

Juan Antonio Garrido Ardila

Covid-19 and Political Theory: The 2020 State of Emergency in Spain, Hobbes's *Leviathan*, and Kant's "rechtlicher Zustand"

The state of emergency declared in Spain in response to the covid-19 pandemic was forcefully condemned by a host of political analysts. Countless opinion articles were published in the press suggesting that the state of emergency had turned Spain into a quasi-totalitarian state where personal liberty was suppressed as the coalition Government of social democrats and communists met no institutional opposition to foist its (allegedly) left-wing agenda. Spain under the state of emergency was regarded by some as a modern reincarnation of Hobbes's *Leviathan*. This article analyses those claims concluding that the analogies drawn between the state of emergency and Hobbes's model of state are fundamentally flawed. Instead, the state of alarm was declared in accordance with the law and hence the only comparison to classic models of state should be drawn with Kant's "rechtlicher Zustand". Acknowledging the juridical legitimacy of the state of emergency, this article also considers Rawls's "public reason" principle concluding that the actual crux of the controversy was not the Hobbesian model of state, but the widespread perception that in years past a number of democratic principles were being curtailed.

Covid-19 had a devastating effect in Spain. The country suffered dearly as the death toll soon surpassed those of other European countries and the economy tumbled dramatically. The reasons for Spain's vulnerability against the virus have been discussed by many commentators and rage from foreign football fans travelling to Italy for an international football game to the women's day demonstration in Madrid and the intensity of Spanish social interaction (Tremlett 2020). Politically, in Spain the Covid pandemic prompted an intellectual controversy immediately after a state of emergency was declared on 14 March 2020. Whereas most other European countries passed *ad-hoc* laws to enforce lockdowns, the state of emergency in Spain granted the Government special legal prerogatives and it was construed by many as being politically motivated. Many political analysts rebuked the Government suggesting it was curtailing individual freedoms, and some compared Spain to Thomas Hobbes's *Leviathan* state. As a result, during the three months – from 14 March to 21 June – in which Spaniards lived under the state of emergency, an enthralling intellectual debate developed inviting us to reflect upon the role and the power of governments in today's liberal democracies. The aim of this article is twofold. We will start by introducing the reader to the main technicalities of a state of emergency

under the Spanish law and to Spain's peculiar political background in March 2020. Thereafter, our first aim is to survey the mainstream arguments published in the press against the state of emergency, with the purpose of appreciating their force. Secondly, we will be comparing those arguments to Hobbes's idea of the state. In so doing, we will suggest that the 2020 Spanish state of emergency did rather correspond to the political spirit of later political theorists, namely those of Immanuel Kant and Max Weber. Our discussion will conclude that the state of emergency declared in Spain in 2020 is standardly consistent with Kant's and Weber's liberal models and does not let itself to any useful analogies with Hobbes. Moreover, we will construe the criticism of the government during the lockdown as a reaction against its allegedly authoritarian left-wing agenda. Our conclusions are not a political assessment of the Spanish Government, but the results of our theoretical investigation into political theory.

Since the Spanish Constitution was passed in 1978, a state of emergency had only been declared once, as a response to the traffic controllers strike in 2010. Back then, the state of emergency was used by the social democrat Government of José Luis Rodríguez Zapatero to ensure air controllers fulfilled their professional duties. In 2010 and in 2020, the Governments opted for the lowest of the three categories of state of emergency, in Spanish called *estado de alarma* (state of alarm). Under the Spanish Constitution (article 116.2), the Cabinet has the power to issue a decree declaring a state of emergency in any of these four scenarios – (1) a natural disaster threatening public security; (2) a health crisis, including epidemics; (3) a shortage of basic products; (4) public services coming to a standstill as a result of any of the previous three scenarios. The state of emergency may last for a maximum period of a fortnight and can be prolonged by Parliament if the emergency persists. Whilst the 2020 state of emergency met these constitutional requirements, the controversy arose from the powers it vested in the Government as these are specified in the 1981 State of Emergency Act (Ley Orgánica 4/1981 de los Estados de Alarma, Excepción y Sitio).

The 1981 Act conferred on the Government powers of no practical use during the Covid-19 pandemic, such as the intervention of industries and the search of premises without a warrant. In essence, the only specification contained in the 1981 Act that was relevant to the pandemic crisis was the limitation of movement of people. On this account, declaring the state of emergency only for the purpose of legalising

the lockdown seemed to many like a disproportionate measure. In Britain, for instance, no state of emergency was called to counteract Covid. Instead, the British Prime Minister addressed the country announcing a series of measures, before each of the four nations of the United Kingdom passed *ad-hoc* legislation. In the case of England, these regulations were made by Health Protection restricting movement of people, shutting down all but essential business, and giving the police with the powers to enforce the lockdown. In Spain, however, the Cabinet declared a state of emergency when most other countries had simply passed regulations intended to address the specificities of the situation. By virtue of the state of emergency decree, the Spanish Government immediately acquired a range of prerogatives unnecessary to fight the virus. Nominally, the state of emergency paralysed Spain's Parliament, and political activity decreased. To understand the political impact of the state of emergency, we first need to look at Spain's recent parliamentary history.

After the general election on 10 November 2019, Parliament invested Pedro Sánchez as Prime Minister on 7 January 2020. Since the 2015 general election, Spanish political life had experienced a sea change. From 1882 until 2015, parliament had been dominated by two mainstream parties – the social democrat Partido Socialista Obrero Español (PSOE) and the liberal-conservative Partido Popular (PP, formerly Alianza Popular). PSOE won the 1982 general elections and was in power for 14 years. PP was in government from 1996 to 2004; PSOE from 2004 to 2011; and PP from 2011 to 2018. During those three decades, whenever PSOE and PP did not win an overall majority in Parliament, they would seek the support of one or more small parties, first to get their leaders installed as Prime Ministers and thereafter to pass legislation.

In 2015, however, two new parties entered the 350-seat Spanish parliament. The centrist Ciudadanos (Cs) won 40 seats with a 13.94 per cent of the ballot; the far-left Podemos won 42 seats with 12.67 per cent, and their associated En Comú Podem won 12 seats with 3.69 per cent. In those elections, PP won 123 seats and PSOE 90. The PSOE leader – Pedro Sánchez – nominated himself for Prime Minister, but failed to win the investiture vote. New elections were called and held on 26 June 2016, where the PP won 137 seats, and PP Mariano Rajoy was later invested as Prime Minister by Parliament. Barely a year after the elections, on 13 and 14 June 2017, the leader of Podemos brought a vote of no confidence. Since 1978 only two such votes had been called in the Spanish Parliament and both failed – the

first in 1980 against Adolfo Suárez, and the second in 1987 against Felipe González. Podemos's attempt in 2017 failed too, as 82 MPs voted Yes, 170 voted No, and 97 abstained. Eleven months later Pedro Sánchez called another vote of no confidence against Rajoy. That time, 180 MPs voted Yes, 169 voted No, and Sánchez became Prime Minister of Spain. When general elections were held on 28 April 2019, the political spectrum had changed again. Podemos and the communist Izquierda Unida had merged to form Unidas-Podemos, and the opinion polls suggested that a new party, right to the PP, called Vox would obtain something in the region of 10 per cent of the votes. PSOE won 123 seats but Sánchez lost the investiture vote and the Speaker called a new general election, which took place on 10 November 2019. The PSOE won again, with just 120 seats, and Sánchez was elected Prime Minister by Parliament on 7 January 2020. Cabinet ministers were appointed on 12 January.

The state of emergency decree was passed on 14 March, just two months and two days after the new Cabinet was formed. In the 21 months prior to the state of emergency, the Spanish parliament had seen two motions of no confidence against Premier Minister Rajoy and two general elections. Since 2015, the four general elections and the two motions of no confidence were testament to the frailty of the governments. After Sanchez won the motion in 2018, he said he did not intend to call an election until 2020 thus keeping the four-year term that began with the 2016 elections. However, parliament was dissolved and elections called in 2019 as Sánchez's negotiations to secure a parliamentary majority to pass his budget proved unsuccessful. This is how volatile Spanish politics was – Sánchez won the no confidence vote in June 2018, but could not pass his budget just a year after. When the state of emergency was declared in March 2020, the coalition government had 155 MPs (120 PSOE and 35 Podemos), 21 short of the overall majority of 176. The two main opposition parties were the PP with 89 MPs and Vox with 52. Under these circumstances, the Government started the legislature fully aware that they were dependant on the support of the smaller parties, mostly secessionist parties from Catalonia and the Basque provinces.

At this critical juncture, the state of emergency was immediately viewed by some political commentators as a means for the Government to assume additional powers and to hinder parliamentary opposition. Those who objected to the state of emergency argued that it meant the de facto suspension of personal liberty and the

inception of a quasi-totalitarian state. The state of emergency was soon likened to Thomas Hobbes's model of state expounded in his 1651 treatise *Leviathan*. This point was made most forcefully by Andrés Betancor (2020), a professor of Law, in a one-page article titled "Estado de pandemia, pandemia de Estado"¹ published on 27 July. The vast majority of Spaniards had never experienced a state of alarm – in 2010 it impacted only on air controllers – and Betancor took the view that state of emergency impinged upon parliamentary procedures and amounted to the Government's assuming totalitarian powers. Indeed, public opinion grew concerned about the suspension of personal liberty. In a country where approximately 80 per cent of the population lives in urban areas, the lockdown confined most Spaniards to living indefinitely in their flats. Opposition parties mistrusted the Government for their reluctance to engage in political debate, and, in May, PP leader – Pablo Casado – called the state of alarm "a constitutional dictatorship" (citado en Marina 2020). In a newspaper article published immediately after Casado made his allocution, José Antonio Marina (2020), one of Spain's most preeminent philosophers, referred to the inaccurate usage of words as a form of demagoguery and warned that the state of alarm had been declared lawfully.

Betancor and Marina illustrate the two conflicting constructions of Spain's political life during the state of emergency, and clearly foreground the question at the bottom of these controversies – although declared in conformity with the Constitution, could the state of alarm be *morally* justified? Opponents of the state of emergency wielded a range of objections which compound the following thesis: in declaring the state of emergency the Government had curtailed personal liberty and was undermining democratic institutions and principles, turning Spanish democracy into a totalitarian state or other.

On 26 April, nearly six weeks after the state of emergency was called, three comment pieces on the subject of liberty were published in two of Spain's leading newspapers. In *ABC*, Ignacio Camacho took issue with what he viewed as the Government's secretive handling of the crisis. Camacho (2020) used the word "bulos" (lies) to refer to the data provided by Government spokespersons in press conferences, and held that the lack of liberty was causing "angustia, desconcierto y pánico"² amongst Spaniards. Also in *ABC*, Guillermo Garabito rebuked the Prime Minister

¹ "State of Pandemic, A Pandemic State". All translations are mine.

² "Anxiety, confusion, and fear".

and the leader of the opposition for the lack of freedom in Spain — Garabito (2020) held that Sánchez was the proponent of the state of emergency and Casado did not challenge him. Using provocative language, Garabito called for liberty to be restored, carrying the implication that liberty had been taken away from Spaniards — "Habrá que empezar por las libertades que tiene confiscadas el Estado desde hace cuarenta y cinco días".³ His piece ends on a sarcastic note, hoping that "algún día de estos volverá la libertad".⁴

Also on 26 April *El Mundo* (2020a) ran an editorial titled "De la obsesión por el relato a la amenaza de la libertad"⁵ denouncing the Government's "bulo" (lie) to dismiss a police commissioner (The officer had alleged that the Government was using police intelligence to counter political opposition.). Some press conferences had been convened by high ranking military and police commanders, and *El Mundo* suggested that the Government was deploying the army to hide its alleged incompetence. The editorial held that the Government was seeking the "control de daños, contraria a la voluntad de transparencia".⁶ The last sentence accused the Government of telling an "abyecta mentira" that should remind everyone of "el papel de la prensa libre frente al abuso de poder".⁷

The concerns about the lack of freedom during the state of emergency extended to the role of the judiciary. On 28 April, *El Mundo* (2020b) published an editorial titled "Próximo objetivo: la independencia de la Justicia",⁸ a sarcastic heading implying that the judiciary was not independent. The title, however, was a misnomer, as the piece recognised the separation of powers in Spain but simply warned that the PSOE-Podemos government seemed adamant that "Justice must be at the service of the Government" with a view of rendering the Cabinet the "único representante legítimo del pueblo, el que decide lo que es justo y lo que es injusto".⁹ *El Mundo* called the Government "herederos de la concepción antiparlamentarista y antiliberal surgida en los años 20 y 30"¹⁰ and chided the Secretary of State for Justice for his "populist ways". The editorial did not refer explicitly to the state of emergency, but

³ "We will have to start [recuperating] the liberty that the State took away from us 45 days ago".

⁴ "One of these days liberty will return to us".

⁵ "From the Concerns About the Tale to the Threat to Liberty".

⁶ "Control any damage against it, which runs counter to transparency".

⁷ "Wicked lie [to remind us of] the role of free press against abuses of power".

⁸ "Next Objective: The Independence of the Judiciary".

⁹ "The one and only representative [power] of the people to decide what is just and what is not".

¹⁰ "Heir to the antiparliamentarism and antiliberalism born in the 1920s and 30s".

chastised the Government for its authoritarian view of justice precisely at the time when the state of emergency was precluding Parliament from conducting its business.

There was a general sense that public institutions had been left vulnerable, and some commentators implied the Government's totalitarian ways. In May, Diego Pérez de los Cobos, a colonel with the police corps Guardia Civil, was removed from his post as Commander of the Guardia Civil in Madrid. *El Mundo* editorial (2020c) on 4 June stressed that the replacement of Pérez de los Cobos had been politically motivated – it was alleged that he had disapproved of the Government's plan to accuse police officers to have served the political interests of the former PP Government. *El Mundo* rebuked the Prime Minister for being "dispuesto a deslegitimar las instituciones democráticas con tal de seguir aferrado al poder".¹¹ In many ways, the state of emergency was impinging on political life and prompting the general sense that the Government was using public institutions for its own political gains. Ferrán Caballero (2020) compared Spanish politics to war, regretting that the Prime Minister had put the blame for contracting the disease on those infected because they had not been careful enough. Caballero also noted in dismay the totalitarian deportment of the Deputy Prime Minister and leader of Podemos Pablo Iglesias. Others (J. L. Pardo 2020; Garrido Ardila 2020b) also lamented the confrontational rhetoric in Spanish public debates, and observed that the pandemic had further divided Spanish political fractions (Garrido Ardila 2020a).

On the other hand, Luís Bassets (2020) argued that locking down had undermined personal liberty not only in Spain but in many other countries. For Bassets, the pandemic was a challenge to democracies everywhere. Yet, the Spanish liberal and conservatory press was adamant that the state of emergency had become the means for the left-wing Government to erode democracy. Javier Cremades and Brad Karp (2020) noted that *democracy* means "el gobierno de las leyes y no de los hombres"¹² and warned against the "tiranía de los hombres"¹³ during the pandemic. Likewise, J. E. Benavides (2020) held that the Government's ways during the state of alarm could only be described as "despotismo iletrado"¹⁴ owing to the many

¹¹ "Prepared to delegitimise democratic institutions for the sake of his power".

¹² "The rule of law, not the rule of men".

¹³ "Tyranny of men".

¹⁴ "Un-Enlightened Despotism".

transgressions of democratic values such as the aforementioned separation of powers and the alleged breaches of the rule of law.

ABC put the question of moral legitimacy and the state of emergency to two of Spain's leading philosophers – Gabriel Albiac and Javier Gomá. They were asked to comment on the topic of "El Estado pide entregar parte de su libertad a esos 46 millones de geniecillos por una emergencia sanitaria"¹⁵ (García Calero 2020). Gomá commented:

Tocqueville dijo que la democracia hace ciudadanos independientes pero débiles. Si se sienten débiles pueden tener anhelo de autoridad. La pandemia genera mecanismos legales de una gran concentración de poder en el Ejecutivo, se diluye en cierto grado la separación de poderes, esto se parece a un estado autoritario. Pero con una gran diferencia, aquí se ha hecho conforme a un procedimiento y una Constitución y se establece de manera limitada, pero hay que permanecer vigilantes. Destacaría que 46 millones de españoles acepten el encierro y la ruina de sus negocios para proteger a sus ancianos.¹⁶

Albiac noted:

Es necesario tener en cuenta para la preservación de la libertad la tentación totalitaria que existe en el Estado moderno desde su nacimiento. Y la gran lección del siglo XX es que en un momento de crisis la tentación de erigir al Estado en una autoridad y en una legitimidad moral absoluta es el vehículo para lo peor. Para salvar a la ciudadanía y acceder a una mejora absoluta de todo, ¿qué coste es exterminar a una parte de la población? Es ridículo. Lo pensaban los bolcheviques estalinianos, o los nazis hitlerianos, que tras ese baño de sangre iba a venir la raza superior, la culminación o la sociedad perfecta, el mundo angelical que había descrito Savonarola en el Renacimiento.¹⁷

Although both Gomá and Albiac regretted the centralisation of power in times of national crises, their responses are substantially different. Albiac's takes a dramatic stance in fearing that – as Lord Acton warned – because all statesmen will feel the temptation of abusing power in one way or another, any crisis may yield a

¹⁵ "The State has asked those 46 million people to relinquish their freedom on the grounds of a health emergency."

¹⁶ "Tocqueville said that democracy makes citizens free but weak. If they feel weak they may yearn for an authority. The pandemic has triggered legal measures allowing the concentration of power in the Government. The separation of powers is relaxed to a certain extent, and this looks like an authoritarian state. But there is an important difference, because in this case this measure is temporary and has been taken abiding by the Constitution. Yet, we need to remain alert. I would note that 46 million Spaniards have complied with the lockdown and accepted the damage to their businesses, in order to protect their elders."

¹⁷ "In order to protect freedom, we need to bear in mind that, from the beginning, modern States will endure the temptation of totalitarianism. What we have learnt from the twentieth century is that when in times of crisis we have succumbed to the temptation of accepting the authority of the State and its absolute moral legitimacy, this has led to the worse. In order to save the people and improve everything, does it matter if we exterminate a part of the population? This is ridiculous. This is the reckoning of Stalinist bolsheviks and Hitler's nazis; they thought that after the bath of blood a superior race would emerge, it would be the materialisation of a perfect society, it would be the heavenly world described by Savonarola in the Renaissance."

totalitarian state where a government will spuriously obtrude its vested interests. However, the references to Stalin, Hitler and the proto-Utopian Savonarola may seem irrelevant in the 21st century. Conversely, Gomá's understanding of the state of emergency seems like a more realistic one. He concedes that the state of emergency undermined the separation of powers, which is one of the pillars of liberal democracy, but he also notes the lawfulness of the state of emergency. Yet, despite their differences, both Gomá and Albiac acknowledge that the state may suppress some of our freedoms and may not be morally acceptable.

The two fundamental questions that spring from all these discussions are, (1) did Spain turn into a Leviathan state following the declaration of the state of emergency?, and (2) was the state of emergency the best moral option for the Government? These are questions that may help us to fathom out Spanish politics since 2015.

Although Hobbes's idea of the state is today commonly (yet wrongly) regarded as a defence of absolutism, it has been hailed, by political scientists including David Runciman (2014), as the precursor of the modern democratic state. Contrary to the absolutist monarchies of his time, Hobbes proposed a polity where a sovereign ruled serving the interests of the people. He called that state a *commonwealth* and established that its prime function and aim was "the foresight of [the people's] own preservation, and of a more contented life thereby" (Hobbes 2008: 111), avoiding "chaos" (Hobbes 2008: 75) and granting every subject liberty, "dignity" (2008: 28) and "equality" (Hobbes 2008: 82). Hobbes defines *liberty* as "the absence of external impediments: which impediments, may oft take part of a man's power to do that he would; but cannot hinder him from using the power left him, according as his judgment, and reason shall dictate to him" (Hobbes 2008: 86). Yet, he grants the sovereign the power to legislate and to limit the liberty of the people: "As for liberties, they depend on the silence of the law. In cases where the sovereign has prescribed no rule, there the subject hath the liberty to do, or forbear, according to his own discretion" (Hobbes 2008: 146). This is a very modern conception of the state and one that is substantially different from 17th- and 18th-century absolutist monarchies. Although Hobbes recognises personal liberty and the equality of all citizens, his is not a fully democratic model of state because the sovereign is not elected by all the people. "The legislator in all commonwealths, is only the sovereign, be the one man, as in a monarchy, or one assembly of men, as in a democracy, or

aristocracy", Hobbes (2008: 176) writes, but his parliament is not democratically elected.

The comparison between Spain's state of alarm and Hobbes model of state, therefore, is not at all accurate. Hobbes's Leviathan is an undemocratic state inasmuch as its sovereign is not elected by the people. But this sovereign is not a tyrant in the fashion of pre-1789 French despots because Hobbes's sovereign rules for the people and recognises the personal liberty of all subjects. Accordingly, the comparison between the 2020 state of emergency and Leviathan patently is an unfair one, because a despotic state takes decisions with no consideration for its people, whereas Hobbes's state concentrates power in the hands of the sovereign for the sole purpose of the general good and the well-being of its subjects – which is not what the aforementioned Spanish political analysts perceived during the state of emergency. Although Leviathan cannot be regarded as a democratic model proper, it is noteworthy that liberal theories recognise the government's moral power to take extraordinary measures in extraordinary crises. In his *Two Treatises of Government* (1689), John Locke proposed that parliamentary should grant the government the right to use "prerogatives", which he defines as "being nothing but a Power in the Hands of the Prince, to provide for the publick Good, in such Cases, which depending upon unforeseen and uncertain Occurrences, certain and unalterable Laws could not safely direct" (Locke 2016: 80). The 2020 pandemic indeed was "unforeseen and uncertain". The same prerogative is accorded to the state by political philosophers such as Immanuel Kant and Max Weber.

Kant's idea of the state is, like Hobbes's, a contractualist one. In *Über den Gemeinspruch* (1793), Kant suggests that civil society or the "bürgerliche Zustand" should be governed by the rule of law as a "rechtlicher Zustand" where the state recognises all citizens as free and equal and where the citizens abide by the law of the land. The Kantian state is based on what Johann Fichte later termed the *Staatsbürgervertrag*, the contract whereby citizens accept to be ruled by the sovereign in return for the protection of their liberty and dignity. More than a century after Kant, Weber proposed a similar contractualist theory. In "Politik als Beruf" (1919), he coined the term 'Herrschaftssoziologie' meaning the understanding that peoples should accept the authority of governments – the *Herrschaft* of the ruler – and governments should rule for the people. In *Gesammelte Aufsätze zur Religionssoziologie* (1920) Weber held that the authority of a democracy emanates from the people.

Generally speaking, the basic difference between Leviathan and the liberal models propounded by Kant and Weber lies in that the Hobbesian sovereign is not elected by the people. The state of emergency declared by the Spanish government did not turn Spain into a Leviathan state because the PSOE-Podemos Government was elected democratically by Spaniards. As Gomá underlined, the state of emergency was intent on protecting the people in an emergency. Paradoxically, however, the comparison between the Spanish government and Leviathan is flawed inasmuch as Spain is a democracy, but it is also accurate inasmuch as the decision was taken to protect the people, which was the main purpose of Hobbes's Leviathan. All things considered, the analogy with Hobbes Leviathan was an uninformed one. What political commentators decried was not that the state of emergency had suddenly deprived Spaniards of their personal liberty; in actuality, they were condemning the fact that the state of emergency seemed to fit the Government's paternalistic leftist agenda. Yet, the matter in hand is a subtle one because, as Robert Dahl has noted, "In every democratic country a substantial gap exists between actual and ideal democracy" (2015: 31). The question therefore is not so much whether the state of emergency turned Spain into a Leviathan state overnight, but whether it was morally justified considering that other countries had instead passed legislation focusing on the specificities of the lockdown.

Reflecting upon personal liberty, Amartya Sen holds that "in assessing our lives, we have reason to be interested not only in the kind of lives we manage to lead, but also in the freedom that we actually have to choose between different styles and ways of living" (2010: 227). Undoubtedly, the state of emergency in Spain, like the lockdown legislation passed in other countries, deprived Spaniards of some freedoms, and many felt it was an excessive and unfair course of action taken by a nanny state. In his theory of justice and fairness, John Rawls suggested that "[t]o check whether we are following public reason we might ask: how would our argument strike us presented in the form of a supreme court opinion?" (1993: 254). Had the state of emergency been declared by Spain's supreme court it would not have struck anyone. It would have been understood as a dramatic measure in dramatic times when, particularly in Spain, the spread of Covid-19 was relentless. Writing on public reason, Michael Sandel submits that in any discussion concerning the administration of justice "we should [...] restrict ourselves to arguments that all citizens can reasonably be expected to accept" (2010: 249). In the case of the

Spanish state of emergency, the bottom line is that not all citizens could reasonably accept it in the context of post-2015 politics.

Calling a state of emergency may seem like quite a draconian course of action. Yet, it was declared in conformity with the law of a *rechtlicher Zustand* and, therefore, the violation of personal liberty was fully justified. In 2020 Spain, all citizens would be "reasonably [...] expected to accept" a state of emergency and no analogies should be drawn with Hobbes's Leviathan. What the political analysts, jurists and philosophers cited here, and many others, could not accept was that the state of emergency allegedly afforded the government the opportunity and the leeway to become more of a nanny state and to undermine some of the freedoms taken for granted in a liberal democracy. This was the point in case when on 23 April a group of 30 high-profile intellectuals led by Fernando Sánchez Dragó and Alfonso Ussía published their "Manifiesto para la Resistencia Nacional"¹⁸, where they decried the Government for "el provechamiento político del estado de alarma para tramitar leyes que reforzarán el dominio ideológico de la extrema izquierda"¹⁹ (S. E. 2020). If that be the case, the matter at hand is not Hobbes's Leviathan, but the alleged erosion of democracy highlighted of late by political scientists such as Run-ciman (2018).

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