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## Article

# Passport to Neoliberal Normality?

## A Critical Exploration of Covid-19 Vaccine Passports

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## Abstract

Throughout the COVID-19 pandemic governments across the world including in France, Canada, Lithuania, Austria, Italy, and Ireland imposed ‘vaccine passports’ on the premise that they would curtail transmission of the virus, reduce COVID-19 related mortalities, and enable society to return to *neoliberal normality*. However, vaccine passports raise several issues that have not been given sufficient attention within the social sciences. Vaccine passports should be of criminological and zemiological concern because of their harmful consequences upon social relations, surveillance implications, as well as how they aid a return to *neoliberal normality* with all its criminogenic implications from corporate boardrooms to zones of permanent recession. Therefore, this article offers a critique of vaccine passports. It is structured into three key themes: (a) scientifically and ethically problematic, (b) the death of the social and the ‘Other’, and (c) digital surveillance and freedom. The paper begins by exploring how vaccine passports make little scientific sense and further entrench some unvaccinated peoples’ sense of political and medical mistrust. It then discusses how they amplify social divisions, creating the unvaccinated Other in society and intensifying the neoliberal shift towards a post-social, contactless world. The article closes with an outline of how vaccine passports were cast as enabling a return to neoliberalism and freedom, hinging upon an assumption of harmlessness while cementing the negative ideology of capitalist realism.



## Introduction

Starting with the Oxford-AstraZeneca vaccine in the United Kingdom (UK) in December 2020, the rapid commercial manufacture, clinical testing, regulatory approval, and deployment of various COVID-19 vaccines has been an essential tool in societies fight against the COVID-19 pandemic. Whilst the pandemic exposed how neoliberalism left many societies unprepared to deal with a health crisis, political corruption, and various entrenched social inequalities (Briggs et. al, 2021a; 2021b; Gerbaudo, 2021; Raymen and Smith, 2021; Sparke and Williams, 2022), it is generally believed that the roll out of the vaccine programme in the Western world has been one of the few positive outcomes of the pandemic era and cast as ‘an unrivalled scientific achievement’ (Nguyen et. al, 2022: 1). At the time of writing in June 2022, approximately 65.9% of the global population has been administered at least one dose of a COVID-19 vaccine, with a total of 11.9 billion doses dispensed across the world (OWD, 2022). This has resulted in a sustained reduction in COVID-19 related hospitalisations and fatalities, even when transmission rates are high.

However, the debate over ‘vaccine passports’ continues in many nations. Often referred to as ‘covid certification’, ‘immunity certificates’, ‘digital covid certificates’ and ‘green passes’, they form a digitalised or paper certificate that enable people to demonstrate their health status by displaying proof of either full vaccination or a negative COVID-19 test result. The certificate is then required for various purposes which can encompass accessing domestic and international travel, attending bars, gyms, and restaurants as well as highly populated entertainment venues such as music concerts and football matches. Therefore, they reduce public health restrictions for the vaccinated, while ensuring that the unvaccinated cannot partake in much of civil life.

In February 2021, Israel was the first nation to implement a ‘green pass’, while in September 2021 many provinces in Canada such as Ontario and British Columbia enacted the scheme as a condition for people to enter ‘non-essential’ places, including cinemas and restaurants. In July 2021 Ireland and France made the pass compulsory for access to leisure facilities, while in September 2021 Italy became the first European country to enforce the pass for all employees. President Joe Biden’s United States of America (USA) opted against issuing the passports federally, leaving it up to the Governors of individual states to decide (Jecker, 2021). Whilst the Governors of many states including South Carolina, Georgia, Florida, and Texas banned their usage, the Governor of New York implemented the scheme which became known as the ‘Key to NYC’ (Gostin, 2021: 2). In July 2021 the European Union (EU) also enacted the ‘digital covid certificate regulation’ (Wilford et. al, 2021), requiring individuals to display proof of either full vaccination, a negative test result or recovery from COVID-19 to travel across its member states.

The imposition of both COVID-19 restrictions and vaccine passports have generated protests around the world. For instance, vaccine passports in France led to several months of social unrest into February 2022, while some have argued that they could ignite insurrection and civil war in South Africa (Kevin et. al, 2022). Moreover, protests occurred in Italy, Spain, Austria, Portugal, Luxembourg, England, Sweden, and Greece, though perhaps most emblematic of this

dissatisfaction are the ‘truckers’ in Canada. Across January-February 2022 many Canadian truckers, most of whom were vaccinated, drove up to 3000 miles to the Canadian capital, Ottawa, demanding the removal of COVID-19 restrictions including the vaccine mandates (Ling, 2022).

Vaccine passports raise troubling issues that have been given little attention within the social sciences, including in criminology and zemiology. Vaccine passports ought to be of criminological and zemiological concern due to the harmful consequences they wreak upon social relations, surveillance implications, as well as how they aid a return to *neoliberal normality* with all its criminogenic implications from corporate boardrooms to zones of permanent recession (Hall, 2012; Hall and Winlow, 2013). By neoliberal normality we primarily refer to the continuation of neoliberalism for the immediate future, evidencing it via Harvey’s (2007) conception of neoliberalism as a class-based, restorative economic project that seeks to redistribute wealth from the bottom to the top of the social structure. The deepening of this restoration has been clear since the advent of the pandemic in March 2020, with social inequalities and the economic gap between the rich and poor increasing to historically unprecedented levels (Green and Fazi, 2022). For instance as Briggs et. al, (2021b) highlighted it would now take the average Amazon worker eight weeks to earn what the world’s second richest man, Jeff Bezos, earns in a second (Gerbaudo, 2021). Meanwhile, living standards for most people continue to decline as we slowly enter a new political economic phase (see: Raymen and Smith, 2021). Neoliberalism’s cultural partner of consumerism and its associated value system of radical individualism and aggressive competition will, of course, also take many years to undo (Ellis, et. al, 2021; Raymen, 2016; Raymen and Smith, 2021; Smith and Raymen, 2018; Winlow and Hall, 2013). Notwithstanding these issues, most debates surrounding vaccine passports have primarily focussed on the benefits of reopening the economy vs the passport’s privacy risks, but Renieries (2021) suggests:

“This narrow lens ignores a wide array of other, potentially more worrying concerns, particularly with regard to the risks of driving further inequity, discrimination, exclusion and stigmatization.”

This article therefore offers a critique of vaccine passports. It is structured into three key sections. The first section - scientifically and ethically problematic - documents how the scheme is scientifically and ethically unsound, explicating how it may violate the ethical principle of informed consent and further entrench some unvaccinated peoples’ sense of political and medical mistrust. The second section - the death of the social and the ‘Other’ - elucidates the exclusionary nature of vaccine passports, amplifying the neoliberal shift towards a post-social, contactless world. As we will see, this is particularly the case in South Korea with their ideological state commitment to an ‘untact’ society, which is based upon an increasing primacy to technology rather than human interaction. The final key section - digital surveillance and freedom - discusses how vaccine passports form part of a broader increase in technological surveillance during the COVID-19 pandemic, creating the potential for user data to be mined for profitability as part of ‘surveillance capitalism’ (Zuboff, 2019). The paper closes with an exploration of how vaccine passports were cast as heralding the immediate return to neoliberal normality and

freedom, outlining how this hinged upon an assumption of harmlessness (Raymen, 2021) while cementing the negative ideology of capitalist realism (Fisher, 2018).

### **Scientifically and Ethically Problematic**

Throughout the pandemic most governments suggested they were ‘following the science’ to address COVID-19, with many scientists taking a central role in political life and acting as public figures. Mathematical models in particular were utilised to present worst case scenarios regarding hospitalisations and fatalities, providing political impetus for vaccine passports on the rationale that they would reduce COVID-19 cases and mortalities (Sleat et. al, 2021). However, these models are littered with deficiencies including erroneous modelling assumptions and high sensitivity depending upon the inputted data (see: Ioannidis et. al, 2022). Face masks were also imposed by many governments, although the evidence on their efficacy in curtailing transmission remains inconclusive (Briggs et. al, 2021a; 2021b; Dodsworth, 2021). This was the rhetoric originally offered by many governments at the start of the pandemic, although some reversed their position in the hope of reducing peoples’ fear of the virus, giving them confidence to go out shopping again to stimulate a resurgence in the economy (Briggs et. al, 2021b; Dodsworth, 2021). Therefore, science is often politicized to fulfil select political aims under neoliberalism – known as the ‘medical-political complex’ (Abassi, 2020: 1) – whereby evidence is cherry-picked to align with a political agenda (Dodsworth, 2021).

There is no scientific consensus that vaccine passports would be an effective tool in society’s fight against COVID-19. The World Health Organisation (WHO) does not support their usage, citing many reasons including the unequal global rollout of the vaccines and how the passports would restrict travel for those that have not yet been fully vaccinated. The Nuffield Council on Bioethics also outlined their reservations, claiming there is ‘too much scientific uncertainty and there are too many unresolved ethical concerns’ (Cited in Jecker, 2021: 1). Whilst some commentators in the British Medical Journal suggested they may be a useful mechanism in reducing fatalities, others claim the passports would lessen but not eradicate the risk posed by COVID-19 (Sleat et. al, 2021). This is because people can continue to transmit the virus after being fully vaccinated (Green and Fazi, 2022). Such transmissibility was illuminated at the outdoor Boardmasters music and surf festival in Cornwall, UK, in August 2021. Although vaccine passports were in place, nearly 5000 people tested positive for COVID-19, meaning it essentially acted as a ‘super-spreader’ event (Sleat et. al, 2021).

Whilst COVID-19 vaccines are effective in significantly reducing mortality, the immunity afforded by them diminishes rather quickly. Research on the Pfizer-BioNTech vaccine ascertained that immunity declines after around six months, with effectiveness dropping from 88% immediately after being fully vaccinated to 47% after five months (Tartof et. al, 2021). Similarly, Fabiani et. al, (2022) found that the effectiveness after the second dose of COVID-19 mRNA vaccines generally declined to 33% after six months. This resulted in the deployment of booster vaccines which further reduced the likelihood of infection, hospitalisation, and death, particularly for individuals who were high risk such as the elderly. However, the short term efficacy of these vaccines raises questions around the extent to which natural immunity might

provide comparable levels of protection against COVID-19. Kojima and Klausner (2022) suggest that individuals with COVID-19 anti-bodies possess low-rates of reinfection, perhaps decreasing a person's risk of reinfection by at least 80.5% up to ten months after testing positive. Likewise, Shenai et. al, (2021) demonstrate how natural immunity may provide superior levels of protection against COVID-19, claiming vaccinated individuals may be 27 times more likely to be reinfected than those who are unvaccinated but have recovered from COVID-19. This potentially means that recovery from COVID-19 should be considered equal to full vaccination, as is the case in some countries such as Switzerland and Italy (Shenai et. al, 2021), although it also illuminates how there is little scientific basis for vaccine passports to curtail transmission, hospitalisations, and fatalities.

The requirement that citizens possess a vaccine passport to access civil life regardless of their health status, age, and risk of harm to the disease is rather dubious. Shenai et. al, (2021: 13) claim it would amount to a 'questionable legal and ethical standing, based on suspect medical necessity and even a potential for harm'. One form of possible harm lies in requiring all children and teenagers to receive full vaccination as part of the vaccine passport scheme. Whilst vaccination is arguably essential for those youngsters who have underlying health conditions and are at an increased risk of harm to COVID-19, the virus does not generally pose a serious threat to children or teenagers, with deaths being extremely rare (Briggs et. al, 2021b; Giubilini et. al, 2021). Moreover, the imposition of vaccine passports across the Western world would potentially encourage take up of the vaccines amongst low-risk children on the premise that life will return to normality quicker, further delaying the fragmented rollout of vaccines to those vulnerable groups in the Global South who need the vaccination far more (Kevin et. al, 2022), thereby inadvertently prolonging the pandemic.

Emphasising the importance of vaccine uptake as part of the passport scheme pressurises people into getting the vaccine, particularly during a time when many people were suffering from lockdown fatigue and largely wanted an end to the restrictions (Dodsworth, 2021). According to many commentators, this emotional manipulation violates the bedrock of ethical medical treatment – informed consent (Dodsworth, 2021; Kevin et. al, 2022; Porat et. al, 2021). Informed consent for human subjects in medical procedures intensified in global importance after the horrors of the Second World War, including the medical experiments that were conducted on Jews and other prisoners in the Nazi concentration camps, culminating in the 1947 Nuremberg Code which embedded informed consent in law as one of the core ethical standards in medical treatment. This means human subjects must be free from threats of harm, coercion, influence, and duress throughout the process of medical treatment and interventions. However, where vaccine passports were imposed, they often operated in a context of 'structural coercion' (Kevin et. al, 2022: 15). Myriad consequences were attached to not being fully vaccinated such as the potential of losing one's job and livelihood. For example, in September 2021 in France 3000 unvaccinated health workers were suspended for refusing the vaccine (BBC, 2021). Such actions were fuelled by the rhetoric utilised by French President, Emmanuel Macron, who stated the aim was to 'piss off the unvaccinated' (Cited in Kevin et. al, 2022: 16). Moreover, in Greece from December 2021 unvaccinated people aged over 60 were fined €100

each month, with the monies raised going towards Greece's underfunded and understaffed hospitals (Lavelle, 2021). Despite the detrimental impact of this - particularly upon elderly citizens who were already struggling economically - the Greek Prime Minister Kyriakos Mitsotakis claimed it was the 'price to pay for health' (Lavelle, 2021).

Vaccine passports also do little to address the often-complex reasons surrounding low vaccination uptake within certain social groups, particularly within the BAME population (Dodsworth, 2021; Hall and Studdert, 2021; Jecker, 2021; Lyon, 2022). These are likely to remain disproportionately low as we enter the post-pandemic era (Hall and Studdert, 2021). Recent survey research in the USA, for example, highlighted that vaccine hesitancy is most pronounced amongst poor ethnic minority groups who live in socially marginalized areas, possessing lower than average incomes and poorer educational attainment under neoliberalism (Nguyen et. al, 2022). Reasons often cited for their comparably low rates of COVID-19 vaccination include fears over potential adverse reactions and the long-term side effects of the vaccine. Adverse reactions have been relatively rare and primarily minor such as short-term fatigue and headaches (Krantz and Phillips, 2022; Rosenblum et. al, 2022). However, other scholarship in the UK has identified fears expressed amongst racial minorities that were often attached to various conspiracy theories around COVID-19 (Fuller et. al, 2021). Such concerns point to a profound distrust of the government, public health, and the pharmaceutical industry.

However, some of this medical mistrust in countries like the USA has its roots in historical events (Nguyen et. al, 2022). As part of the USA Government's 1932 Tuskegee Syphilis Study, around 400 black men with syphilis were informed that they would receive treatment and care for their infections. However, the government intentionally left the men untreated to observe how syphilis would naturally progress, thus violating their informed consent (Fuller et. al, 2021). Although an antibiotic treatment through penicillin was found for syphilis in 1947, the government continued the study until 1972. Such state sponsored violence has left many people from BAME communities suspicious of the medical system as an institutionally racist structure (Fuller et. al, 2021). Religion can also play a part in vaccine hesitancy. For instance, sections of the Muslim community in the UK previously expressed worries about the halal status of the COVID-19 vaccines (Fuller et. al, 2021).

Considering the above, there is evidence that vaccine passports may intensify unvaccinated peoples' COVID-19 vaccine hesitancy. Drawing upon survey research in Israel and the UK (N=1411), Porat et. al, (2021) indicate that many unvaccinated people view the passports as eroding their bodily autonomy and freedom of choice, essentially coercing them into getting vaccinated. Rather than governments utilising pressure and coercing the populous into vaccine uptake via the passport scheme, scholars remark that it is essential they utilise more ethical means of persuasion (Abrams et. al, 2021; Porat et. al, 2021). Whilst 'nudging' is likely to compel some people to immediately take up the vaccine, it may have damaging, longer term impacts including further eroding the already threadbare public trust in politics and public health. This is particularly the case in many Western nations like the USA and UK, where trust in politicians had reached an all-time low in the neoliberal era (Briggs et. al, 2021a 2021b; Telford, 2022).

As we have seen, vaccine passports are littered with scientific and ethical conundrums, though they also intensify various social divisions and antagonisms. This includes the shift to a post-social world and the identification of a vilified ‘Other’ in society. We present these issues as the central topic of debate in the next section, with a particular focus on South Korea.

### **The Death of the Social and the ‘Other’**

As mentioned, vaccine passports have been presented in countries throughout the world as an aspirational means by which residents can return to neoliberal normality. However, the social divisions that vaccine passports open up present themselves as something of an affront to the premise of a restored quality of life, particularly for some of the less technologically adept citizens like the older generation who could potentially become left behind. Throughout the pandemic, governments persistently singled out the needs of the elderly population in efforts to control the spread of the virus, in part because they constitute the bulk of mortalities; for instance, the average age of mortality with/from COVID-19 in the UK is 82 (Briggs et. al, 2021a; 2021b). However, there has been a dearth of debate about how a vaccine passport might be managed amongst the elderly themselves. While some countries offer a paper certification scheme, most have focussed upon rolling it out digitally via a smartphone app (Beduschi, 2022). Although the proportion of the older population owning smartphones has increased across the world in recent years, it remains relatively low. For example, in the UK smartphone ownership stands at 65% for the 65+ age group, while in South Korea it stands at 53.8% for those aged 70+ (Statista, 2021). Moreover, these smart devices may only be used by elderly people for basic calling and texting, rather than downloading, installing, and setting up the apps required for presenting a vaccine passport. This can present a somewhat daunting process for those who are not as familiar with these technologies. Technological barriers and the perceptions of them may also act to dissuade some of the elderly community – particularly those who live alone or have minimal existing social connections – from going out at all. This will only serve to compound the vulnerabilities that already exist among the older population, especially loneliness, social isolation, and atomisation (Dury, 2014), all of which have steadily increased throughout the neoliberal era (Stiegler, 2019; Winlow and Hall, 2013).

South Korea presents an interesting case in point. Throughout the pandemic, the South Korean government deployed a series of invasive surveillance and tracing mechanisms, some of which were superfluous to the contact tracing process itself – an individual’s gender, age, local routines, and places visited were all published publicly online. This allowed a range of inferences to be made about one’s identity, who they may be visiting and for what purpose (Jung et. al, 2020). Known as the ‘COOV app’, the nation’s digital vaccine passport was mandated in November 2021 and must be downloaded via the App Store which generates a unique QR code. Facilities deemed as high risk such as clubs, karaoke rooms, gyms and saunas were classified as ‘vaccine zones’ and were out of bounds for all except the fully vaccinated and thus vaccine passport equipped. Cinema multiplexes launched ‘vaccine pass’ theatres where customers were allowed to eat and drink whilst viewing their chosen film. Whilst the pandemic highlighted an

increased need for ‘contactless interactions’ to curtail transmission of the virus and reduce fatalities (Beduschi et. al, 2021), South Korea’s pandemic response including the COOV app is reflective of an existing economic commitment to building what they refer to as an ‘untact’ society (see: Lee and Lee, 2020).

The country has been investing heavily for some time in a shift to ‘human-free’ technological solutions with unmanned shops, restaurants and other contactless services rapidly displacing human labour and face to face interactions with people across the country (Kim, 2020). This shift has been enabled by sustained investment in advanced technologies. These include automatic dispensers, e-banking, unattended kiosks, and self-service counters, with customers receiving text messages with time slots to pick up pre-ordered items (Lee and Lee, 2020). Many citizens have welcomed this move, particularly the highly individualistic younger generation who prefer ‘solo shopping’ (Lee and Lee, 2020: 10) rather than engaging in what they perceive as the awkwardness of social interaction.

South Korea’s pandemic response including the COOV app have thus solidified their ideological commitment to an untact society, since the use of robots and other electronic services could be perceived as reducing the risk of viral transmission in food and other consumer settings. Vaccine passports also further compound the issues around contactless interactions in an atomised social world, whereby encounters with other people are deemed as stultifying and a potential affront to one’s freedom and sovereignty. Therefore, it might be argued that South Korea’s amplification of an untact society represents the pinnacle of what some scholars have identified as *the death of the social* under neoliberalism (Hall, 2012; Raymen, 2016; Stiegler, 2019; Winlow and Hall, 2013). Technologies including the COOV app enable people to sustain the retreat from civic life and social interaction. Such a contactless world makes it difficult to forge social bonds and civic ties that often enrich peoples’ lives and might provide them with a sense of collective identity and social inclusion.

Although in an untact world people might be present in the same space, utilising their COOV app to gain entry, they are essentially ‘alone together’ (Turkle, 2011). Utilising the anti-social tools of pandemic management to keep people at a distance, they are fragmented and cut adrift from the social. Given the atomisation above it is perhaps unsurprising that social isolation and loneliness are at relatively high levels in South Korea, with many South Koreans often feeling anxious, depressed, and suicidal (Kim et. al, 2021). Suicide rates are 2.4 times higher than the OECD average and particularly high amongst young people, with many feeling socially disconnected and hopeless (Gselamu and Ha, 2020). Moreover, while there are other important contextual issues to consider which are beyond the scope of this article (see: Anderson and Kohler, 2013; Yoo and Sobotka, 2018), the country possesses one of the lowest marriage and fertility rates in the world (Yoo and Sobotka, 2018) as opportunities to meet and develop relationships with others continues to diminish.

The amplified death of the social has also been mirrored in other neoliberal nations whereby the imposition of vaccine passports morphed into lockdowns for the unvaccinated. In November 2021, for instance, the Austrian government locked down their unvaccinated citizens



(later changed to a full lockdown) and legislated to ensure the vaccine becomes mandatory from Spring 2022, involving fines of up to €3,600 for those who continue to refuse it. In January 2022, Italy banned those without the new ‘super’ health pass – which stipulated that the scheme was valid indefinitely for the fully vaccinated and those who had recovered from COVID-19 - from public transport, coffee shops and other public services. In adopting similar rhetoric to the French President and Greek Prime Minister, Italian Prime Minister Mario Draghi magnified social divisions and tensions, remarking that ‘most of the problems we are facing today depend on the fact that there are unvaccinated people’ (Cited in Serhan, 2022). These types of tactics seem to point not so much to a desire to protect the population including the unvaccinated from harm, but more towards debasing those who are becoming increasingly seen as inconvenient and defective. Instead of explicating the complex reasons previously outlined for some people not getting vaccinated, they have often been labelled as merely crazy, flat-earther conspiracy theorists, ‘criminals’, ‘rats’ and ‘subhumans’ who deserve to ‘die like flies’ (see: Fazi, 2021). As Whitehead (2018) explains, the process of Othering has occurred throughout history, involving the separation of humanity into ‘us’ and ‘them’, with a derogatory term often delegated to a group of people who are classified as different and demonised. The readiness to vilify the unvaccinated Other is rooted in a deep-seated behavioural disposition that emerged well before the COVID-19 pandemic took hold.

These behaviours are reflective of a cultural shift that has accompanied the rise of neoliberal capitalism across much of the world over the past half century, with its injunction towards market values such as competitive and egoistic individualism rather than social solidarity (Harvey, 2007; Raymen, 2016). The hegemony of these values has generated a ‘post-social’ society whereby other people are increasingly identified as an enemy to eclipse, rather than a source of mutual aid and thus social sustenance (Hall, 2012; Raymen, 2019; Sloterdijk, 2011; Stiegler, 2019; Winlow and Hall, 2013). This shift has ushered in a separation of one from another, atomising and individualising social relations and creating the optimum conditions for the demonisation of the unvaccinated Other to proliferate (Whitehead, 2018). As mentioned, vaccine passports threaten to create a two-tiered society whereby those who are vaccinated can access public space and those who are unvaccinated cannot, effectively casting the vaccine hesitant as the threatening and menacing Other in society.

Such cultural characteristics have been further distilled by the broader restrictions that accompanied vaccine passports such as anti-social distancing and lockdown measures. Under lockdowns, the sense of *objectless anxiety* - an anxiety that is driven by an absence of certainty about the potential harms we may be exposed to and what we can do about them (Hall, 2012; Raymen, 2019; Winlow and Hall, 2013) - became more palpable. Although there was some perception that COVID-19 has killed millions of people around the world and is lurking somewhere nearby, we have much less of a sense about exactly where it is, who has it, how to best protect ourselves, and who we can trust and rely upon in a post-social world. The state-sanctioned withdrawal of our proximities to friends, family members and work colleagues served to widen the gap in the erosion of regard for the Other, as we retreated into our microspheres of subjective space behind closed doors. Vaccine passports further amplify this disregard, since

much of public space becomes inhabited only by the vaccinated, engendering a vaccinated social bubble. However, the tendency to occupy these *bubbles* (Sloterdijk, 2011) is an established part of social life under neoliberalism as we have moved:

towards a society that appears increasingly orientated towards nihilistic atomisation and pragmatic economic self-interest, and in which there remains no space for the traditional substance of civility and sociability (Winlow and Hall, 2013: 103).

Therefore, the unvaccinated stranger is a source of tension and incredulity; an antisocial Other who is not prepared to acquiesce with both the vaccine rollout and passport programme and should expect to be punished for their transgressions, even if that means further social alienation and the deprivation of resources that they depend upon for their livelihood. Essentially, vaccine passports formalise this regime of Othering, where the binary between the socially considerate, responsible individual and the reckless transgressor comes into sharp focus.

So far, this article has explicated how vaccine passports are scientifically and ethically questionable. It has outlined how they amplify the construction of the vilified unvaccinated Other and intensify the death of the social, with a particular focus on South Korea. The paper's final section explores the surveillance implications of vaccine passports. It discusses how they form a technological fix to return to a highly harmful way of life for the foreseeable future – neoliberalism – and its harmful conception of freedom.

### **Digital Surveillance and Freedom**

Embodying an 'epidemiological turn in digital surveillance' (Taylor et. al, 2021: 11), the rise of public health surveillance mechanisms has been a key component of the COVID-19 pandemic. As previously stated, digital contact tracing has been rolled out to track contact between citizens to detect if they encountered somebody who is infected. This occurred alongside national scale public health data modelling and epidemiological tracking to monitor the geographical and social spread of the virus. Such tracking mechanisms have been used to notify populations of areas where COVID-19 cases and mortalities are high and inform them of sensible behaviours and measures to reduce the risk that the virus poses (Lyon, 2022). Whilst surveillance is often thought of as being observed by someone in authority, Lyon (2022: 33) suggests that under neoliberalism - particularly during the pandemic - surveillance has largely been conducted by:

the smartphone. Today, the watching is no longer primarily literal, as with a camera; surveillance is achieved through *data*. And a key connector between persons and their surveillors is the phone – which is why I often refer to the smartphone as a PTD, a Personal Tracking Device.

Digital vaccine passports downloaded via an app on a smartphone present several surveillance issues, tethered to global technology companies who have lobbied many governments to present their solutions and thus utilise crises for their own economic gain (Lyon, 2022). Crises throughout neoliberalism have often been utilised to further the social, economic, and political

interests of powerful actors in society (Harvey, 2007; Sumonja, 2021; Telford, 2022; Žižek, 2018), particularly under states of emergency which often results in the expansion of surveillance mechanisms (Zuboff, 2019). This was clear after the 9/11 terrorist attacks in the USA, where technology companies presented various solutions to monitor ‘suspect populations’ in the name of increased security, involving an unprecedented expansion of state and corporate surveillant powers (Nagra and Maurutto, 2020; Zuboff, 2019). Such measures involved new information communication technology systems, linked databases including facial recognition software and digital profiles as well as a range of technological security procedures in airports including tighter border controls (Levi and Wall, 2004). This was enacted under the ideological banner of preserving freedom, civil liberties and the West’s cherished way of life, even if they paradoxically undermined both the rule of law and the liberties that they purported to protect (Nagra and Maurutto, 2020; Zuboff, 2019). In fact, such logic has been utilised by Sahakian et. al, (2021) in their advocacy of COVID-19 vaccine passports, claiming they are a small price to pay for the preservation of health and return to normal life. Indeed, it is as a consequence of the emotive and fractured state of national and international debate on the pandemic and vaccine passports that we ought to highlight here that we are not conspiracy theorists. We know COVID-19 is real and we are aware that it has caused immeasurable suffering to people across the world, including to our own family members and friends. We are also not arguing that vaccine passports are part of some COVID-19 surveillance conspiracy. Rather, as critical criminologists we are interested in analysing historic crises and the social changes that they often generate, including the validity of vaccine passports, their potentially harmful consequences and how they could be utilised by powerful actors to further their economic interests, as documented above.

This is particularly important given that digital vaccine passports on a smartphone also present the possibility of function creep (Lupton, 2022), whereby the data mined from the smartphone app is subsequently used for other purposes by technology companies, not least because many governments’ public health operations often involve some form of partnership with private companies for data analysis (Lyon, 2022). Zuboff (2019) refers to this as ‘surveillance capitalism’, where technology companies extract information about us via internet and smartphone apps activity and utilise it to be stored and sold as behavioural data to big business. Private and personal routines and behaviours - which have historically existed outside of capitalist markets - are now increasingly used to maximise profitability rather than to enrich the lives of the population. Such behavioural data is often used to predict future decision making, often nudging us via targeted advertisements into buying consumer products online through personal devices like smartphones, thus negating our autonomy and privacy.

It is worth expanding our analytical gaze to probe the features of surveillance capitalism and its relationship with state regulation in more detail. Although some scholars have emphasised the importance of public scrutiny and stringent governmental regulation in limiting the vaccine passport’s potential for surveillance (Beduschi, 2022; Lee and Fung, 2022), there is something of a paradox at play here. Levi-Faur (2009 2017) identifies the concept of ‘regulatory capitalism’ where state regulations and rulemaking are becoming reconfigured to facilitate the expansion of capitalist governance. As we have seen in the response to the pandemic, the private

sector has deployed considerable expertise in developing health surveillance technologies and risk measurement tools. Despite valid questions over data ownership and privacy, their input has been seen as crucial in shaping COVID-19 regulations and mandates set by governments. These regulations then go on to determine the potential scope for commercial opportunities, market share and profit making (Farrand and Carrapico, 2017). In this way, the private sector is fully incorporated into state regulatory networks as they both act in concert to further the growth of technological forms of social control and surveillance capitalism. Without the active participation of the state as a regulatory enabler for market growth in surveillance capitalism, its presence as a lucrative channel of global investment would be seriously diminished or even rendered obsolete. This points not to a state retreat under neoliberalism but rather a reconfiguration in the relationship between governments and global capital (Levi-Faur, 2009). It is also important to note the pace at which regulatory reconstitution takes place. In the context of the pandemic, the rapid mandating of COVID-19 control mechanisms meant that there was little opportunity for public debate, political scrutiny, and careful analysis.

Instead, vaccine passports were primarily heralded as signalling the end to public health restrictions and the return of individual liberty (Beduschi, 2022; Brown et. al, 2021; Giubilini et. al, 2021; Kevin et. al, 2022; Porat et. al, 2021; Sahakian et. al, 2021), and as mentioned, their rollout occurred in a context whereby many people longed for a return to freedom and normality (Briggs et. al, 2021a 2021b; Ellis et. al, 2021; Dodsworth, 2021). Therefore, vaccine passports were cast as a ‘technofix’ (Sandvik, 2021: 210) and part of broader technological infrastructure whereby:

digitised COVID surveillance and control have presented a techno-utopian portrayal, in which these technologies are positioned as offering more effective and efficient pathways to managing the COVID crisis (Lupton, 2021: 9).

The technofix provided by digital vaccine passports as a means of quickly returning to neoliberalism rested upon an *assumption of harmlessness* (Raymen, 2021). Throughout the neoliberal epoch freedom was tethered to individualistic and commodified hedonistic pursuits, awarding primacy to the satisfaction of one’s desires. As previously alluded to, the staple features of capitalism’s post-war era - particularly in the West - such as relative community spirit and social bonds had faded into the historical background (Hall, 2012; Sloterdijk, 2011; Stiegler, 2019; Telford, 2022; Winlow and Hall, 2013). ‘Me first’ egotistical individualism gradually frayed civility and sociality, with liberty becoming synonymous with *freedom from* all external constraints and authority, conceptualised as negative liberty (Berlin, 1958; Hall, 2012; Raymen, 2019; Smith and Raymen, 2018).

Commodified leisure was central to negative liberty. People often viewed it as a human and moral right to holiday abroad several times each year, engage in consumerism’s ‘fast fashion’ by buying more and more commodified items that were quickly disposed of to make way for new ones, while interpersonal social relations reached a historic low as a post-social society emerged (Raymen, 2016; Smith and Raymen, 2018; Winlow and Hall, 2013; Žižek, 2018). Such a

conception of freedom was linked to a range of harms encompassing interpersonal envy and selfishness, insecure working conditions, private indebtedness via credit cards and loans, mental ill health, resource depletion and global warming (Hall, 2012; Smith and Raymen, 2018; Stiegler, 2019). This freedom for Žižek (2018) is actually unfreedom, since the citizenry possessed no choice but to choose from a narrow menu of commodified consumer items and experiences, while the real freedom to change the co-ordinates of neoliberal political economy was regarded as a baseless utopia that would only lead to something far worse. The citizenry could have all the freedoms they desired; but not that one.

As the cultural critic Matthew Arnold previously observed: ‘Freedom is a very good horse to ride, but to ride somewhere’ (Cited in Harvey, 2007: 25). Neoliberalism’s trajectory of continual social crises, resource depletion, criminogenic conditions, global warming (see: Raymen and Smith, 2021) and the possibility of future pandemics are not the most pleasant destinations. In fact, Beacon and Innes (2021) advocated the rollout of digital vaccine passports partially on the premise that they will be useful in addressing future pandemics. However, this glosses over the causes of pandemics and addresses only symptoms. Indeed, it has been suggested that the COVID-19 pandemic was partially caused by neoliberal capitalism’s commodification of nature, deforestation, agricultural destruction and the concomitant global warming, resulting in the disruption of ecosystems and enabling emerging diseases to move from animals to humans as in the case of COVID-19 (Lyon, 2022; Sparke and Williams, 2022; Sumonja, 2021; Telford, 2022). This intensifies the likelihood of new infectious diseases emerging, since increased water temperatures allow bacteria growth and water-borne pathogens to spread far easier (Telford, 2022). Therefore, the imposition of digital vaccine passports to deal with both the COVID-19 pandemic and future ones that may transpire only serves to cement what Fisher (2018) termed capitalist realism.

This is a negative structural ambience whereby it is easier to imagine global warming and future pandemics wreaking havoc across the world than it is to imagine the end of neoliberal capitalism. Capitalist realism has been a political characteristic of many neoliberal governments across the world over the past few decades where vaccine passports emerged including in the USA, France, Greece, Ireland, South Korea, Australia, and New Zealand. It is no coincidence that these countries also harbour myriad inequalities such as sizable levels of unemployment, poverty, mental ill health, criminal activity and an unprecedented gap between the super-rich and poor. The immediate focus on short-term technological fixes like digital vaccine passports tends to obscure the ways in which the pandemic is tethered to neoliberal political economy, while negating the construction of a more equitable form of economic and social organisation. This solidifies the negative sense that nothing lies beyond neoliberalism; such cynicism, scepticism and ‘acceptance of this state of affairs is the hallmark of capitalist realism’ (Fisher, 2018: 539).

It is important to highlight that we agree the pandemic represents ‘a moment of shock and disorientation, which opens a space in which to redefine prevailing assumptions’ (Gerbaudo, 2021: 7), though we assert that vaccine passports aided a return to neoliberal normality at least

for the foreseeable future. Whilst there are various debates over how neoliberalism functions (for instance: Harvey, 2007; Telford, 2022; Winlow and Hall, 2013), it is generally agreed that it contains an economically restorative component whereby wealth is redistributed from the lower orders to the top of the social hierarchy. As mentioned, economic inequality catapulted throughout the COVID-19 pandemic, with the world's super rich generally accumulating more and more wealth (Briggs et. al, 2021a 2021b; Green and Fazi, 2022). Neoliberalism's socially corrosive behavioural relations encompassing egotistical individualism, competition, selfishness and post-sociality are also deeply embedded and will arguably take many years to redress (Ellis, et. al, 2021; Raymen, 2016; Raymen and Smith, 2021; Smith and Raymen, 2018; Winlow and Hall, 2013).

While it could be argued that the 'corona statism' (Gerbaudo, 2021: 6) evidenced through the pandemic including tectonic forms of financial support via the furlough schemes challenged the assumption that nothing could change and set aside some of neoliberalism's key characteristics (Raymen and Smith, 2021; Telford, 2022), the system has historically displayed a remarkable ability to mutate and survive, changing when it needs to in order to embark upon a new phase of capitalist growth and expansion (Gerbaudo, 2021; Sparke and Williams, 2022; Sumonja, 2021). Despite the state's various forms of lavish spending and economic support, some governments have recently emphasised the rhetoric of fiscal responsibility and expressed some caution regarding further myriad public investment (Sparke and Williams, 2022). Whilst a new phase of capitalism is slowly emerging involving an energy transition to renewables with implications for neoliberalism's longevity (see: Raymen and Smith, 2021), for the immediate future we remain ensnared within *neoliberal normality* with all its harmful implications for social life.

## **Conclusion**

The roll out of the vaccination programme changed the course of the COVID-19 pandemic, providing widespread protection against the virus and significantly reducing hospitalisations and fatalities. However, the accompanying imposition of vaccine passports in many countries around the world marks a troubling development. Many people protested against their implementation, suggesting the passports threatened to create a two-tier society based upon one's vaccination status (Green and Fazi, 2022). Such political discontent might well have contributed to some governments recently expressing their intention to end the passport scheme (as of Spring/Summer 2022). Whilst the South Korean government have not announced plans to roll back their COOV app, governments in Northern Ireland, England, Italy as well as many states in the USA like New York have signalled an end to the scheme. France have also scrapped the scheme for access to leisure facilities; but have kept it in place for entry into hospitals and care homes until at least July 2022.

This rolling back of vaccine passports at the national level is also perhaps an indication that the world is gradually emerging from the COVID-19 pandemic. Many governments have announced a 'living with Covid' strategy, with pandemics historically lasting for around two years as the virus morphs into a far less virulent form and becomes endemic (Briggs et. al, 2021a

2021b). However, it appears likely that some form of vaccine passport will be required for travelling abroad; as mentioned, one example of this is the EU's 'digital covid certificate regulation' scheme. Nonetheless, it would also be rather naïve to suggest that this current national rolling back reflects a brief blip in vaccine passport's *longue durée*. Many of the emergency measures enacted after other crises such as the 9/11 terrorist attacks eventually became permanent and normalised features of society (Lyon, 2022; Nagra and Maurutto, 2020; Zuboff, 2019). As the digital infrastructure remains robust and adaptable (Lyon, 2022), it is not unforeseeable that governments could roll some form of health passport out again. This is particularly the case during the winter months when conditions are favourable to the intensified transmission of COVID-19 and other infectious diseases, as well as during the pandemics that await us in the future.

As this article has elucidated, the imposition of vaccine passports is scientifically and ethically problematic. Whilst they gloss over the waning efficacy of the COVID-19 vaccines, they contribute to the *amplified death of the social* in many neoliberal societies, particularly in South Korea in light of their ideological commitment to an untact society. Neoliberalism's erosion of social bonds and primacy to competitive individualism laid the foundations for the vilification of the Other to proliferate during the rollout of vaccine passports, with the unvaccinated Other identified as a careless and irresponsible transgressor who should be chastised for their wrongdoing. Moreover, the premise that vaccine passports enable a return to neoliberal normality and freedom rests upon an assumption of harmlessness, glossing over the ways that today's *unfreedom* is associated with a litany of structural harms (Raymen, 2019; Smith & Raymen, 2018; Žižek, 2018). Ultimately, the implementation of vaccine passports as a technofix further congeals the negative ideology of capitalist realism; no fundamental political economic change is possible while neoliberal normality continues for the foreseeable future. This serves to accept the inevitability of a future characterised by perpetual crises, not least global warming, future pandemics, and the associated human distress in a post-social world where insecurity, uncertainty and instability have become structural norms.

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