

THE
CARDOZO ELECTRONIC
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SPRING – SUMMER 2021

CRAZY TIMES:
FROM THE ABSENCE OF ANY PRINCIPLE OF PRECAUTION
TO ITS EXCESS.
LESSONS FROM THE MISMANAGEMENT
OF THE PANDEMIC IN ITALY AND BELGIUM

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EN ITALIA Y ESPAÑA, Barcelona, 2020

Enrico Albanesi

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**CRAZY TIMES:
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LESSONS FROM THE MISMANAGEMENT OF THE
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Federico Regaldo

In memory of Giovanni Ferrero Merlinò

KEYWORDS

Pandemics; precaution; risk management; public governance; Europe

ABSTRACT

The origin of the current pandemic lies with the absence of any precautionary principle. What seemed to have come out of the blue, for most part of the worldwide population, for the experts was a matter of everyday concern, since long time. All breeding and slaughtering activities carry with them a certain degree of risk of zoonosis and triggering pandemics, but neither the industry nor the competent authorities have done anything to reduce such risk. On the other hand, once the pandemic exploded, some Western Countries, more than others, plummeted in the most horrendous collective fear, fuelled by an army of politicians, experts and journalists. It is the case of Italy and Belgium, which, at the time of writing, in furtherance of a dogmatic “precautionary principle”, have won the unwelcome trophy of the most draconian limitations to human rights and adverse economic impact, combined with the highest official death tolls. Finally and again, no precaution has been applied when promoting mass-vaccination. Could this “snakes and ladders” be a suggestion that certain forms of the precautionary principle tend to nothing but protecting self-centred politicians?

1. INTRODUCTION

It is February 12th, 2007: an old man is dying in a retirement home, in the outskirts of Turin, Italy. This man was my grandfather. His health conditions had been deteriorating since few days, after he got a terrible flu. It was getting more and more difficult for him to breathe, as the pneumonia became more and more serious. My mother called the ambulance. The doctor visiting him, showed up without wearing any facemask and did not recommend taking him to the hospital: “We are only going to increase his suffering”, he said.

My grandfather died two days after, surrounded by his family. Several other guests of such retirement home died the same year, with similar symptoms. The death of my grandfather and the others has not been reported in any special list. Nobody was convicted. No press reports were written nor broadcasted.

What would have happened in similar circumstances in February 2021? No relatives could have accessed the retirement home and the old man would have spent his last days alone. The doctor of the ambulance would have visited him dressed as an astronaut and would have probably suggested to take him to the hospital, despite the likelihood of increasing his suffering, but only for the sake of avoiding any possible legal issues. Thereafter, the retirement home would have maybe be closed and/or fined for non-compliance with preventative measures. All the people dying there would have been considered as victims of the pandemic. It is possible that the director of the retirement home would have been convicted and lawsuits launched by the victims' relatives. News would have been reported (at least) by local newspapers and television channels.

To me, the only difference, between 2007 and 2021, is that the current times are crazy times.

2. RISK SOCIETY AND THE PRINCIPLE OF PRECAUTION

Since many years, we are living in a so-called “Risk society”¹.

The contemporary relation between society and risk appears paradoxical: the more science and technology evolve, the more they discover new hazards. They are risk producers. Science is no longer the source of certainties; on the contrary, the more knowledge grows, the more uncertainty grows².

On the one hand, the realistic or positivist approach to risk, leading to its techno scientific management, is based on faith in the ontological existence of risk. Risk exists in itself, independently of social and cultural processes; risk

¹ Pieret, J. 2020. Carnet de crise #6 : Le COVID-19 à l'aune de la Société du risque d'Ulrich Beck. Centre de droit public. https://droit-public.ulb.ac.be/carnet-de-crise-6-le-covid-19-a-laune-de-la-societe-du-risque-dulrich-beck/#_ftn9 (accessed April 9, 2021).

² Idem.

is an objective danger that a disembodied scientific approach can reveal and therefore anticipate, prevent, compensate, etc. On the other hand, the constructivist approach carries, as its name suggests, a vision of risk as not existing in itself: our knowledge and our representations on risk are solely the result of human understanding and not the exact reflection of reality. So what will be called risk is just one way of looking at a particular phenomenon; risk is a social construct, it is inseparable from the social, political and cultural contingencies underlying its emergence which alone are worthy of analysis³.

Therefore, risk management requires particularly bright persons, aware of the complex mechanisms above and able to take the most efficient decisions.

Those bright persons should also be able to make clear to the population that: (i) the social, political and cultural contingencies above exist; (ii) that risk is immanent in any human activity and that it can only be reduced, but never be set to zero; and (iii) that playing with risk and collective fear may lead to disasters.

After more than one year of pandemic, one could doubt that Western politicians dispose of such qualities and capabilities: instead of conducting an accurate and precise work of fine tuning the risk exposure with everyday life, they frightened the population⁴ and deployed the last resort tool of risk management: the “Precautionary Principle“.

Several definitions are given of this principle. One of the most famous is the one adopted by the European Union in the Communication of 2 February 2000⁵, but it is expressed in several pages and it is quite vague.

I would rather adopt the definition of David Zaruk:

³ Idem.

⁴ E.g. Emmanuel Macron pronounced, just in one speech (the one of 16 March 2020), the sentence: “we are at war” for 12 times (Berthelier, A. December 16, 2020. Covid-19: Macron justifie l'expression "nous sommes en guerre". Le HuffPost https://www.huffingtonpost.fr/entry/macron-se-justifie-sur-lemploi-de-l'expression-nous-sommes-en-guerre_fr_5fda262dc5b6aa861e5ac63d (accessed April 11, 2021).

⁵ Communication from the Commission on the Precautionary Principle of 2 February 2000, IP/00/96. https://ec.europa.eu/commission/presscorner/detail/en/IP_00_96 (accessed February 12, 2021).

“Precaution is a normal human emotional reaction to not act in situations where there may be a threat or uncertainty that might not be contained and where the consequences may be severe”⁶.

Another similar and clear definition is given by Peter T. Saunders:

“In fact, the precautionary principle is very simple. All it actually amounts to is a piece of common sense: if we are embarking on something new, we should think very carefully about whether it is safe or not, and we should not go ahead until we are convinced it is”⁷.

“Precaution is a normal human emotional reaction to not act in situations where there may be a threat or uncertainty that might not be contained and where the consequences may be severe”.

“What the precautionary principle does is to put the burden of proof onto the innovator or perpetrator, but not in an unreasonable or impossible way. It is up to the perpetrator to demonstrate beyond reasonable doubt that it is safe, and not for the rest of society to prove that it is not”⁸.

Basically, the very essence of the principle of precaution is reverting the burden of proof. The full scale of this approach can be appreciated in case of evaluation mistakes:

- a) According to the principle of precaution, if the burden of proof is on the innovator or the perpetrator, a product or an activity which, at the end of the day, was safe could have been indeed originally prohibited;
- b) On the other hand, if, contrary to the principle of precaution, the burden of proof was on the objectors, a product or an activity which, at the end of the day, was dangerous could have been indeed originally admitted.

⁶ Zaruk D. 2020. The Top Ten KeystoneCorona Moments of 2020: Part 5/10 – The Perversion of Precaution. <https://risk-monger.com/2020/12/30/the-top-ten-keystonecorona-moments-of-2020-part-5-10-the-perversion-of-precaution/> (accessed April 7, 2021).

⁷ Saunders, P.T. 2000. I-SIS submission to US Advisory Committee on International Economic Policy (ACIEP) Biotech. Working Group, in Science in Society Archive. <https://www.i-sis.org.uk/prec.php> (accessed February 14, 2021).

⁸ *Idem*.

As expressed above, it seems that the principle of precaution not only is in accordance with common sense, but it is also in compliance with the general principles of law, as known, since a couple of millenniums, in the old Roman law, as well as currently in most part of jurisdictions.

Namely, the old Roman law dictum: “cuius commoda et eius incommoda” (who gets the benefits should also bear the costs)⁹ is one of the fundamental principles of law. It could also be formulated, with the more recent words of an economic analysis of the law approach, as: “those who profit by exposing others to especially high risk will be using up more than their own share (of resources) if they are not held liable”¹⁰.

The specific reference of this essay, to the principle of precaution as implemented in Italy and Belgium, is not eccentric: both Countries rang amongst the worst in terms of death rate¹¹, the worst in terms of span of the so-called “second wave”¹², the worst in terms of restrictions during the lockdown¹³ and the worst in terms of the adverse economic impact¹⁴.

⁹ Mattei, U. and Quarta, A. 2018. *The Turning Point in Private Law – Ecology, Technology and the Commons*. Cheltenham: Edward Elgar Publishing, chap. 4.

¹⁰ Idem (Gordley 2006).

¹¹ On April 4, 2021, the death rate per 100,000 population was, respectively: 202, 51 for Belgium and 183,95 for Italy. E.g., in The Netherlands, where lockdowns have been far less strict, death rate was 96,10 [European Centre for Disease Prevention and Control. Covid-19 Situation Dashboard. Confirmed cases and deaths during weeks 03 and 13 (19-01-20 – 04-04-21) Cumulative notification rate. <https://qap.ecdc.europa.eu/public/extensions/COVID-19/COVID-19.html#global-overview-tab>] (accessed April 13, 2021)].

¹² Ricolfi, L. 2021. *La notte delle ninfee. Come si malgoverna un'epidemia* (Italian Edition, my translation). Milan: La nave di Teseo, 47, Kindle.

¹³ E.g. during the “first wave”: in Belgium, restaurants and café were forced to close until 7 June, without any exception (not even for those with open air terrace); in Italy, the lockdown has been amongst the stringent and persistent, forcing at home most part of the population and requiring the filling of a form for justifying any movement.

¹⁴ GDP loss in 2020 has been respectively 8,4% for Belgium and 9,9% for Italy. E.g., in The Netherlands, where lockdowns have been far less strict, GDP loss has been 5,3% [Statista. Economy & Politics. Economy. Real gross domestic product growth rate forecasts in selected European countries from 2020 to 2021. <https://www.statista.com/statistics/1102546/coronavirus-european-gdp-growth/> (accessed April 13, 2021)].

3. PANDEMICS PREVENTION: THE STRIKING ABSENCE OF ANY PRECAUTION WHEREAS PRECAUTION SHOULD HAVE BEEN APPLIED

There are areas of human activity in which applying the principle of precaution looks absolutely reasonable and wise. E.g. when assessing the toxicity of chemical products:

“People, not chemicals, have the right to be presumed innocent until proven guilty. People also have the right not to be experimented on without informed consent; no one has ever been given the opportunity to grant or deny their consent before being exposed to the [toxic] burden that now contaminates us all”¹⁵.

Unfortunately, in this very same area, although the principle of precaution should be applied, it is likely that the opposite will be done. E.g. in the EU, a complex programme has been put in place, since 2007, named: “REACH”, which is the acronym for “Registration, Evaluation, Authorisation and Restriction of Chemicals”. Well:

“REACH is clearly at odds with the precautionary principle in stating that: ‘Under the REACH regulation, even if a substance presents a risk to human health or the environment, authorisation may be granted if the socio-economic benefits are proven to outweigh risks arising from its use and if there are no suitable alternatives’”¹⁶.

Specifically, with reference to pandemic, the principle of precaution has been completely disregarded in one of the key sectors and namely in the management of livestock.

Indeed, it is amazing to note that some pre-Covid-19 books were already considering the likelihood of similar pandemics as extremely realistic, if not imminent.

¹⁵ Menache, A. and Nastrucci, C. 2012. REACH, animal testing, and the precautionary principle, in *Medicolegal and Bioethics*, 13 (Thornton 2000). https://www.dovepress.com/front_end/cr_data/cache/pdf/download_1613337148_6029923c6d915/MB-33044-reach--animal-testing-and-the-precautionary-principle_080312.pdf (accessed February 14, 2021). The same reasoning can be followed for GM crops. See: Saunders, P. T. Cit.

¹⁶ *Idem*, 14.

In other words, for many years, there was a numerous bunch of individuals who were (or should have been) fully aware of the potential disastrous consequences of certain activities, but they did not care of both the people's health and the general long-term devastating repercussions of such hazardous activities on the economic system.

The subject has been already dealt with in another article, recently published, and, therefore, let me allow referring to it¹⁷. However, for the purposes of the current work, it is worth to recall what follows.

Outbreaks of potentially catastrophic pandemics have taken place across the world for a long time and they were all connected to some form of exploitation of non-human animals or to the devastation of natural habitats.

Nevertheless, throughout the years, such exploitations and devastations not only continued unchanged, but expanded towards developing Countries.

If the current pandemic was not foreseeable for the common people, it certainly was for the largest exploiters of non-human animals and it certainly was (or it should have been) for health authorities and regulators.

Unfortunately, it seems that:

- (i) the largest exploiters of intensive farming and the promoters of deforestation were only concerned with making profit;
- (ii) health authorities and regulators were only concerned with non-disturbing, if not facilitating, those who were making profit.

Especially CAFOS (the acronym is used by experts to indicate intensive farming, named as "Confined Animal Feeding Operations") and Wet Markets¹⁸ are inherently dangerous activities for the causation of pandemics.

Warning bells were sounding since many years¹⁹, but they have been completely ignored.

¹⁷ Regaldo, F. November 6, 2020, Who is Going to Pay for Causing Pandemics? in *Global Jurist*. <https://www.degruyter.com/document/doi/10.1515/gj-2020-0049/html> (accessed March 28, 2020).

¹⁸ The term "Wet" refers to the fact that the blood of the non-human animals, slaughtered upon customer's purchase, soaks the market's floor.

¹⁹ Paul Roberts, in 2008, was reporting of: (i) a case taken place already in 2003, in the Netherlands, of an H7 virus, coming from poultry flocks, which had infected a hundred people and killed one; (ii) a case taken place in 2004, in an eggs' farm of the British Columbia's Fraser

The problem looks always the same: free market forces push more and more for larger exploitations and cost reductions, completely disregarding the welfare of animals, both non-human and human²⁰.

What were our champions of the principle of precaution, our bright politicians, doing in the meantime to protect the public health? Not only they have done nothing: they have contributed to increase the risks.

Indeed, even political parties allegedly standing for reforms of the system have advocated for: further financing farmers²¹; or for unstunned slaughter of non-human animals²²; furthermore, the European Court on the Human Rights has confirmed the prohibition of certain propaganda against the consumption of meat²³, completely disregarding any health or environmental concern.

Valley, which went zoonotic and infected humans, although, “for reasons researchers still don’t fully understand”, the outbreak never went fully zoonotic and did not become highly pathogenic to humans nor gain the ability to jump easily from human to human. Roberts, P. 2008. *The End of Food*. Boston-New York: HMH Books, 176-177, Kindle. Later cases were involving other non-human animal farming industries: e.g., a swine flu outbreak was transmitted to the local population in south-eastern Mexico in 2009. Tuckman, J. 2009. “Four-year-old could hold key in search for source of swine flu outbreak”. April 29, 2009. *The Guardian*. <http://www.theguardian.com/world/2009/apr/27/swine-flusearch-outbreak-source> (accessed October 20, 2020).

²⁰ Rob Wallace call the swine farms as “porcinopolises”, grown up “to the point that whole human communities are pushed off the land pigs now occupy”. Wallace, R. 2016. *Big Farms Make Big Flu: Dispatches on Influenza, Agribusiness, and the Nature of Science*. New York: Monthly Review Press, 486, Kindle. The Author points out that although “H1N1 (2009) turned out to be less widespread and virulent than initially expected (...) globally as many as 579,000 people may have died from the virus and its complications appeared fifteen times greater in incidence than initially projected by lab tests”. *Idem*, 726-731.

²¹ Point 6 of the Manifesto of the Italian 5 Stars Movement for the 2014 campaign for the election of the European Parliament, at: <https://formiche.net/files/2014/05/movimento-5-stelle-programma7punti.pdf> (accessed October 20, 2020).

²² A “green” Belgian party, Ecolo, has printed and distributed flyers supporting the unstunning slaughter of non-human animals, during the 2019 election campaign. See “Elections 2019: polémique autour d’un tract Ecolo distribué dans un marché à Bruxelles”. May 15, 2019. *Le Soir*. <https://www.lesoir.be/224399/article/2019-05-15/elections-2019-polemique-autour-dun-tract-ecolo-distribue-dansun-marche> (accessed October 20, 2020). The flyer has then been withdrawn, but the position on unstunned slaughter remained substantially the same. See “Port du voile, abattage rituel... Ecolo ordonne le retrait d’un tract polémique sur la liberté de culte (photos)”. May 15, 2019, RTL Info. <https://www.rtl.be/info/belgique/politique/port-du-voile-abattage-rituel-ecolo-ordonne-le-retrait-d-un-tractpolemique-sur-la-liberte-de-culte-1124432.aspx> (accessed October 20, 2020).

²³ See Regaldo, F. 2013. “Freedom of Speech and Protection of «Profitable Livestock». Some Remarks on the Case «PETA Deutschland v. Germany» (European Court of Human Rights,

Not only political parties and supreme courts, but also international institutions seem to be blamed, WHO in particular²⁴.

4. THE LOCKDOWN AND THE EXCESS OF PRECAUTION

As we all know, the first lockdown adopted to fight against the current pandemic took place in Wuhan, in January 2020.

The measures adopted had nothing new, compared to those which had been put in place in Milan, in 1630, to fight against the bubonic pest and recalled in one of the most famous Italian novel, *The Betrothed* (“*I promessi sposi*”), written by Alessandro Manzoni and published, in several versions, between 1827 and 1842²⁵.

It is worth to briefly remember the facts: they are reported by two doctors, Alessandro Tadino and Giuseppe Ripamonti. They tried to trace back he who nowadays we would call as “*Index Case*” or “*Patient Zero*”. They identified such patient zero in an Italian soldier, serving for the Spanish

November 8, 2012)”, in *Materiali per una storia della cultura giuridica* (2), 445 ff. <https://www.rivisteweb.it/doi/10.1436/74972> (accessed October 20, 2020).

²⁴ “The World Health Organization has proposed new nomenclature for the various strains of influenza A (H5N1), the bird flu virus circulating in Eurasia and Africa. The strains would now be enumerated rather than named after their countries or regions of origin. (...)The proposed changes represent an epidemiological approach that may threaten our ability to impute bird flu’s causes, to implement appropriate interventions, and to name the names of those responsible for controlling local outbreaks. If a strain of bird flu appears to newly emerge out of a specific province or state of an affected country, that country is responsible for intervening in a way that the outbreak and any sequelae are controlled. Labelling a strain by its probable locale of origin reminds us which countries are responsible and where attention must be directed. Even if the strains subsequently spread, their geographic origins are integral to learning more about the virus’s molecular and epidemiological characteristics, as well as preventing the emergence of similar strains. Cause and blame, then, appear to be the crux of the matter. The terminology WHO characterizes as ‘stigmatizing’ may be viewed instead as solely definitional, a part of pinpointing causality”. Wallace, R. *Cit.*, 168–191. Therefore, in spite of the fact that it is very important, for scientists, to know the causes (and so also the exact location) that gave origin to a virus, at WHO it has been held, on the contrary, that: “It’s very important that naming of viruses is done in a way that doesn’t stigmatize countries, that doesn’t stigmatize regions and doesn’t stigmatize individual people”. *Idem*, 348. It must be also mentioned that, in a 219-pages paper edited by WHO Europe, dedicated to the principle of precaution [Martuzzi, M. and Tickner, J. A. eds. (2004). *The precautionary principle: protecting public health, the environment and the future of our children*. Copenhagen, Denmark: WHO Regional Office for Europe], not even one word is spent on the risk of zoonosis.

²⁵ See chapters XXXI and XXXII of the novel.

army, hosted in town by some relatives, infected and who died few days thereafter.

The “Health Tribunal” of the Duchy of Milan then ordered to segregate his family at home and to burn his cloths and personal belongings.

This order had no positive outcome. The pest spread all over the city. Furthermore, at the beginning, no one denounced the first patients to the public authority, fearing to be sent himself to a dedicated leper-hospital, the lazaret.

Death toll started to raise. Jointly with the pest also the fear started to circulate amongst the population, boosted by rumours according to which all objects contained in the City Cathedral would have been contaminated on purpose.

The measures taken in Wuhan, copying those taken in Milan in 1630, could be completely irrelevant to us, if it was not that they had been precisely followed by Italy, first, and then, shortly thereafter, by most part of the other Western Countries, including Belgium.

Irrelevant since, looking back, it seems astonishing that Western Countries have found nothing better to try to manage a public health risk but to copy the prohibitions adopted by a dictatorship or by a late medieval duchy.

For a very long time, at least since the end of the Second World War, our ears have been filled with words like: “Welfare State”; “Liberal democracy” and “G7 most advanced economies”. We discovered that these words are meaningless, since, when the going gets tough, the Countries that are using them more are not different from an oligarchic dictatorship or an autocratic fiefdom.

Western governments have invoked the principle of precaution to justify their liberticidal measures.

Nothing could have been more wrong than this approach: as we saw at the beginning of this essay, the principle of precaution is suitable for curbing a technological progress which can go wrong and limiting the enrichment of some at risk of others.

In the case of Covid-19 pandemic, neither a technological progress was at stake, nor (at least at the beginning of the incident) the enrichment of some was at risk of others.

Dealing with a pandemic is not a question of precaution, but one of risk management.

Indeed,

“Western leaders have lost their capacity to properly manage risks, i.e., apply risk reduction measures. Risk aversion assumes that you can take hazards away so people won’t be exposed; risk management assumes there could be exposure and works to find measures to reduce it or limit the negative consequences. Risk aversion is based on hope; risk management is based on strategy. We had an over-abundance of ill-conceived hope in early 2020”²⁶.

David Zaruk, professor at Odisee University College in Belgium, liken the Western mismanagement of the pandemic “to something akin to episodes of the *Keystone Kops*²⁷, where these hopeless bumbling ‘fleetfooted flatfoots’ would fall over each other like dominoes running off the side of a building. Part of the amusement of this comedy troop was the predictability of each *Keystone* failure – you knew they had no idea what they were doing (but you also knew the pantomime wasn’t real)”²⁸.

Bearing in mind the key aspect of the principle of precaution, which is “to not act” or “to not go ahead” in case of uncertainty, one can immediately understand that applying this principle in the management of a pandemic is the worst possible option. Current days would require to act, to do many things and go ahead, rather than freezing everything. These days requires risk management; not precaution.

Unfortunately,

²⁶ Zaruk, D., alias “The Risk-Monger”. 2020. *The Top Ten KeystoneCorona Moments of 2020: Part 1/10 – Risk Aversion*. <https://risk-monger.com/2020/12/22/the-top-ten-keystonecorona-moments-part-1-10/> (accessed February 17, 2021).

²⁷ “The *Keystone Cops* (often spelled “*Keystone Kops*”) are fictional, humorously incompetent policemen featured in silent film slapstick comedies produced by Mack Sennett for his *Keystone Film Company* between 1912 and 1917” [Wikipedia. 2021. https://en.wikipedia.org/wiki/Keystone_Cops (accessed February 17, 2021)].

²⁸ Zaruk, D. Part 1/10. Cit.

“The precautionary principle is very attractive to regulators. All that a government authority needs to do is demand 100% safety and certainty (two emotional concepts) and then measure the response. Given that very little in reality is completely safe with certainty, most regulators pull precaution out of a hat to avoid having to make decisions in difficult, controversial situations. They can simply say to the parties involved: Come back to me when you’re certain (and they usually never will). For a policymaker who does not want to be mired in confrontational issues, precaution provides a ‘Get out of Jail Free’ card”²⁹.

For a self-centred politician, for somebody who does not care about his people, but only care for himself, precaution sounds like godsend. He does not need any vision, nor particular skills; he is quite likely coward and avoids as much as possible to be held responsible for his actions, but, thanks to precaution, he will pretend to be the champion of the morality, (apparently) putting the sanctity of life, safety and certainty first.

Moreover, all liberticidal measures are taken in the name of scientific certainties, enunciated by various committees, which, according to their bearers, and those who have exploited them, exclude any discretion.

Thus, doubt is expelled, every critical opinion is de-legitimized and the trinomial concept: “freedom – power – responsibility”, which is the basis of every liberal democracy, is broken. Basically, the political decision-maker avoids any responsibility because he has to follow the indications of science. And the scientist (not any scientist, of course, but the one carefully chosen by the political decision-maker³⁰) is not responsible as well, since he allegedly

²⁹ Zaruk, D., alias “The Risk-Monger”. 2020. The Top Ten KeystoneCorona Moments of 2020: Part 5/10 – The Perversion of Precaution. <https://risk-monger.com/2020/12/30/the-top-ten-keystonecorona-moments-of-2020-part-5-10-the-perversion-of-precaution/> (accessed February 19, 2021).

³⁰ Some of these scientists have produced data which have been considered by others as completely wrong: e.g. a paper produced by the Imperial College of London, promoting lockdowns, has been considered as “wrong by an order of magnitude”, since it foresaw inter alia, for Sweden, 40,000 Covid-related deaths by May 1, 2020 and 100,000 by June 2020. Sweden, at the beginning of May 2020, totalized indeed 2,854 deaths. See Fund, J. May 6, 2020. ‘Professor Lockdown’ Modeler Resigns in Disgrace. National Review. <https://www.nationalreview.com/corner/professor-lockdown-modeler-resigns-in-disgrace/> (accessed April 19, 2021).

follows objective criteria. Then when the technique (vaccines) enters the scene, programmatically confused with science, the disaster is complete.

As a matter of fact, the trinomial concept: “freedom – power – responsibility” has been replaced by the one: “scientism – technology – capitalism”.

The spectrum of the coronavirus, which focuses all attention on biological survival of the human being, is exploited by self-centred politicians to avoid responsibility. The fear of death and illness are atavistic feelings, which have always afflicted humanity; the cult of the gods and religious faith has been replaced, today, by the unlimited trust in science, degenerated into scientism, who disavows the Socratic approach to knowledge and favours a more and more sectorial specialisation, disregarding any holistic connection³¹.

Self-centred politicians appear to be particularly at ease with this approach, in which scientism replaces science and the human animal is replaced by a purely biological being, like it is considered, by vivisection, a guinea pig of a laboratory; life is no longer a unique experience, made of emotions and spirituality; it is considered only according to its duration; it is no longer a life, but only a biological survival, the ultimate goal in the name of which sacrificing every other social and human aspect³².

“The precautionary principle excludes the possibility to manage risks, excludes the possibility of applying risk-reduction measures, excludes the opportunity to create innovative solutions and, importantly, excludes citizens from enjoying public goods and benefits. What the precautionary principle includes, in the case of COVID-19, is a massive increase in human suffering, unemployment, mental health issues, countless undiagnosed diseases, substance abuse, domestic violence, global supply chain disruption, widespread impoverishment and a high likelihood of famines. (...) when precaution is wrong ... it’s really wrong”³³.

A self-centred politician is a champion in imposing bans and prohibition – even a child would be able to do so – and nothing is more appealing to him than imposing a general and severe lockdown.

³¹ Bifarini, I. 2020. *Il grande reset*, 188-189, Kindle.

³² *Idem*, 189.

³³ Zaruk, D. Part 5/10. Cit.

But what are the consequences of a lockdown? Can they be measured?

Consequences were perfectly clear even before imposing lockdowns and wiser politicians would have refrained from resorting to this late medieval tool. Even if a virus was a tragedy and many people would die before their time, decisions should be taken in order to minimize all consequences, direct and indirect ones.

“Consider a basic calculation (although the math may change with further data). For every reported American death from COVID-19, around 500 Americans have lost their jobs. Now using a “Pittsburgh calculation” from the 1980s steel mill closures, how many of those 500 will die from mental health issues or domestic violence? How many will have shortened lifespans (DALYs) due to alcoholism and substance abuse? How many of these unemployed without healthcare will have diseases go undetected? How many of these 500 victims were members of service clubs or donated to charities to help people with disabilities? How will the societal revenue decline affect research and innovation into lifesaving drugs? How many will be homeless when the next lockdown is imposed?

A proper risk management process would consider these factors and likely conclude that 500 is too high of a consequence and seek more reasonably achievable risk reduction measures (...)”³⁴.

Instead, Western politicians have fallen into the “perversion of precaution”: putting the last resort in the risk management process first³⁵.

The results of lockdowns are so strikingly negative. It is sufficient to compare the data of Belgium with the ones of The Netherlands in the first phase of the pandemics. The two Countries are neighbouring and very similar, but the former was in lockdown since 16 March 2020; the latter not. Well, on 5 May 2020, the spreading of the virus in Belgium is nearly the double than in The Netherlands³⁶.

³⁴ Zaruk, D., alias “The Risk-Monger”. 2020. The Post-COVID-19 Blueprint (Part 2.3): The Docilian Detox. <https://risk-monger.com/2020/04/26/post-covid-19-blueprint-pt-2-3-docilian-detox/> (accessed February 19, 2020).

³⁵ Zaruk, D. Part 5/10. Cit.

³⁶ Perronne, C. 2021. *Décidément, Ils n'ont toujours rien compris !* Paris: Editions Albin Michel, 115, Kindle.

There were so many actions that politicians could have taken. The following list is just as a matter of example.

The first element which should have been taken into consideration is that the average age of casualties (before mass vaccination) was very high: in Italy, it was 82 years-old³⁷, even higher of the average life expectancy, which, for males, before the pandemic, was of only 80,8 years-old³⁸.

Therefore, the following assertion cannot be questioned: the Covid-19 pandemic is (or, at least, it has been, before the mass vaccination) a matter of serious concern only for the oldest population cohort. Politicians should have focused on protecting these vulnerable people, by e.g. massively helping retirement homes, providing services at the domicile of the aged population, etc. None of this has been done.

The second key element is that, for this vulnerable part of the population, the disease caused by the virus should have been cured as soon as the first symptoms appeared³⁹. Politicians not only have done absolutely nothing to put in place early alert mechanisms. Therefore, General Practitioners have been left without even the basic personal protective equipment; no massive use of the telemedicine was made; etc. However, what is most staggering is that politicians, in Italy, have left the National Medicines Agency (AIFA) issuing guidelines imposing to “remain vigilant and wait” upon the

³⁷ Adnkronos. 2020. Coronavirus, 82 anni età mediana pazienti morti in Italia. https://www.adnkronos.com/coronavirus-82-anni-eta-mediana-pazienti-morti-in-italia_121nC0bwdmhUWWxugxXHI5 (accessed March 5, 2021).

³⁸ Sky tg24. 2019. Istat, in Italia record ultracentenari. Donne più longeve, uomini con miglior salute. <https://tg24.sky.it/economia/2019/06/20/aspettativa-vita-italia-istat> (accessed March 5, 2021).

³⁹ Comitato cura domiciliare Covid. 2021. Vogliamo una terapia domiciliare tempestiva per tutti i cittadini malati di covid19. <https://www.terapiadomiciliarecovid19.org/> (accessed March 5, 2021). See also Perronne, C. Cit, 15-16: “To begin with, let's compare Germany and France; since that is what our politicians themselves do, on all subjects, today. (In the former), doctors, from the onset of the crisis, have complete freedom to prescribe. So they give hydroxychloroquine. (In the latter), it is forbidden to distribute it in town, by decree of March 23. The same for azithromycin, which must be taken with you, if you want to be cured, and which becomes prohibited on June 9 in France, but not in Germany. In short: it is impossible for us (French) to have the treatment by going to see your doctor. On the other hand, we have the right to give it to you, but be careful: in the final phase and in the hospital, which is therefore as useful as if we were giving you a little pat on the shoulder and saying to yourself ‘Come on, and a very nice (last) day!’. How many deaths are there in Germany? 20, on June 16. How many in France, on the same day, since the start of the pandemic? 29,547. You will see that there is a slight difference (...)” (my translation).

appearance of the symptoms and not to use the most effective drugs to fight against the disease.

Only in early March 2021 the Administrative Court of Rome has suspended the effects of such guidelines⁴⁰. In the meantime, in many cases, old patients have been left dying alone at home or taken to battered and obsolete hospitals when it was already too late.

The third element is the blinded reliance on PCR tests, while, according to some studies, 90% of the persons declared infected today do not practically carry any (SARS-CoV-2) virus⁴¹.

What is more worrying, however, is that the force of the mainstream is so overwhelming that even the evidence of pure numbers is unable to eradicate misleading statements. Let me refer to a neighbouring Country of both Italy and Belgium:

“In 2019, there were 613,243 deaths in France.

In 2020, there were 658,000.

By a simple subtraction, you can see that there have been 44,757 deaths more in one year. Now I have a question: on 31 December 2020, Santé publique France (the French National Health Agency, authors’ note) announces 64,632 deaths Covid-related. So, is there a problem or not? Some declared Covid-related deaths would indeed be related to something else?”⁴²

⁴⁰ Comitato cura domiciliare Covid. 2021. Vittoria. Il TAR Lazio sospende la nota AIFA del 9 dicembre 2020 che impediva la cura domiciliare Covid. <https://www.terapiadomiciliarecovid19.org/vittoria-il-tar-lazio-sospende-la-nota-aifa-del-9-dicembre-2020-che-impediva-la-cura-domiciliare-covid/> (accessed March 5, 2021).

⁴¹ Perronne, C. Cit., 45-47, who cites the speech of Dr Mike Yeadon, former vice-president and scientific director of Pfizer, as well an investigation published in The New York Times of 29 August 2020. With reference to the latter, see: Mandavilli, A. August 29, 2021. Your Coronavirus Test Is Positive. Maybe It Shouldn’t Be, in The New York Times. <https://www.nytimes.com/2020/08/29/health/coronavirus-testing.html> (accessed March 31, 2021).

⁴² Perronne, C. Cit., 48, my translation.

5. MASS VACCINATION: AGAIN, THE STRIKING ABSENCE OF ANY PRECAUTION WHEREAS PRECAUTION SHOULD HAVE BEEN APPLIED

It is not the scope of this article to discuss the efficacy of vaccines, neither their side effects, nor the influence of Big Pharma on the various regulators and I will leave this debate for the experts.

However, I must note, that:

“Vaccination is a medical intervention that comes with a risk for some people. When adopting a strategy to prevent infectious diseases it is important to choose the preventative measure that best addresses the causal mechanisms for the disease. In the expression of infectious diseases in humans it is a combination of the agent, environment, lifestyle and genetic factors that determines the severity of the disease. There is a wealth of data showing that environmental factors are the primary determinants of health and infectious disease⁴³”.

Furthermore:

“The evidence of children’s health since 1990 in all countries demonstrates health is declining in direct correlation to the government’s expanding vaccination program. A government that does not investigate this direct dose-response correlation, a significant indicator of causality, and other evidence consistent with causality, before claiming the vaccination program is safe is experimenting on the entire population without informed consent, and is committing a crime against the population⁴⁴”.

I must also note, as a mere example, that, according to a study recently conducted in Norway, it seems that a question that should need to be posed is the following: “Covid kills 0.05 % of the population and the Pfizer vaccine 0.06?”⁴⁵

⁴³ Wilyman, J. Misapplication of the Precautionary Principle has Misplaced the Burden of Proof of Vaccine Safety. 2020. Science, Public Health Policy, and The Law. Volume 2, 25. https://cf5e727d-d02d-4d71-89ff-9fe2d3ad957f.filesusr.com/ugd/adf864_cb9f1c190ed547198bc085074466aaea.pdf (accessed April 7, 2021).

⁴⁴ Wilyman, J. Cit., 30.

⁴⁵ Perronne, C. Cit., 66, my translation.

The existence of this mere question would recommend utmost precaution in promoting mass vaccination, but all mainstream media floods the television screens of needles piercing the people's shoulder and politicians continue to spread the mantra according to which only vaccines will save us.

Please consider that it is not a conspiracy theorist, but a protractor of the Senate of an important EU Country, to denounce “serious systemic dysfunctions” in the drug evaluation and control of such a Country⁴⁶.

And dysfunctions, in the drug evaluation and control, still exists and not only in France, but everywhere. The trials are based on non-human animal experiments, but “out of ten candidate molecules successfully tested on animals, nine will prove to be too toxic or ineffective for humans”⁴⁷.

With reference to the new RNA vaccines, let me just mention that:

“Indeed, an article published on January 12, 2018 in the journal *Nature Reviews Drug Discovery* revealed that RNA vaccines can cause an autoimmune reaction (among others) in susceptible individuals.

To determine these susceptibilities, several early detection tests are available (...). These tests would make it possible to implement a personalized vaccination policy taking into account the genetic differences between individuals.

Before exposing the entire population to an innovative technology, it would be prudent to practice this type of early screening in order to identify people who already have a proven autoimmune disease or signs of predisposition to such diseases”⁴⁸.

⁴⁶ La réforme du système du médicament, enfin (Rapport). June 28, 2011. Sénat de la République Française. <https://www.senat.fr/rap/r10-675-1/r10-675-116.html> (accessed April 1, 2021). See also: Menache, A. March 31, 2021. Mediator, l'agence et les cobayes, in *l'Humanité*. <https://www.humanite.fr/cahiers/contributions/1214> (accessed April 1, 2021).

⁴⁷ Menache, A. March 7, 2021. Appel à la responsabilité morale des actionnaires des firmes pharmaceutiques, in *l'Humanité* (my translation). <https://www.humanite.fr/cahiers/contributions/1212> (accessed April 1, 2021).

⁴⁸ Menache, A. November 18, 2020. Pour une politique de vaccination personnalisée, in *l'Humanité* (my translation). <https://www.humanite.fr/cahiers/contributions/1206> (accessed April 1, 2021).

How could we explain that our zealous politicians, so keen in secluding people at home during the various lockdown, in the name of precaution, are not so keen, in the very same name, to cast doubts on mass vaccination?

Some author claims that:

“In order to protect human health, the PP (Precautionary Principle, author’s note) should be used in the format that states that the onus of proof of harmlessness of any medical intervention is on vaccine proponents, and not the general public. (...) Instead, safety is presumed, out of concern for instilling doubt in the public’s mind about vaccines, and retrospective studies are used to assess safety after the vaccines are unleashed upon the public. The reversal of the PP in the design of these programs places the burden of proof of harm, in individual instances, on the general public. This is logically equivalent to placing the burden of proof of harmlessness on the public⁴⁹”.

To me the reason why Western politicians exceeded in precaution in the first phase of the pandemic and lack of any precaution in the current one looks simple: if something went wrong in not ordering the lockdown, they would have been clearly the one to be blamed; If something will go wrong in the mass vaccination, it will be much easier for them to shift the blame to experts, regulators or Big Pharma.

At least in Italy, there is an increasing pressure for extending the liability, from those who commits an act, to those who could have prevented it, even if they are not in a direct relation with the former.

E.g., the mayor of Turin, Chiara Appendino, has been recently sentenced to 1 year and six months jail (suspended) in relation to a stampede caused by a robber gang, taken place in Turin on 3 June 2017, during a public event, leading to injuries for more than 1,600 people and the death of 2⁵⁰.

In the name of precaution, she would have needed not to allow this public event (the show on big screens in one of the most important squares of the

⁴⁹ Wilyman, J. Cit., 25.

⁵⁰ Giustetti, O. January 27, 2021. Piazza San Carlo, Appendino condannata a un anno e mezzo: "Dolore e amarezza, pago per gesto folle di altri". La Repubblica. https://torino.repubblica.it/cronaca/2021/01/27/news/appendino_sentenza_piazza_san_carlo_processo_torino-284463254/ (accessed April 8, 2021).

city of the Champions League final between Juventus and Real Madrid) or to organise the event in such a way to prevent stampedes.

The judgement is simply aberrant: it goes without saying that the side effects of it will be that no Italian mayor shall any longer allow or organise public events.

Going back to pandemic matters, the former Italian Prime Minister, Giuseppe Conte, has been already questioned, by the public prosecutor of Bergamo, investigating on the alleged delays in imposing the lockdown on certain areas of this province⁵¹.

Therefore, within the framework of the sick governance of Western Countries, not adopting a lockdown could cost, for a politician, if not jail, at least an infinite series of troubles.

On the contrary, in case of excess of lockdown, confronted by the few complaining for economic losses, the same politician can oppose the principle of precaution: the (hypocritical) “concern for safety and public protection adds a layer of virtue to the public official’s posture. Safety and certainty, tied to virtues like sustainability and the sanctity of life, create a moral paradigm that has become an essential element in leadership. For a policymaker seeking to be seen adopting a virtuous posture, precaution provides the perception of a caring concern and commitment to human values”⁵².

Lockdown, therefore, although useless for curbing the pandemic⁵³ and very detrimental for million people, is the best available option for politicians’ self-interest.

⁵¹ June 12, 2020. Giuseppe Conte interrogato per tre ore. La pm Rota dal premier per le zone rosse. *Il Tempo*. <https://www.iltempo.it/politica/2020/06/12/news/conte-interrogato-bergamo-zona-rossa-coronavirus-pm-maria-cristina-rota-audizione-palazzo-chigi-23264289/> (accessed April 8, 2021).

⁵² Zaruk, D. Part 5/10. Cit.

⁵³ “To tell the populations they would stay locked down until the vaccine arrives is anything but leadership; it is anything but intelligent; and it is anything but effective. These KeystoneCorona buffoons tried lockdowns in March – they didn’t work. They tried again in October – they didn’t work. Here we are in January and because of a new variant strain (Gee ... there’s something nobody had thought would happen) the plan is ... Yes ... even stricter lockdowns” Zaruk, D., alias “The Risk Monger”. 2021. *The Top Ten KeystoneCorona Moments of 2020: Part 7/10 – The Vaxolution*. <https://risk-monger.com/2021/01/15/the-vaxolution/> (accessed April 8, 2021).

Can the same be stated for mass-vaccination? Western politicians always favour the most immediate and (apparently) easy solution. It is difficult to make serious and long lasting reforms of the health care system; on the contrary, it is easy to convey an easy promise and to repeat it ad nauseam, until it becomes a mantra: mass vaccination so becomes a “vaxolution” or a “vaxalvation”⁵⁴.

If something goes wrong, what do Western politician risk? Nothing. Vaccines are not produced, nor administered by them, but are developed and marketed by pharmaceutical companies and injected by medical personnel; vaccines are not even approved by them, but by (formally)⁵⁵ independent medicines agencies.

At this stage, it seems difficult, though, to contest that:

“When the precautionary principle is reversed to put the burden of proof of harmlessness on the general public, instead of the pharmaceutical companies and governments, then it can be used to protect the vested interests of industry in government vaccination policies and not the health of the general public”⁵⁶.

In sum, Western Countries’ governance has been shaped to favour politicians and not the health of the population.

The care of politicians for public health can be somewhere measured directly by hospital building. In Italy, the competence for public health is mainly shared between the State (Ministry of Health) and the Regions, whose preponderant function is to take care of local health services.

Well, in some Regions (e.g. Piedmont and Lombardy) politicians have decided to build for them (and for their bureaucratic apparatus) amongst the

⁵⁴ Idem.

⁵⁵ “EMA is not independent from Big Pharma? A European Commission audit in 2009 is ahead. This is confirmed by a report of the European Court of Auditors in 2012. Suddenly, the Agency decided to publish the declarations of interests of its employees on its website, then, as revealed by a survey by Figaro on January 2, 2021: ‘Since 2015, they publish an annual report on the measures put in place to ensure their independence. In the most recent one, we learn that, of the 4,010 experts employed [...], 539 had one or more direct links of interest with the pharmaceutical industry, and 387 indirect links’. ‘Having ties to pharmaceutical companies influences opinion on drugs in their favour’, said Bruno Toussaint, director of the medical journal *Prescrire*. I couldn’t have said it better” Perronne, C. Cit., 55-56 (my translation).

⁵⁶ Wilyman, J. Cit., 25.

tallest and newest skyscrapers in town⁵⁷; on the other hand, the main hospitals are dating back to the age of fascism⁵⁸ if not to the middle age⁵⁹.

At the same time, public financing to the Italian health service has been reduced, between 2010 and 2019, of more than EUR 37 Billion⁶⁰.

6. CONCLUSION

The mismanagement of the pandemic in Italy and Belgium appears to be related to the hypertrophy of politicians and certainly not, in my opinion, to the fact that Italy and Belgium are both countries with a catholic tradition and not so well known for the civic sense of their citizens⁶¹.

It is not a matter of disobedience. Indeed, the rules that have been imposed in both Countries are particularly irrational, bizarre, debatable, detrimental and somehow strikingly illegal.

May I mention, just as a mere example:

With reference to Belgium⁶²:

⁵⁷ The skyscraper of the Piedmont Region in Turin is 209m tall and should be ready by 2022. See: Wikipedia. Grattacielo della Regione Piemonte. https://it.wikipedia.org/wiki/Grattacielo_della_Regione_Piemonte (accessed March 5, 2021); The skyscraper of the Lombardy Region in Milan is 161m tall and has been built between 2007 and 2010 on soil which should be used for hospital or care purposes. See: Wikipedia. Palazzo Lombardia. https://it.wikipedia.org/wiki/Palazzo_Lombardia (accessed March 5, 2021).

⁵⁸ Hospital Molinette of Turin has been inaugurated by the King Victor Emmanuel the second in 1935. See: Wikipedia. Azienda ospedaliero universitaria San Giovanni Battista. https://it.wikipedia.org/wiki/Azienda_ospedaliero_universitaria_San_Giovanni_Battista (accessed March 5, 2021); Hospital Niguarda of Milan has been inaugurated in 1939. See: Wikipedia. Ospedale Niguarda Ca' Granda. https://it.wikipedia.org/wiki/Ospedale_Niguarda_Ca%27_Granda (accessed March 5, 2021).

⁵⁹ Ospedale Maggiore of Milan dates back to the year 1456. See: Wikipedia. Policlinico di Milano. https://it.wikipedia.org/wiki/Policlinico_di_Milano#Ospedale (accessed March 5, 2021).

⁶⁰ Bifarini, I. Cit., 19.

⁶¹ Contra, Ricolfi, L. Cit., 52. This author affirms that the Countries that have better managed the pandemics are of Lutheran religion and with a strong civic sense. This author also suggests that 13 different tools should be adopted in order to curb the death curve of the pandemic. Strangely, amongst them, there is no space for effective home care.

⁶² For further examples of badly formulated Belgian rules, see: Thirion, N. 2020. La gestion juridique de la crise sanitaire en Belgique. De l'Etat de droit à l'état d'exception? *Revue de Droit Commercial Belge – R.D.C—T.B.H.*, 1303-1304. The Author also points out (1308-1310) that Belgian Covid rules have been misinterpreted by the administrative Court, as well as by public

- the obligation to wear the mask in open air, in a deserted and particularly hot summer, in Brussels Capital Region (and this despite the fact that there are very well known side effects in wearing face masks⁶³), but not elsewhere. It must be noted that the border between Brussels Capital Region and the Flanders is purely artificial. Therefore, in many situations, one was obliged to wear the mask while walking along the sidewalk of a road, but not if he was walking along the same road but on the opposite sidewalk; furthermore, this obligation has been withdrawn at the end of the summer in order to be replaced by 19 different regulations according to the 19 different municipalities composing the Brussels Capital Region⁶⁴;
- the prohibition of reopening café and restaurants until 8 June 2020, even though many of them disposes of open air terrace;
- the new closure, within Brussels Capital Region, in late summer 2020, of the cafés, while keeping the restaurants open: why discriminating between cafés and restaurants? And, above all, why discriminating between establishments located “at the other side of the street”, in Flanders? Maybe the virus does not speak Flemish?
- the obligation to register the data of all clients of restaurants and cafés, on paper, using pens potentially contaminated by the virus and in blatant violation of the GDPR;
- finally, it must be noted that the validity of the above measure could be questioned, since the Court of Brussels has recently condemned the Belgian State “to take all appropriate measures to put an end to a situation of apparent illegality, arising out of measures restraining liberties and fundamental rights granted by the Constitution”⁶⁵.

With reference to Italy:

prosecutors, often sticking to doubtful replies to the “Frequently Asked Questions” listed into a government’s website.

⁶³ Lazzarino, A. April 20, 2020. Covid-19: important potential side effects of wearing face masks that we should bear in mind. *The BMJ*. <https://www.bmj.com/content/369/bmj.m1435/rr-40> (accessed April 19, 2021).

⁶⁴ The proportionality of this obligation has been questioned also by other authors. See: Thirion, N., *Cit.*, 1305.

⁶⁵ Benayad, M. March 31, 2021. L’Etat belge condamné à légaliser les mesures sanitaires. *La Libre* (my translation). <https://www.lalibre.be/belgique/politique-belge/l-etat-condamne-par-le-tribunal-de-premiere-instance-a-lever-toutes-les-mesures-covid-60644f7e9978e2410fea59fa> (accessed April 9, 2021).

- the obligation, put in place during the first lockdown, aiming at hindering the repatriation of Italian nationals resident abroad (discriminating them, vis-à-vis to the others)⁶⁶; it seems that a similar, detrimental, reasoning is followed again towards Italian national resident in Great Britain, after the emerging of the so-called “English variant”⁶⁷;
- the obligation, put in place during the second lockdown, restraining the circulation within the municipal territory of respective residence of each individual (discriminating the residents of small municipalities vis-à-vis those of big cities)⁶⁸;
- the need, during a large part of lockdowns, to fill a declaration while circulating on the territory: for the combined effect of the Covid rules and a provision of the criminal code, falsities in such a declaration can trigger a draconian prosecution for up to 6 years jail⁶⁹;
- finally, it must be noted that the validity of some of the above measures has been already questioned, by some Magistrates⁷⁰ and Courts.

⁶⁶ An Italian national resident abroad, while returning to his motherland, had the burden to prove, at the border officials, that he was entering for reasons of “absolute necessity”. Foreign Minister, Luigi Di Maio, was particularly proud in announcing this obligation, explaining that Italian nationals who are resident abroad and “pay taxes” abroad shall be discriminated [Jakhnagiev, A. March 19, 2020. Di Maio: "Priorità è far rientrare gli italiani non residenti all'estero". Agenzia Vista. Il Tempo. <https://www.iltempo.it/video-news-by-vista/2020/03/19/video/di-maio-priorita-e-far-rientrare-gli-italiani-non-residenti-all-estero-1298502/> (accessed April 12, 2021)]. Maybe he ignores that: (i) the concept of residence and nationality are very different ones and restricting access to own nationals is an unprecedented act in a democratic Country, rendering Italian national resident abroad as a sort of displaced (e.g., during the same period, in France, severe restrictions were also in place for entering the French territory, but repatriation, for French nationals, was unconditional); (ii) at least within the EU, a system is in place, since many years, granting a quick and full reimbursement of urgent health care expenses, afforded by one Member State in favour of a resident of another Member State; and above all and in any case (iii) the measure is in blatant violation of art. 13, paragraph 2, of the Universal Declaration of Human Rights.

⁶⁷ December 23, 2020. Italiani in Gb: Di Maio firma ordinanza rientro. Ansa. https://www.ansa.it/sito/notizie/mondo/2020/12/23/variante-gb-dover-riapre-al-transito-in-uscita_708f57c6-71d3-4600-9c7c-45203f520609.html (accessed April 12, 2021).

⁶⁸ Italy is composed of nearly 8,000 municipalities, of which nearly 2,000 is made of less than 1,000 inhabitants [Comune (Italia). Wikipedia. [https://it.wikipedia.org/wiki/Comune_\(Italia\)](https://it.wikipedia.org/wiki/Comune_(Italia)) (accessed April 12, 2021)].

⁶⁹ Policarpio, I. February 17, 2021. Dichiarare il falso nell'autocertificazione è reato: tutti i rischi. Money.it. <https://www.money.it/Dichiarare-falso-nell-autocertificazione-reato> (accessed April 12, 2021).

⁷⁰ E.g., the Magistrate of Frosinone has annulled Covid-related restriction's fines, stating that the declaration of the state of emergency, at the basis of Covid rules, was illegal [August 3, 2020. Giudice di pace annulla multa emessa durante il lockdown: "Stato di emergenza illegittimo".

Recently, the Court of Reggio Emilia has acquitted 2 persons who had falsely declared that they were outside of their home for reaching a medical examination. In particular, the Court held that: (i) the obligation to stay confined at home equals to a house arrest; (ii) the latter can only be imposed by a Court decision and according to certain specific requirements; and therefore (iii) the Covid rules imposing the obligation to stay at home, as purely governmental and non-judicial acts, are illegal and the judge can set them aside⁷¹.

Confronted with the above rules, it is difficult to disagree with Howard Zinn, according to whom:

“Civil disobedience is not our problem. Our problem is civil obedience. Our problem is that people all over the world have obeyed the dictates of leaders...and millions have been killed because of this obedience...Our problem is that people are obedient all over the world in the face of poverty and starvation and stupidity, and war, and cruelty. Our problem is that people are obedient while the jails are full of petty thieves... (and) the grand thieves are running the country. That’s our problem”⁷².

With reference to Belgium, Professor Benoît Frydman identifies five main failures in the governance, leading to the serious mismanagement of the pandemic and namely⁷³:

- 1) The political crisis, and the management of the pandemic by a government out of office, until October 1st, 2020⁷⁴;

HuffPost Italia. https://www.huffingtonpost.it/entry/giudice-di-pace-annulla-multa-emessa-durante-il-lockdown-stato-di-emergenza-illegittimo_it_5f27eccc5b656e9b09e0cdd (accessed April 12, 2021).

⁷¹ Logrillo, V. April 10, 2021. Covid 19 e obbligo di permanenza domiciliare: ecco le prime sentenze dei Tribunali. *La Gazzetta del Mezzogiorno*. <https://www.lagazzettadelmezzogiorno.it/news/la-bilancia-e-il-bilancio/1292488/covid-19-e-obbligo-di-permanenza-domiciliare-ecco-le-prime-sentenze-dei-tribunali.html> (accessed April 12, 2021).

⁷² Zinn, H. Quote at <https://www.goodreads.com/quotes/163932-civil-disobedience-is-not-our-problem-our-problem-is-civil>.

⁷³ Frydman, B. November 19, 2020. « Regards sur une crise » avec Benoît Frydman, in *l’academie.tv*. <https://www.youtube.com/watch?v=c6NIXR70f3c> (accessed April 5, 2021).

⁷⁴ Belgium is used to be run by governments out of office: e.g., between 2010 and 2011, the Country remained for a record 541 days-term without government in office.

- 2) The Belgian federalism, imposing to reach a consensus between 6 different governments, federal and regional⁷⁵;
- 3) The fact that all these 6 governments are coalition governments, already struggling to express and maintain a univocal position, while the virus “makes fun of the language that its victims speak and of their political colour”;
- 4) The difficulties of complying with the rules even by those who have enacted them;
- 5) The “dilution” of liability, for the difficulties in finding a clear and precise responsible person for a decision to be taken, within a complicated system, which rather accrues a series of omissions by the various political actors.

Similar governance failure can be found also in Italy and, especially, with reference to the first three items above and, namely:

- 1) While in Belgium a political crisis was already in place, upon the start of the pandemic, in Italy it took place in the middle of it and led, on 13 February 2021, to the formation of a new government, chaired by the former banker Mario Draghi;
- 2) The Italian federalism, in which health care is managed jointly by the central government and by 20 different regions;
- 3) The fact that all the two central governments (the one of Giuseppe Conte, first, and the one of Mario Draghi, then) are coalition governments.

I would also add a couple of other factors:

- 4) The ability of politicians to justify dreadful and damaging lockdowns through the idea that suffering together for a common goal is a moral stance: especially during the first phase of the pandemic, lockdown was associated to countless references to a rhetoric patriotism⁷⁶;
- 5) As already explained, the fear of politicians that they would have run into personal legal troubles in case they had not ordered lockdowns.

⁷⁵ May I just add that one of the words more used during the first part of the pandemic in Belgium was the term: “cacophony”.

⁷⁶ Zappulla, S. March 16, 2020. Perché si canta sui balconi e si riscopre il patriottismo. AGI. <https://www.agi.it/cronaca/news/2020-03-16/coronavirus-psicologo-balconi-patriottismo-7570057/> (accessed April 8, 2021).

The proliferation of politics characterizes, in a certain measure, all Europe:

“(...) a problem that affects the most part of the European leadership: the pathologic dependence from short-term consensus. If the European building is a shaky cathedral it is also – if not mainly – for the obsession of most part of prime ministers in the search of consensus within their respective Countries, and furthermore because they conceive such consensus in the short term. In brief: we are governed by a nationalist and myopic political class, focusing on next elections rather than on next generations (...)”⁷⁷.

One of the pillar of the Union, the free movement of persons, no longer exists. EU Commission is only capable of empty propaganda, like naming as: “Re-open EU” a website that gives information on the travel restriction, and not even the correct ones. E.g., at the time of writing, according to such website, the transit through France by an EU national is permitted⁷⁸. Indeed, according to art. 14-1 of the French Decree of 29 October 2020, as added by Decree of 30 January 2021, transit is subject to possessing a recent negative PCR test, unless in case of three exceptional circumstances, specifically provided for under such Decree⁷⁹.

An EU national relying on the “Re-open EU” a website risks therefore being rejected at the French border.

As far as Belgium is concerned, all non-essential travel to and from the Country is prohibited. Therefore, one can freely cross the entire Country, e.g. travelling for more than 300 kilometres between Arlon and Oostende, but cannot travel the 30 kilometres between Arlon and Luxembourg City⁸⁰.

More in general, one has to wonder if Western-style democracies are well equipped to face the crises of the future or if they will be wiped out by

⁷⁷ Ricolfi, L. 2021. Cit., 35.

⁷⁸ <https://reopen.europa.eu/en/map/FRA/7004>, last updated of April 1, 2021 (accessed April 6, 2021).

⁷⁹ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043081402> (accessed April 6, 2021).

⁸⁰ For a detailed analysis showing the adverse effects of such a prohibition –far outweighing the allegedly favourable ones – see: Dupont, C., Jungers, R., Laborderie, V. and Schaus, P. March 23, 2021. Analyse interdiction des voyages non-essentiels (Video). Le blog du #covidrationnel. <https://covidrationnel.be/2021/03/23/analyse-interdiction-des-voyages-non-essentiels-video/> (accessed April 13, 2021).

emerging economies and mainly China, already back to normal since many months, following their risk management approaches.

In a previous article, it has been pointed out that the current world order is completely inadequate for preventing pandemics and that survival of the species is probably subject to the departure of capitalism⁸¹.

This appears to be especially true for Western Countries, in general, and for those of them most characterised by hypertrophic political institutions, like Italy and Belgium, in particular.

Confusion in the governance tends to nothing but reinforcing a socio-economic model, based on totalizing scientism, technological determinism and unrestrained capitalism, which has dominated over the last two centuries; such a model should be abandoned as soon as possible: pandemics only make the fortune of capitalists and the disgrace of the poorest⁸².

⁸¹ Regaldo, F. Who is Going to Pay for Causing Pandemics. *Cit.*, 27. <https://www.degruyter.com/document/doi/10.1515/gj-2020-0049/html> (accessed March 28, 2021).

⁸² Over the period between 18 March and 31 December 2020 only, “the world’s 10 richest billionaires have collectively seen their wealth increase by \$540bn”; at the same time, “it is estimated that the total number of people living in poverty could have increased by between 200 million and 500 million” (Berkhout, E., Galasso, N., Lawson, M., Rivero Morales, P.A., Taneja, A. and Vázquez Pimentel, D.A. 2021. *The Inequality Virus*. Oxford: Oxfam International, 12. <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621149/bp-the-inequality-virus-250121-en.pdf> (accessed April 8, 2021). At December 30, 2020, in the heat of the pandemic’s second wave, “the S&P 500 (was) up more than 65% since the March low, and nearly 16% for the year. The Nasdaq (was) 44% higher for the year” [Domm, P. December 30, 2020. *How the pandemic drove massive stock market gains, and what happens next*. CNBC. <https://www.cnbc.com/2020/12/30/how-the-pandemic-drove-massive-stock-market-gains-and-what-happens-next.html> (accessed April 8, 2021)].