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## The legal void and COVID-19 governance

COVID-19 as a matter of governance provides an opportunity for questioning taken-for-granted assumptions of ‘states of exception’ (Agamben 2005) in the political mechanics of emergency rule. In Russia, for example, a zone of anomie is currently being produced that operates not within existing emergency laws but as what I call a new ‘legal void’.

Contemporary Russian law provides two versions of emergency regimes: ‘an emergency situation’ (*chrezvychainaia situatsiia*, or *ChS*) and ‘the state of emergency’ (*chrezvychainoe polozhenie*, or *ChP*). The first one has been used in disaster management since 1994. It is introduced at multiple administration levels for an indefinite time by decrees of the heads of corresponding administrations. The *ChS* regime has been applied in many situations, from a bridge in an unsafe condition to forest fires. The law on *ChP* was set to serve both political disorders and disasters, including epidemics. Unlike the *ChS* regime, it can be introduced only by the President and for a fixed term. It has never been implemented since its adoption in 2001.

Both of the laws suspend some civil rights but also provide guarantees of compensation for harm to health, property damage and even for just living in the emergency zone. *ChP* law also details legal procedures such as detention and litigation under the state of emergency.

However, to date, Russia’s authorities are not using either of these special legal regimes in their pandemic governance. Most Russian regions have declared pre-emergency ‘high alerts’, and new restrictions have been introduced in amendments to these decrees. This *non-declaration* of emergency limits the rights of citizens and business owners to claim compensation for any kind of losses due to the legally ‘normal’ situation.

This is what I describe as government producing a new legal void. The high alert decrees institute ‘regime of self-isolation’ (*rezhim samoizoliatsii*), ‘distance work’ (*udalionnaia or distantsionnaia rabota*) and ‘quarantine’ (*karantin*) – all absent in Russian law. In his appeal to the nation on 25 March and the subsequent decree, President Putin mentioned ‘non-working days’ (*nerabochie dni*), while the Labour Code only refers to working days, weekends and holidays. These new terms have perlocutionary effect of legally binding acts that themselves have no basis in Russian law.

In this particular case, Putin’s government has advanced what some scholars describe as ‘counterfeiting of legality’ (Rigi 2012: 81–83) by ‘hybridisation’ of emergency itself. Ironically, the Agambenian logic of the sovereign power is being perpetuated not through a declaration of emergency but the sovereign’s withdrawal from it. But how atypical is Russia here? I wonder if this is just a Russian state of exception to

Agamben's state of exception – or if Agamben's concept needs a more global rethinking in the current situation.

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# COVID-19 as the primary agent

An anthropological theory of social nexus designed to explain relationships of the social world was proposed by the British anthropologist Alfred Gell nearly 25 years ago (Gell 1998). He attributed the causes of interpersonal relations to two groups of social agents. Primary agents forge the intentional and morally responsible bonds that link them with recipients. While secondary agents sustain and activate those relationships, they may be human as well as non-human, e.g. animals, plants or inanimate objects (Gell was chiefly preoccupied with works of art).

Although the idea of the world as a collection of various types of agents is now a commonplace, the impact of Western anthropocentrism on how the boundary between humans and non-humans is drawn remains profound, establishing humans as the rulers of the world – often attentive, sometimes tyrant or light-minded. While this anthropocentric mindset of average Europeans, or those 'colonised', prevails, it is being revised under the impact of COVID-19, commonly perceived as a social agent. Media outlets report it not just as a mere extension of human agency, but as the primary social agent – the 'invisible enemy'. Thus, the worn-out Western world order is being reversed: COVID-19 is instituted as the primary agent, intentionally affecting and framing the ensuing activities of the other secondary agents, including humans whose intentional agency unwaveringly succumbs to the social agency of the virus.

The world-wide deterioration, or occasionally an improvement, of physical and mental health conditions, high mortality rates, upcoming economic recession – these