p. 107)." He argued for a minimal state, and that there can be no political authority without reason for it, and that power can only be rightfully exercised as means to a legitimate end (Grant, 1987).

3.0 Libertarianism

Libertarianism is a political philosophy which advocates individual liberty. Libertarians believe that a central requirement of justice is mutual individual respect (Brennan, 2012). They defend market freedoms and oppose the use of redistributive taxation. Giving governments the power to regulate economic exchanges, centralizes power and is according to Hayek (as cited in Kymlicka, 2002) the first step on the road to serfdom. That power corrupts is a common argument for opposing redistributive taxation. Libertarians claim that taxation is a violation to a persons' right to dispose of their holdings as they see fit (Brennan, 2012). Some argue for market freedoms and capitalism on the grounds of it maximizing utility, others defend it because it minimizes the danger of tyranny (Kymlicka, 2002). They believe that the government has no right to interfere even though interfering would increase productivity. As Robert Nozick puts it, taxation is equivalent to forced labour, hence a violation of our basic rights (Kymlicka, 2002; Nozick, 1974). We may not be forced to serve strangers, or ourselves even though we would make self-destructive choices. Libertarians argue that in our own lives, each of us is sovereign. They believe that we should be allowed to live our lives as we choose as long as we do not violate the rights of others. We do not have to answer to or justify ourselves to others and we do not have to get society's permission to go about our lives. Libertarians promote a free society of tolerance, cooperation, and mutual respect (Brennan, 2012).

3.1 Liberty

Scholars working within the libertarian school of thought argue that liberty has value due to two different reasons. They think that granting everyone a wide scope of liberty only produces good consequences and restricting liberty will produce bad consequences. Freedom shows respect and "in order to respect each other as members of a moral community and as ends in themselves, we owe them an extensive sphere of personal liberty (Brennan, 2012, p. 30)." Because citizens can have both liberty or freedom to do something, these two terms will be used interchangeably throughout the thesis (Swift, 2014). The thesis' argument is based on the importance of liberty and the value of it to individuals. To understand the argument, an introduction to the concept and principal of liberty is necessary.

In his book from 1909, John Stuart Mill argues for the individual liberty (Mill, 2009). As a utilitarian, Mill believed that utility was maximized by giving people the freedom to

choose their own way of life (Kymlicka, 2002). His arguments revolve around the nature and limits of the power which can be legitimately exercised by society over the individual. He states that making anyone accountable for doing evil to others, is the rule. His principle on individual liberty explains how far it is permissible to limit individual liberty: As long as an individual refrains from molesting others in what concerns them and acts according to her own inclination and judgment in things concerning herself, her opinions should be free and allowed to be put into action at her own cost (Mill, 2009).

In political philosophy, a normal presumption is that liberty can be divided into two opposites. Negative liberty which indicates the right to be free of certain things (a freedom ‘from’), thus the absence of obstacles. And positive liberty which indicates the right to do things (a freedom ‘to’), thus the presence of abilities and or powers (Brennan, 2012; Swift, 2014). However, several theorists argue that there is no ‘positive’ or ‘negative’ liberty because every freedom can be a freedom ‘from’ or a freedom ‘to’. Like religious freedom – is it freedom ‘from’ the state telling which religion one can practice, or is it freedom ‘to’ practice the religion of one’s choice (Swift, 2014)? Libertarian theorists have until recently argued that negative liberty is the only real kind of liberty. That the absence of obstacles equals a free society. They argued that if positive liberty (understood as the power to achieve one’s goals) counted as a form of liberty, it would automatically license socialism and a heavy welfare state which are both concepts they oppose. Contemporary libertarians agree that the power to achieve one’s goals is a form of liberty and therefore tend to embrace positive liberty. However, they state that this does not say anything about what the government should and should not do (Brennan, 2012).

Libertarian scholars do not say that liberty is the only value of importance, but they argue that liberty produces other values, such as greater health, wealth, knowledge, and innovation. They believe that even though people would make self-destructive choices it would produce better results than trying to force people to make smart and safe choices. The argument behind this statement, is that power tends to corrupt. If leaders were always omniscient and altruistic, we might want to entrust them with power over our lives. But in the real world, power does corrupt, and there will always be someone who is willing to do whatever it takes regardless of moral concerns. These are the people who often win the election and is supposed to run the country afterwards. Politicians are often experts at winning elections but know nothing about running economies and managing health care.

Because most voters are uninformed and ignorant, libertarians argue that they choose bad leaders, with bad results as the consequence (Brennan, 2012).

3.2 Civil rights

Libertarians and liberals alike, believe there is a strong presumption in favour of liberty (Brennan, 2012). In modern liberal theory the individual is perceived as the holder of certain fundamental rights which takes precedence over other societal considerations (Pedersen, 2010). Libertarians believe that unless an action violates the rights of others or there is a very strong independent justification for forbidding a certain action, a person should be allowed to perform this action. Civil rights and economic rights are considered the most important in libertarianism, but in liberal theories there is also political rights which are worth mentioning. Because political rights invite someone to have power over others, libertarians do not believe they have the same status as civil and economic rights. Civil and economic rights enhance an individuals' autonomy and power over themselves and are by that note considered the most important (Brennan, 2012).

Secured by rights, individuals have a freedom to shape their own lives without influence of others. Individuals are considered legal entities, and interactions between them take place within the space allowed by the court (Pedersen, 2010). Civil rights are rights against interference of how someone chooses to live their life. These rights include the freedom of speech, right to free assembly, right of bodily integrity and freedom from abuse and assault, freedom of conscience, the right of association, freedom of sexual choice, the right to exit (to exit a country), the right to protest and freedom of lifestyle choice. Libertarians also advocate certain procedural rights in the criminal justice system, including the right to a fair trial, the right to be presumed innocent until proven guilty, the right against unwarranted search and seizure, the right to hear one's accusers, the right to habeas corpus and the right to an expeditious trial. They support equal rights to homosexuals and same-sex marriage, women's reproductive freedom including the right to abortion, birth control and to have sex with other consenting adults. Libertarians believe in free immigration and that people should be able to cross borders as they see fit. They say that governments have no right to forbid someone from leaving a country or someone from entering (Brennan, 2012).

3.3 The libertarian interpretation of government

Libertarians say that whatever good or bad a government do they are always and everywhere institutions of violence (Brennan, 2012). I will provide you with an example: Imagine you get a parking ticket and you decide not to pay. As time goes by, you will get an invoice demanding more money than the parking ticket initially demanded. If you continue not to pay, they will try to take it from your salary. If there is not enough money in your salary, they will command a down payment. Ignoring these commands will lead to arrest and imprisonment. If you resist the arrest, the police will use violence until you submit. Because governments enforce their laws with threats or violence, there is no way of getting around this issue (Brennan, 2012). According to John Stuart Mill, the question about interfering with a person's conduct only becomes open to discussion if it affects the interest of others, unless that is the case, the society has no jurisdiction over it (Mill, 2009). A person should not be punished for actions and opinions which only affect himself. But the mischief a person does to himself can seriously impact those closely connected to him or society in a minor degree. If a person violates an obligation to any other person, the case is taken out of the self-regarding class and becomes amenable to moral disapprobation. Mill (2009) says that if a person is unable to pay his debts or support his family due to extravagance or intemperance, he is deservedly reprobated and might be justly punished. But he is punished for the breach of duty to his creditors or family, not for the extravagance. He states that whenever there is a risk of damage, either to an individual or society, the case is taken out of the province of liberty and into the morality or law. Constructive injury to society caused by an individual, which does not violate a specific duty to the public or any individual except himself, is an inconvenience society can afford to bear for the sake of greater good of human freedom (Mill, 2009).

Libertarians favours limited government rather than a big government for three reasons, the aforementioned example being the first one. Secondly, they believe that politicians often have bad motives and that they will rather serve their own good than the common good. Again, they argue that power tends to corrupt. Thirdly, they believe that governments often make things worse due to incompetence. Even when they want to fix problems, there is no guarantee that they will succeed. They often have to subvert the rule of law or break the rules to be effective. The downside with limited government is the fact that it is limited. But then again, the limited government limits the people with better connection from gaining too much power (Brennan, 2012).

3.4 Robert Nozick: The minimal state

Robert Nozick (1938–2002) was one of most controversial political thinkers in the 20th century. For Nozick, justice is about respecting people’s right to self-ownership (Nozick, 1974). A legitimate state is a state that do not meddle with the distribution of resources to produce an ideally fair distribution. A state is not automatically legitimate. Its level of power must be justified. The only legitimate state is a minimal state whose function include enforcement of contracts and protection from power abuse, theft, and fraud. A more comprehensive state violates peoples’ right not to be forced into doing something they do not want to do and is illegitimate because of it (Nozick, 1974; Pedersen, 2010; Swift, 2014).

Nozick argued that rights are inviolable. “Individuals have rights, and there are things no person or group may do to them (Nozick, 1974, p. ix).” The most important premise for his argument is his view on rights. Nozick suggests that rights can be placed “as side constraints upon the actions to be done (Nozick, 1974, p. 29).” This means that the rights of others decide the constraints upon your actions and forbids you from violating these constraints in order to pursue your goals. This view supports the Kantian principle that individuals are ends and not merely means: Individuals may not be sacrificed or used as resources to achieve other ends without their consent. These constraints establish absolute boundaries for what a group of people (including the state) can do to others (Kymlicka, 2002; Nozick, 1974; Pedersen, 2010). Both rights and individuals are inviolable. Side constraints indicate the inviolability of other persons. You may wonder, if we go to the dentist to avoid suffering later or do some unpleasant work to enjoy the results. Why cannot persons bear some costs that benefit others for the sake of the overall social good? The difference, Nozick states, is that there is no social entity to a person going to the dentist for their own good, only different individuals with different lives. To use one of these persons for the benefit of others does not take into account or respect that she is a separate individual (Nozick, 1974).

4.0 How are the current measures affecting these freedoms?

The paper will focus on the closed borders and travel ban measures. Closing the borders creates an obstacle as to what citizens can do, and where they can go, hence they are violating the negative liberty, which is considered the only real kind of liberty (Brennan, 2012). Closed borders give no opportunity to travel. It restricts the free market, which is an important argument in libertarian theory. A libertarian says that the government has no right to forbid anyone from leaving or entering a country. Due to the belief in negative liberty over positive liberty (Brennan, 2012), closing the borders would violate the negative liberty because it creates an obstacle. An individual may not have the possibility to travel due to economy or sickness, but regardless of abilities, power or economy, every individual has the right to travel and no person or group has the right to stop anyone from doing so. As of February 2021, there are various restrictions concerning who can enter Norway (Forskrift om innreiserestriksjoner for utlendinger, 2020). Before anyone can enter, foreigners must show a negative COVID-19 test and go in quarantine for 10 days. In the regulations for entry requirements there is a list on who is exempted from being denied access to Norway. These groups include those foreigners seeking asylum, visiting children or spouses, studying, working or has a residence permit, as well as foreigners who is necessary to maintain proper operation of critical social functions. The people the list does not apply to, can be denied access to enter Norway. In March 2021, the government issued a mandatory stay at a quarantine hotel when coming back to Norway from a foreign country, which the traveller has to pay for. It was no longer allowed to stay in quarantine on private property (Covid-19-forskriften, 2020; Forskrift om innreiserestriksjoner for utlendinger, 2020). Issuing a quarantine in a hotel can be accepted, but when the citizen has to pay for it, the government is creating an obstacle. The government does not forbid travel, but they make sure that there are consequences for doing so in order to encourage citizens to refrain from travelling. Which demonstrates how they can make citizens submit to their rules and recommendations.

5.0 Discussion: How have the measures during the COVID-19 pandemic influenced democracy?

Imagine if there were no measures. Without them, the virus would spread like wildfire. Thousands and millions of people would die. Citizens would be frustrated due to no governing from the state, maybe there would be demonstrations or rebellion. There would be many sick people, many would die, criminal activity would increase, and the health sector would be overwhelmed. Even with these consequences, having no measures equals individual liberty to everyone, which from a libertarian stance is the most important thing. As a libertarian would say, freedom creates good consequences and restricting it will only produce bad consequences (Brennan, 2012). Without measures the timespan for the pandemic is presumed to be reduced since more people would be infected at the same time, thus more people would have immunity. For a shorter period of time, this could create an economic crisis and overpowering of the health sector. Allowing more freedom would contribute to more deaths, but the argument is that the individual liberty is more important than these consequences because it will benefit the future community. More freedom now, is likely to provide happier, cooperative citizens in the future. Citizens would show discontent, but without measures the pandemic is presumed to have a shorter time span. Which was the motivation for enduring the measures the government initiated in March 2020. The fact that citizens knew that it was only for a short period of time, made the situation more tolerable.

In March 2021, one year after the first lockdown it is safe to say that citizens and health workers begin to show signs of fatigue. Citizens are getting sick of measures that restrict their liberty. Not having any measures would create conflicts, but the long-term consequences of having measures are argued to be more destructive than the long-term consequences of not having measures. A main point in the argument is that the democracy takes possible damage in having these measures over a longer period of time. As the pandemic lasts longer, the motivation and obedience of citizens decreases which makes it more difficult for the government to govern its people and the measures get more intrusive. Which can lead to the government using more forceful means to ensure obedience of its people. A situation with a government demonstrating its level of power by initiating a curfew or using other means to force the citizens to submit to measures, are a main concern behind the thesis.

5.1 The consequences of the pandemic and the measures

The measures are a means to an end, it is tools that the state is using to prevent the health sector from being overwhelmed. To avoid that from happening, everybody have to contribute in keeping the contagion at a minimum. As it is little over a year from the beginning of the pandemic, it is safe to say that Norway has managed to keep the contagion and death rate low. Compared to other countries with similar resources (Italy: 122,694 deaths, Sweden: 14,173 deaths, Denmark: 2,497 deaths), Norway has had 767 deaths (10th of May, 2021) due to COVID-19 (NRK.no, 2021; World Health Organization, 2021). This shows that Norwegian citizens has a high level of trust in its government, and in each other, in addition to being very obedient. The Norwegian citizens has followed the measures to a high degree, which has kept the death rate low. With this high level of trust and obedience there is a risk that citizens of Norway may not see that their liberty is being violated, and that questioning the legitimacy of the measures are an important part in preventing the government from gaining too much power. Many of the measures have been necessary for protection of individuals. Have any of the measures crossed borders and violated rights that did not need to be violated in order to handle the pandemic? Are governments supposed to maximize public goods (increase material benefit), even if doing so comes at the expense of individual liberty? Closing the border creates obstacles which restricts the freedom of Norwegian citizens. Would the consequences be better or worse without closing the borders? Is not allowing free travel necessary in order to fight the pandemic? How much intrusion in private liberty is permissible in order to combat the COVID-19 pandemic?

5.2 Closed borders and travel ban

The right to exit a country is a civil right a libertarian believe that every individual has (Brennan, 2012). Closing the border is a measure to reduce contagion, and as of recently to protect the citizens from mutated versions of the corona virus. The Norwegian government has not forbidden exiting the country yet, but they strongly recommend not to do so. This is because contagion can be brought back to Norway, which in its turn can cause new outbreaks and overload the health sector. If someone is travelling, they are quarantined as soon as they arrive, and tested for COVID-19. With a negative test and finished 10-day quarantine, they are free to move around as they please (Covid-19-forskriften, 2020). Even though forcing someone into quarantine violates the right of free movement, hence the individual liberty, it may be what needs to be sacrificed in order to access other benefits.

Being in quarantine for some time of a vacation seems like a small price to pay to keep the right to exit a country and move freely. From a libertarian standpoint, there seems to be little in favour of forbidding travel, considering the rules in conjunction with it.

The quarantine rules secure the safety of other people which eliminates the possible threat to the individual right to life. Thus, not being allowed to travel at all seems like an unnecessary restriction. But, even if a Norwegian is allowed by Norwegian government to travel, there is a possibility that she may not be allowed into the country of preference. Which is the situation for anyone trying to enter Norway unless it is within the guidelines of the regulations for entry requirements (Covid-19-forskriften, 2020; Forskrift om innreiserestriksjoner for utlendinger, 2020; Regjeringen, 2021). Due to autonomy, any country has the right to have these regulations, but considering the restriction it puts on individual liberty, it should be investigated. A libertarian believes that borders should be open, and that immigration should be allowed (Brennan, 2012). Not allowing free movement between countries is not only violating the liberty of each individual, it also creates a less open society which can have negative consequences in the future. It creates division between countries whereas they are sceptical towards each other and may even be suspicious of the intentions of one another. Because libertarians believe in an open and tolerable society (Brennan, 2012), this development is concerning from a libertarian point of view.

5.2.1 Why driving a car works the same way as travelling during a pandemic

Following the rules when travelling in order to keep the risk at a minimum should not be a problem for anyone. It may be the sacrifice that needs to be done in order to maintain the right of free movement. Taking lessons and following certain rules when driving a car works the same way. The argument for closing the borders is that it protects citizens from being infected, but driving a car has the risk of death. So why is it not forbidden to drive a car, which also has a high death rate? Someone might argue that driving a car is different because it is not contagious to get in a car accident, or because lessons are given in order to make safe drivers. Taking driving lessons and paying for them is the sacrifice that needs to be made in order to be allowed to drive a car and move freely. If someone is travelling there will be no way to miss what the rules are, which in theory makes the traveller a safe traveller in the same way someone is a safe driver. Someone will of course ignore the rules, both in traffic and in a pandemic. Getting around that issue is impossible. It is what it

is. These rules are the reason why it is argued that these two are not that different, and that travelling should be allowed in the same way it is allowed to drive a car.

Someone's right to free movement may not conquer someone else's right to life, but the assumption is that no one goes out with the intention of hurting another individual. When choosing to travel it is understood that there is a possible risk of getting COVID-19, the same goes for shopping at the food market, meeting friends and family or going to the gym. The risk of accidents or death is also understood when driving a car. Because everyone is a free individual it should be up to each citizen how they want to live their lives (Brennan, 2012; Nozick, 1974). Those who are afraid of the virus can simply choose to stay home. No one is stopping anyone from staying home. It can be argued that no travelling is the sacrifice that needs to be made in order to stay safe and protect each other. But if everybody followed the measures and restrictions in conjunction with travelling, the contagion should be at an acceptable level, which should be the case if the level of compliance was high. The level of contagion proves that this may not be the case, which is interesting. It shows that even with a government telling them what to do, and how to act, citizens are still not doing what they are told to do. Instead of following the rules and contributing to both a high level of freedom and a low contagion level, some citizens ignore the recommendations and do as they please. The measures may be a tool to protect the rest of the society from these citizens. Even so, it does not justify restricting the liberty of citizens. Allowing a high degree of liberty could make citizens happier, and even though they would make self-destructive choices, no one should stop them (Brennan, 2012). Like no one is stopping anyone from driving a car, no one should stop anyone from travelling.

5.2.2 Putting out a recommendation instead of a regulation

Because the government has put out a recommendation and not a regulation regarding travelling, they are not violating the individual liberty on paper. However, they are creating obstacles which can hinder someone from travelling, hence restricting their individual liberty without creating an actual prohibition. When a citizen has been travelling, she is quarantined for 10 days. Until March 2021 the quarantine could be done in the privacy of your own home if the traveller had a suitable place to carry out the quarantine (Covid-19-forskriften, 2020). This regulation alone can be accepted even though it restricts the individual freedom. Because everyone has the right to life, this regulation may be necessary in order to protect that right. But, as of 26th of March the government issued a regulation which states that the traveller has to stay at a quarantine hotel and pay a

deductible of 500 NOK per night. This applies to what the government defines as unnecessary travel, which are travels not due to welfare considerations. Examples of such travels (welfare considerations) include if a family member is sick, one is attending a funeral, work travels which can be documented as necessary or students coming home (Covid-19-forskriften, 2020; Regjeringen, 2021). The line between necessary and unnecessary travel is a challenging line to balance because most people who travel consider their travel to be necessary. However, making the traveller stay at a quarantine hotel is violating the right to move freely. Those citizens with good economy would have no problem with this regulation. Those with a challenging economic situation may afford the travel, but not the quarantine hotel. Which can create a division in the society if the pandemic lasts over an even longer period of time. From this point of view, the government is not violating the negative liberty, but the positive liberty (understood as the power to achieve one's goals), considering the economic situation.

At some point, even with COVID-19, the government should allow travelling without quarantine. Due to new mutations of the virus, it is likely to presume that the world will never get rid of COVID-19. Hence, the regulations and recommendations have to be lifted even though the virus is still roaming. Living with this kind of restriction on individual liberty and right to move freely is not sustainable for the Norwegian democracy over time. For a short period of time, both citizens and democracy can handle a restriction to the individual liberty. But as we stretch into 1,5 years of restrictions, the patience, obedience, and tolerance of the citizens are wearing thin. The pandemic has come to a tipping point whereas the country needs to reopen society, or there will be a long way back to how things were before the pandemic.

5.3 Why the young generation should get protection first

The government has stated from the beginning of the pandemic that the measures is supposed to protect the weak, which to a large degree means the elder citizens. Without any measures it is assumed that the deathrate among the weak would be higher than for the rest of the society. This can be argued to not be a negative thing. It may be a controversial statement, but the health sector lacks workers and are unable to take sufficient care of all the elders now, and the situation is not presumed to get any better any time soon. It is expected that within year 2030 there will be more elders than children in Norway (Gleditsch, 2020). Allowing a higher amount of deaths among the weak, could be beneficial for Norway in the future. The younger generation should get better protection

and be prioritized in getting benefits. It is the citizens of the future that should be protected to a high degree, they are the ones that will pay taxes and work for many years to come. Most likely, they will carry the society after the pandemic and be the victims of the consequences.

It is no secret that the measures have the biggest consequences towards the younger citizen. They lose their job, they may not have their own family, hence they get lonely and maybe even depressed, which can give trouble getting into work again at a later point, especially if they lose their job due to COVID-19. With the health sector being at reduced capacity they may not get the help they need to cope with a depression, which can lead to suicide or suicidal thoughts. This in its turn can lead to an increased death rate among single young adults: The people who are presumed to have more capacity to work. Which equals more money, taxes, and better welfare services. Making these people stay home, potentially ruins a lot of young positive spirit for many years to come. Not to mention, the students who are losing their motivation for studying due to digital lessons and little social activity. Worst-case scenario is a lot of unemployed citizens, supported by the social security system instead of working and paying taxes. Allowing them to move freely could prevent this from happening. Furthermore, the population growth has been reduced and is expected to continue reducing, which means that there will not be enough young citizens to take care of the elders (Gleditsch, 2020). Protecting the weak may seem like the ethical thing to do, but is it the right thing to do? If the consequences are more people in nursing homes and in need of assistance than there are people to help them, then would it not be better to not have this issue at all? Allowing the virus to roam free and kill citizens may overwhelm the health sector right now, but it may also prevent it from happening in the future. This could be a case of picking the lesser out of two evils. Of course, one has to consider the consequences of many citizens losing their loved ones, which can create physical and psychological problems and pressure on the health sector as well, which can be seen in India. People are getting angry and frustrated, and is storming the hospital because the health workers have not been able to save their loved ones or because they do not get the help they need (Wolasmal, 2021).

5.4 Following the measures equals less power to the state?

Because libertarians oppose a lot of power to the government without legitimate reason (Brennan, 2012; Grant, 1987; Nozick, 1974), it may be best to follow the measures now in order to prevent governments from gaining too much power in the future. This can result in

non-reversible consequences. In the event of crises, the government has more room to make decisions. A libertarian would oppose this kind of power to the state (Brennan, 2012). During the pandemic, the Norwegian government has investigated the option of whether implementing a curfew could be necessary. Most of the Norwegian citizens would understand why a curfew would be implemented, but from a libertarian stance it is a too far intrusive act to take. A state has no right to inflict this kind of restrictions towards the population. A curfew would restrict the individual to such a degree that being able to live as one pleases would not be possible.

If everyone has a high degree of compliance, this situation can be avoided. More intrusive measures can lead to more protests and more anger. Or if a leader feels threatened, he or she can use the power to make false news, accusing someone of doing them injustice or encouraging an outrage from his or her followers. This can create division between groups in the society, which can lead to rebellion. Which would force the government to use violence to make citizens submit to the recommendations and regulations. Even without protests and rebellion, like the situation is now, the government has issued punishment for those who break the rules, thus showing that they are an institution of violence (Brennan, 2012). The punishment for breaking measures is tied to breaking quarantine, isolation or gathering a lot of people at the same place, like a party. The argument is that the punishment and measures are for the sake of the society at large. Which is probably true, the government is doing it because they believe it is the best decision in order to protect the society and democracy. Regardless, leaders do not make good decisions even if they are trying to (Brennan, 2012). To avoid the government from demonstrating this kind of power the wisest thing would be to follow the measures now. Besides, a government who is able to take control and making the hard decisions may be what is necessary in order to handle such a crisis. However, the violation caused by individuals may be more permissible than the one caused by the government. In this line of thought, decisions made by the society (understood as the individuals not in political power) may be seen as legitimate, while government decisions may be seen as illegitimate. Nonetheless, it is unreasonable to expect any human regime to be perfectly just (Rawls, 2007).

6.0 Concluding remarks

The measures are meant to protect the citizens from each other and prevent an overload of the health system. To do this, rights like individual liberty will be violated. In order to protect an individual, one may need to violate another. These are the rules of the game and the reality in most political decisions. Through the pandemic the liberty of citizens has been violated. Fortunately, Norway is a country with a high level of trust which has benefitted its citizens through the pandemic. The Norwegians has endured less restrictive measures than many other countries that have initiated a curfew, which is a much bigger violation of individual freedom than recommending no travelling. With that in mind, the Norwegian government has handled the pandemic in a resourceful and effective way considering the information they have had during the last year. Could they have handled it differently? Probably. Would it give a better outcome? Unsure. If there were no measures, would the government demonstrate their power at some point? Most likely.

In addition to the violation of liberty, there are other health problems connected to not being able to travel, staying home, or being alone over time. Depression, loneliness, and inactivity are a few problems in a long list. At a later point, these kinds of consequences may overload the health system just as COVID-19 is doing now. In theory, we could talk about having an overwhelming of the health sector now, or later, or we could also make the choice between sacrificing thousands of lives now, or later. This may be hard to take into consideration because it may feel too definite to make a decision on how to make the sacrifices instead of talking about how this situation can be prevented. Either way, choices need to be made, with or without sacrifices.

The Norwegian government chose to limit the liberty of citizens in order to prevent the health system from being overwhelmed. From a libertarian standpoint the limitation of liberty is not permissible unless it is to prevent harm to others. As stated, there would be chaos without measures, which is not expedient, however it is looked at. A democracy is not earning any benefits with chaos, but it does earn benefits with a submissive and obedient population. And to have that, the right steps must be taken. The liberty throughout the pandemic has been limited, but except the measures concerning quarantine and isolation, the government has been able to prevent a big violation of the individual liberty. Unless you are infected, which means you are at risk of violating another citizen, no one is stopping you from moving around freely. At least not on paper as it has been argued.

There are pros and cons to having measures and not having them. Having no measures ensures individual liberty and as it has been argued, it can also give a more sustainable society post pandemic. No measures would also mean chaos, theft, and death. Looking back at the first lockdown when a lot of citizens went into panic and was shopping like it was their last day in life, gives a grim picture of a pandemic without any measures. There is no argument that some measures have been necessary in order to keep COVID-19 at bay. A lot of them is not restricting individual liberty. Hence, from a libertarian standpoint the government can legitimately initiate measures such as wearing a mask, social distancing and generally respect other human beings. Initiating a quarantine is making sure that citizens respect each other, which is an important argument in the libertarian school of thought as well as the individual liberty. It is expedient to think that without measures, the population would not be able to maintain the same level of protection as the government is able to. From a libertarian point of view, the measures have violated the individual liberty, but at the same time they have also protected citizens from each other. Still, a libertarian would say that the state has no right to intervene or force citizens to live a certain way, which makes the initiation of the measures not legitimate. But, from a democratic point of view, the story might be different. The economic consequences have not been devastating, the deathrate has remained relatively low, the test-rate high and citizens protected in the best way the government has known possible at that moment in time.

When considering the questions at the beginning of the paper, a definite answer is hard to present. The regulation put forward shows that the government may not have full trust in their citizens. The same goes for the measures. No measures, and no regulations would demonstrate the trust in their citizens. At the same time, the government has successfully protected citizens from each other to a certain degree. The contagion levels and death rate has remained low, which is a result of measures and high compliance. Considering the situation, the Norwegian government has acted upon the information they have had at a given time. It is hard to imagine that the measures and pandemic will have any lasting damage towards the Norwegian democracy. But because it is presumed that COVID-19 will not go away, but evolve, it is hard to imagine that the world will ever be back to the way it was before the pandemic. If the virus never goes away, the most literal way to handle it is to continue the measures. But in respect of democracy and individual liberty, the strategy of keeping contagion levels low to prevent overloading of the health system, is a strategy we should exit when the goal is to open up society to the way it was before the

pandemic. As of now, the democracy may have taken a beating, but have not endured any damaging consequences. If the measures prolong, or a vaccination passport or certificate is initiated there is a bigger chance of the democracy taking damage. As long as the government does not initiate a society with division between ‘vaccinated’ and ‘not vaccinated’, the presumption is that there is still time before the democracy takes damage. From a libertarian point of view, one can say that the individual liberty has been violated because the government has intervened in how citizens can live their lives, hence the democracy has endured negative consequences. At the same time, one can argue that because of public health considerations, this intervention is legitimate, which makes it permissible for the government to act in this manner. Offering a definite answer to the consequences of the democracy is not possible, not before after the pandemic. Having said that, the population should be critical towards measures put forward by the government. Questioning the legitimacy of the government and the measures are the most important message with this thesis.

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