

International and pluri-disciplinary symposium

Coronavirus – Covid-19 Constitutional, political and social threats and challenges in France and the United Kingdom

Hosted by:

Panthéon-Assas University (Paris – France)

on 27 May 2021

&

Centre for British Politics and Government, King's College (London – UK)

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Co-organised by

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On 12 December 2019, the Conservative Party led by Boris Johnson won an early General Election in the UK around a single issue, the promise “to get Brexit done”, by the end of January 2020. The European Union and countries close to the UK - like France - were getting ready to (re)negotiate the Brexit conditions. However, a major and worldwide sanitary crisis – unprecedented in modern times - was to test the new British government’s ability to run the country. The Coronavirus or Covid-19 pandemic is likely to have profound and long-lasting health, economic, social, psychological, political, legal and institutional consequences.

How have the British and French governments handled the crisis? Brexit is no longer a priority for the EU, nor for the UK. Some even question the survival of the EU post-Coronavirus as the common interests of member states have often come second to their national interests. Both the UK and France passed fast-tracked emergency legislation to deal with the exceptional nature of the crisis. In the UK the Coronavirus Act 2020 was rushed through at the end of March 2020. It implicitly sets aside the Public Health (Control of Disease) Act 1984 and the Civil Contingencies Act 2004 which already covered in detail the ways in which public authorities could respond to wide-scale health or terrorist emergencies and pandemics. France adopted a state of sanitary emergency via a law voted on 23 March 2020, complemented by a series of ordinances - approved by Parliament further to article 38 of the Constitution of 1958 - covering different practical aspects of the management of the crisis.

The British Act (sections 89, 90 and 98) is due to expire after two years. However, a “relevant national authority” can extend its life for six months if deemed necessary, the House of Commons being given the role to debate and vote on the continuation of the Act to the exclusion of the House of Lords. In France, the initial two-month state of emergency period can only be prolonged by a vote from both chambers of Parliament (article 4 of the law) but the new legislation is now codified in the Public Health Code

without a sunset clause. This perennial category of “sanitary emergencies” is a new type of state of emergency in addition to an Act passed on 3 April 1955.

Whereas France opted for an initial quasi-total lockdown including restriction of freedom of movement, the UK opted a partial lockdown based on incentives rather than compulsory measures. “*Restez à la maison, soutien aux blouses blanches*”, “*restez chez vous*” or “stay at home, protect the National Health Service, Save Lives” became national – or cross-border - slogans and in the UK, replaced the former “get Brexit done”.

In the UK, eminent members of the legal community such as Lord Sumption, a former Justice of the Supreme Court, fears for the protection of fundamental rights with a drift towards the possible emergence of a police state, the police having been granted further powers of arrest and detention under the Coronavirus Act 2020. The rule of law seems weakened. In France, similar concerns have arisen about possible breaches to the *État de droit*. In particular when police controls of people’s limited outings outside of the lockdown lead to major fines or even prison sentences.

With the closure of key institutions like courts and tribunals at a time when the British and French governments have been granted exceptionally extensive powers, one critical question is how to secure parliamentary scrutiny and control. The Coronavirus crisis could lead to a reshuffling of powers at the highest level. Due to the threat of terrorism, one might argue that checks and balances in France and the UK had already been undermined by a number of derogatory measures taken by their respective governments in spite of legal safeguards – such as the vigilance of the Constitutional Council in France and the use of judicial review by resolutely independent judges in the UK.

Aside from the political and constitutional effects of the Coronavirus pandemic, there are many social ones. The economic consequences of the pandemic are obvious as fear arises that it will lead to a worldwide financial breakdown similar to 2008 or 1929. On both sides of the Channel, the health systems, medical staff and finances have been stretched to the limit after many years of austerity. People’s attention has been drawn to the dangers faced by the French *sécurité sociale* system and the British National Health Service – symbols of the welfare states respectively created in 1945 and 1946. The shortage of, or difficulty in importing ventilators, medication and face masks during the global pandemic led to questioning whether the increased globalisation of the economy was a good idea.

The pandemic also shed light on so-called low-skilled or unskilled workers who, by working throughout the sanitary crisis, have proved how essential they are to society in these times of war against the virus.

These are only some of the many issues and daunting challenges raised by the Covid-19 emergency. Almost every aspect of society is affected by the Coronavirus with long-lasting consequences. In view of their symposium, the organisers would welcome proposals from academics, policy-makers and opinion formers on following topics which may affect the UK and/or France such as :

- Legal frameworks of states of emergency and/or sanitary crisis (historical, constitutional and legislative dimensions)
- Coronavirus and control of Parliament(s)
- Coronavirus and the courts – threats to the Rule of Law/ *État de droit* ?

- Governments' handling of the Coronavirus pandemic – a leadership crisis?
- Dealing with the Coronavirus crisis at local / devolved levels
- National Health systems and Welfare states under strain
- The Coronavirus pandemic and the return of state interventionism?
- Coronavirus and solidarity between EU member states
- Global pandemic but end of globalisation?
- Coronavirus crisis and disadvantaged people (battered women, prisoners, disabled people, homeless and socially disadvantaged individuals)

The language of the conference will be English. The symposium will be followed by a publication in English and/or French.

Communications will last 20mn each and will be followed by a discussion.

Please send your proposals of 400 words and a short biography (in English) by 15 September 2020 to the four organisers:

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- Interactions culturelles et discursives (ICD) (Tours University – France)
- Laboratoire Cultures – Éducation – Sociétés (LACES) (Bordeaux University – France)
- School of British Politics and Government, King's College (London – UK)