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Introduction to the Special Issue in the Journal of Critical Criminology Mapping Covid Nonconformities

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Introduction

On May 5th, 2023, the World Health Organization (WHO) Director General determined that "[…] COVID-19 is now an established and ongoing health issue which no longer constitutes a public health emergency of international concern" (WHO, 5 May 2023[1]). Although COVID-19 as a respiratory virus still poses a threat to one's health, and the possibilities of more severe variants manifesting in the future have not been ruled out, the effective downgrading of COVID-19's severity status is, to individuals globally, a sign that the pandemic (for now) is as good as over.[2] The "global pandemic" as declared by the WHO lasted a total of 3 years, during which time citizens across the world experienced first-hand drastic curtailment of their rights to freedom of movement, unprecedented national and international lockdowns, economic shutdown, and the expansion of personal data collection and health monitoring technologies.

And then, it was over… Life returned (albeit at varying speeds) to what resembles pre-pandemic times without much fanfare. Perhaps due to pandemic fatigue (WHO, 2020),[3] most of us were ready to get on with life as it used to be before lockdowns, face masks and Covid passes. We welcome a sense of normalcy, although the crisis of the global pandemic has but been replaced with the climate emergency (UNEP, n.d.), the crisis of war in Ukraine (OECD, 2023), and ensuing cost of living crisis (Euronews, 2023). It is precisely

[1] https://www.who.int/news/item/05-05-2023-statement-on-the-fifteenth-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-coronavirus-disease-(covid-19)-pandemic.

[2] As of writing the WHO is focusing on the development of strategies that will help countries transition to a long-term approach in the management of COVID-19; however, the WHO also acknowledges that there continues to be inequitable access to COVID-19 vaccines, treatments and diagnostics globally, which contributes to the current continued monitoring of COVID-19 cases (WHO, 5 May 2023) Accessed online 18.05.2023: https://www.who.int/news/item/05-05-2023-statement-on-the-fifteenth-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-coronavirus-disease-(covid-19)-pandemic).

[3] […] demotivation to follow recommended protective behaviours, emerging gradually over time and affected by a number of emotions, experiences and perceptions.

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due to prophecies of an increasingly crisis-prone future that warrants scrutiny of the most recently dissipated emergency. The pandemic was not just a health crisis—but a state of global emergency that laid bare the negotiated meaning of crime and the deviant other. The pandemic's slow but determined transition from present situation to past event is what makes a critical examination of *Covid nonconformities* opportune.

COVID-19, an invisible enemy (Shaw, 2020), induced panic and uncertainty beyond fears concerning the virus' deadliness and highly contagious nature. The pandemic exacerbated ontological insecurities as citizens were forced to revaluate their relationship with governments and experience first-hand the malleability of certain fundamental rights. From national lockdowns, accessibility and availability of vaccines and testing to the spread of disinformation and social media censorship, the lack of coherency in political decision making, scientific debate and corporate responsibility fuelled social conflicts, polarization, division, and exclusion in society. Different narratives on COVID-19 were met with diverse responses from individuals, governments, justice systems, and the private sector. While some countries cited the ending of the pandemic, others tightened regulation and introduced punitive measures for noncompliance with transient measures. These in turn created pockets of individuals and larger collectives which engaged in "Covid nonconformities"; which forms the subject of this special issue, and which is defined as actions, images, initiatives, vernacular, or behaviour, that defy, challenge, or draw into question COVID-19 measures imposed on the local or the international level and which are met with dissenting response. Covid nonconformities go beyond solely (il)legal conduct and also include professional and moral deviance.

In this Special Issue on *Mapping Covid Nonconformities*, we propose to challenge the traditional approaches to discussing disobedience and resistance. By emphasising the inconsistencies in COVID-19 regulations, and how these created new loopholes in the criminalisation processes, we will highlight how the pandemic restrictions effected different marginal populations. The selection of papers in this special issue highlights how different societies initiated their own innovative nonconformities including innovative social responses. By differentiating the traditional law-centred criminological approaches from symbolic and constructivist explanations of nonconformity, the selection of papers elaborates on social responses to COVID-19 governance.

New Objectives in Covid Deviance: To Comply or Not to Comply

Current criminological studies explore several cultural, social, and political counter movements that place emphasis on power structures that exclude and marginalize different social groups, as well as how different adaptations of resistance can challenge such exclusion and the legal order in different geopolitical contexts (Baaz et al. 2016). Empirical studies show the endless nuances of the dynamics between governance and resistance, but most of these approaches are confined to the same binaries of conformism and aversion when discussing adherence to rules. While critical criminology has not been immune to this "silo" of internally focused tendencies of mainstream criminology identified above, we submit that altogether it has been more fully engaged with the broader context of the political economy. The pandemic seemed to be impacting the political economy early on in hugely consequential ways and so offers us a unique context for advancing the transformation of the field of criminology (Friedrichs & Vegh Weis, 2021: 132). By considering the importance of critical health criminology, including its normative perspective of humanitarian injustice

regarding the treatment of the powerless, we would propose to take another angle to understanding the role of authorities within the Covid context. Critical epistemologies in social science are mainly concerned with repressive lawmakers using moral objectives to repress and criminalise social minorities and public resistance. However, these binaries of critical disciplines seem to have severe limitations in their scope. State authorities and corporates in the constantly changing global order of pandemic fears have lost their autonomy and orderly power in many geographic contexts and have given space to the emergence of new deviant enterprises.

> Apocalyptic pandemic narratives differ from those of, for example, war (Smith, 2005), religious military uprisings (McCants, 2015), environmental rebellions (Joosse, 2019) and pro-life movements (Mason, 2002) in that it is more complicated to identify the enemy. Enemies in apocalyptic narratives share characteristics of the "folk devils" in moral panics (Cohen, 1972) and are associated with anything "profane, polluted, evil and dangerous" (Smith, 2005: 15). However, when the enemy is a virus, it will be necessary, with intense narrative interpretation and negotiation, to identify more "human-like" antagonists. These can be anything from those infected with the disease, or suspected of being infected, to politicians or others in power who have not acted adequately during the crisis. The enemies can thus change from day to day (young partygoers, particular immigrant groups, etc.) following the spread of the disease in particular segments and groups in society. Similar to apocalyptic narratives in natural catastrophes, pandemics generate more narrative work to figure out who to blame, and victims of attacks under the pretext of pandemic narratives can therefore sometimes be unanticipated (Sandberg & Fondevila, 2022: 236).

The focus of public and political debate has been on the legitimacy of new control measures, as well as the manner in which pandemic policing was carried out (Hill, 2020). Much analysis and research restricted itself to explaining the differences between the personalities of the noncompliant (risky) few from the compliant (safe) majority (Daoust et al., 2021), ignoring the innovative actions of artists or local entrepreneurs COVID-19 safety regulations which essentially curtailed their ability to execute their work. Dichotomic descriptions often do not venture too far from the mainstream consensus that adherence to COVID-19 measures is rooted in the scientifically rational mind, while noncompliance and forms of resistance are rooted in conspiracy thinking, racism, and far right ideologies which lay blame at the feet of ethnic others, migrants, foreigners, and opportunistic travellers (Addo, 2020).

Most of the pandemic criticisms are framed by the concept of (non)compliance, reaffirming the notion of individual failure or refusal to comply with the legal regulations, including the awareness of the social and punitive consequences. According to most compliance theories, such a decision is a cognitive, calculative action that can be governed by adequate information sharing regarding the risks, and potential harms of the consequences. In the case of the pandemic, cognitive behaviour sciences argue that "risk reduction measures such as social distancing and self-quarantine cannot be enforced entirely by coercion, particularly in democratic societies" (Clark et al., 2020: 77), and therefore the public must understand what is required of them and be persuaded of the importance of complying. They claim that a small number of beliefs and attitudes account for the adoption of preventive compliance behaviour regardless of their political and cultural contextualities. In this view, rational choice theories should direct how the risks and benefits obtained by citizens are communicated by authorities. Although compliance is negotiated by assessing several normative factors; motivated by personal conviction, views on morality and

legality, and a belief in what is right and wrong, we cannot deny the situational aspects, affections, economic repercussions (Broodryk & Robinson, 2022) and the context of those that are required to comply with COVID-19 restrictions—citizens, professionals, residents, etc. Mobilizing an effective public response to a pandemic requires clear communication and trust, that can be only ensured by coherent, clear, and consequent political narratives (van der Weerd, et al., 2011: 575). According to these behavioural theories on compliance, threat perceptions refer to personal beliefs about the likelihood of contracting, or being affectted by a condition (e.g. a virus), including two sub-components, perceived vulnerability, which refers to the extent to which an individual feels vulnerable to an illness, and perceived severity, which refers to beliefs about how serious the consequences of the condition would be (Champion & Skinner 2008: 46). Therefore, a critical constructivist understanding of what is situationally considered as a threat and how it is perceived by the majority of society would be essential to consider.

We posit that attention and criticism should be orientated towards the constructed meaning of disobedience during COVID-19, and that the inconsistencies in regulation, and encroachment of measures on social needs should be understood through a more nuanced representation of Covid noncompliance which looks to factors of resistance and protest rather than solely mental capacities and conspiracy thinking of those that choose to circumvent COVID-19 restrictions. While obedience generally assumes that citizens obey the rules based on the higher status of authorities, conformity is seen here as a social acceptance of expectation even regarding people of equal status. Therefore, obedience relies on social power, but conformity relies on the need to be socially accepted. Therefore, our framework is related to all social deviances that disobey the rules but also social expectations regarding collective security and safety, such as morally justified civil disobedience (Della Croce et al., 2021). As social distancing has been considered the core element of digitized pandemic societies, new media and security technologies played an exceptional role in the legitimacy of Covid norms and expectations.

With the mediatisation of pandemic societies, social responses to restriction measures become easily tracible in online articles and social media platforms. Digitised lockdown environments created new opportunities to track and control the so-called COVID-19 compliance cultures, forcing internet users into new social ecologies of COVID-19 data platforms fuelling misinformation and transnational initiatives of digilantism and hate crimes. Based on a structured overview, we will discuss how actions are invented by civilians as self-preserving responses to transient government measures, and which are labelled transgressive by way of deviating from executive orders on legally approved categories of obedient pandemic behaviour. A criminological approach is used to highlight how these social reactions are justified by fragmented new normoactivities, including cases of data fraud, exploitation, and social resistance. We will introduce the traditional understanding of COVID-19 nonconformities and critically elaborate on those structural forms of co-optation considering COVID-19 regulations that resulted in the criminalization and invasive policing of collectives operating outside the realms of pandemic normativity and legal rights.

Obedient Disobedience: Which Rules to Follow?

The range of endured, still tolerated and already forbidden forms of social behaviour is not only defined by historical cultural or moral changes. Although modern criminology studies pay more attention to the role of power at any given time, the core questions

around social deviance have not changed much lately. As with the pandemic, the discipline basically covers the following concerns:

- How long can dominance be tolerated, either quantitatively or qualitatively?
- What can be considered voluntary consent to violence?
- Where do normality and deviance lie, on the one hand, and the still tolerated deviance?
- What should we do with unpunishable crimes in general?

If we want to adapt to today's complex world, answering the above questions is inevitable. In the modern formulation of deviance, the representatives of criminology highlight harms as the main aspect, and the classification of deviant is defined by the existence of an institutional reaction. Judging deviant phenomena is not easy in itself, but the various social attitudes that develop towards behaviours deemed dangerous towards the self, or to the public, make the concept of deviance more complicated especially considering that deviance is separated along the lines of "endured, still tolerated and already prohibited" (Gönczöl, 2016: 115) behaviours. Essentially, the definition of deviance is interpreted by societal reactions to it. Simultaneously the aspirations of the government of a given society and its efforts (such as directing recourses) towards treatment of that socially tolerated deviance, traditionally or culturally defined behaviours play a determining role in the definition of social behaviour as illegal or criminal—i.e. government decisions significantly determines the development of deviance, in both positive and negative directions. This means that government measures moderate deviance and generate the reproduction or spiral of deviance (Gönczöl, 2016: 116.). Thus, according to modern formulations, deviance is "a set of behaviours that are dangerous to the self or to the public that differ from the traditional, normative, expected and tolerated forms of behaviour which provoke moral disapproval by the societal majority to the extent that specialized regulation as institutional response to the behaviour meets social expectations" (Gönczöl, 2016, 117). Some phenomena are considered normal or customary by members of society can be classified as different when such a fast-paced global or social change to which the given community cannot adapt directly.

From a constructivist perspective criminological attention turns to examine the power dynamics within the process of defining crime as well as what processes are adequate for controlling deviance (Rafter, 1990). This view opposes normative understandings of crime and criminal, which are based on a binary allocation of what constitutes right and wrong behaviour defined by those in power. Becker (1966) describes a system of monopolized power over criminal legal definition as "hierarchies of credibility"—a system in which trust and the relinquishment of certain fundamental rights is accepted, based on a prevailing belief that those in power are in possession of the knowledge and expertise to do so. This credibility however becomes threatened in periods of social upheaval or rapid change. During the pandemic, socially accepted norms, and behaviours aimed at assisting others, retaining autonomy over decisions concerning thee safety of the body, and the expectations of the right to privacy and the freedom of self-determination clashed with government-imposed measures which were implemented despite incapacitating expressions (behaviour) of socially accepted norms. Inconsistencies in state communication and inconsequentiality in implementation of COVID-19 protective measures produced nonconforming behaviours that broke blanket Covid measures technically, rather than intentionally. As can be traced along the securitisation process of specific social groups associated with colour, class, or gender, the COVID-19 pandemic has shown how the social normativity of

countermovements can be shattered by anomalies of social rules and temporary regulations, blurring the boundaries between obedience, compliance, and conformity.

The range of endured, still tolerated, and already prohibited forms of social behaviour has been radically redefined during the COVID-19 pandemic. Legal and social normativities became highly controversial around the globe due to inconsequential, rapid legislative shifts that were not only lacking coherence but were generally in conflict with informal social rules and cultural traditions of acceptable and necessary behaviour in most societies.

With the paradoxical rules of the so-called *New Normal*, antisocial and deviant actions become legal and sometimes even obligatory, while socially normative practices become illegal and harshly punished within different legislative frameworks. Due to the lack of coherence in pandemic rules, justification of repressive measures, and ad hoc changing restrictions, conflicting normativities were playing out the rule of law, partially, or structurally undermining the legitimacy of governance power. With the situational adaptation of different social, legal, and economic normativities, the situational expectation of social conformism created new controversies in the traditional roles of citizens, triggering new forms of nonconformities in and outside the constantly shifting tolerated and forbidden norms. The constantly adjusted legal frameworks of COVID-19 measures triggered severe criticism regarding the harms of their inconsistencies. Yet informal rules received far more attention in the postpandemic public discourse. As the core objectives of Criminological studies, Social Norms theories are one of the main concerns of Nonconformities, trying to explain the never-ending inconsistencies in the conceptual and operational definitions of norms contextualised as crisis or state of emergency (Shulman et al., 2017 in: Liu et al., 2022).

The Fatigue of Pandemic Norms

As with unwritten implicit rules, social norms are formed, shaped, and reinforced through observation and interpersonal and mediated communication among a collective. Normative perceptions may be formed about both the prevalence of behaviour (i.e. commonly called *descriptive norms*; what is done by most members of a group) and what most people think to be appropriate or inappropriate behaviours i.e. *injunctive norms*; what is socially approved or disapproved (Cialdini et al., 1990). “Hence, it is critical to acknowledge the socially and culturally shared nature of social norms, as people relate to in-group members within a specific culture. That is, social norms, by their nature, emanate from collectives within a system. As such, it is necessary to identify the influential people and in-groups who are most connected to particular decisions or behaviours in order to contextualize norms." (Liu et al., 2022: 3).

We argue that nonconformities during the pandemic emerged as a result of social behaviours that aimed to realize socially accepted norms, but which contravened technical legal definitions of COVID-19 disobedience. The content in which COVID-19 measures were legally adopted without social consultation was made possible because of states of emergencies. States of emergency are exceptional situations in which constitutional laws defining the fundamental rights and obligations of citizens are suspended for a specified amount of time, or until the exceptional situation has passed. A state of emergency generally provides for the legal delegation of powers to an authority (such a president, prime minister, or authoritative body) who, in the name of efficacy, can circumvent the slow process of law-making and the

consideration of citizen involvement in the creation of law and means of enforcement. State of emergency "is fundamentally conservative: it is aimed at resolving the threat to the system in such a way that the legal/constitutional system is restored to its previous state" (Ferejohn and Pasquino, 2004, p 210). Approaches to handling the COVID-19 pandemic were characterized by states of emergency, and it can be argued that the restrictions imposed on societies across the world revealed inequalities that existed before the pandemic, as well as exacerbated and legitimized these. In this special issue we have selected contributions that showcase different forms of noncompliant behaviour as resistance to conformity with government-imposed pandemic restrictions. In a state of exception, as the contributions in this special issue will illustrate, served to legitimize state repression, quashing pro-social noncompliance by redefining covid disobedience.

By referring to the concept of nonconformities, we try to avoid the traditional interpretation of disobedience and noncompliance to illustrate how these pandemic roles merge into one another and provide new reflections on countermovements, resistance, and deviant adaptations beyond traditional explanations. As it will be shown in the selected studies, professional roles become deviant and in conflict with legal normativities, while social expectations become deviant, but legalized and even enforced in different political and economic contexts.

In order to understand the importance of our conceptual framework on deviant pandemic responses, we need to clearly differentiate the concepts of (dis)obeyance, and (non)conformity. As it has been extensively discussed in the above, first we need to critically reflect on the epistemological limitations of criminological studies on pandemic governance and elaborate on current critical objectives with complexities that often remain out of sight, especially concerning conformism, as has been elaborated in many disciplines, assumes a clear understanding of social and legal expectations, including the moral considerations of belonging to and recognition by a community. When it comes to nonconformities these qualities of belonging and recognition would be clearly defined in existing power structures, requiring us to revisit the historically developed legal or informal sanctions associated with them.

As it will be illustrated in the selected cases, the pandemic and the state of emergency has dissolved many of these core normative attributes and conformist frameworks, triggering new interrelations between social expectations, regulations, and law enforcement. Although some of these classical forms of nonconformities are still valid in the context of the pandemic, these traditional conceptions of nonconformity are too limited for understanding the comprehensive nature of COVID-19-related social deviancies.

Disobedience, on the other hand, as an explanatory framework of most critical criminological studies, is more suited as a concept, to distinguish issues that include less explicit forms of power relations, resistance movements, and criminal conduct, as the concept includes social acts, that can be legal but harmful or illegal, but pro-social deviant responses. Nevertheless, this conceptualization still relies on the binary notion that is based on the relationship of the powerful and the subordinated or powerless.

By extending these existing concepts and epistemic frameworks, applying them to behaviours that are contextually considered deviant, but which do not necessarily fit into the vertical social structures that fundamentally define their core objectives, we hope to also include the analysis of more diverse sets of (social) responses into this debate.

New Normal, New Deviance

After the introduction of the first COVID-19 restriction measures, conventional activities such as hugging a friend, visiting a family member, going to work by public transport, or just hanging out on the streets with peers suddenly became associated with reckless, health-threatening behaviour. Traditional social rules of behaviour radically changed during the COVID-19 pandemic. Although reasoned by necessity, minimizing social contact to keep individuals safe from the virus, the COVID-19 measures also saw opposition, being met with disagreement, noncompliance, and in some cases, public displays of disobedience. While disobedience, unruly actions, or acting in opposition of specific rules is generally considered as conscious choices against an existing legal order, preventive COVID-19 policies arbitrarily forced many people outside the margins of this legal order which defined (new) socially accepted behaviour, irrespective of their law-abiding attitudes (D'cruz & Banerjee, 2020).

As current pandemic studies illustrate (Windholz, 2020), COVID-19 regulations, such as the far-reaching measures aimed at controlling basic mobility, were justified by national governments citing collective security risks, but which simultaneously further fuelled public concerns and uncertainties (Scoones & Stirling, 2020). Countries were color-coded based on safety levels, and local services such as hairdressers were designated extreme infection hot spots, while warehouses like IKEA were considered safe places (Israelyahom, 4 April 2020). Masks were mandated in some countries, while others refuted their use. Travel was heavily restricted based on arbitrarily implemented safe and unsafe countries, while business travel was deemed necessary and allowed. These, and other inconsistencies between and even inside countries not only became a breeding ground for social resistance against restrictions (Ashford & O'Brien, 2022), but also created new opportunities for the modernization and development of conventional control measures. Innovation of exploitative strategies employed by governments, law enforcement, and the private sector during the COVID-19 pandemic societies vastly increased due to from the sudden move from the offline to the online, interactions turning from physical to digital platforms. This process of relying on and using more data, and green-lighting digital solutions for tackling the spread of COVID-19 generated new modus operandi for restriction and regulation along the fault lines of the new normal (Wongsin et al., 2022). Technologies such as track and trace, or the use of infection data to impose quarantines, as well as 'Green passes' based on health status seemed inconceivable in March 2020, but the pandemic-induced state of crisis provided the initial rationale for many governments and private companies across the world to implement and develop invasive data collection and monitoring by late 2021 and most of 2022.

Alongside the development of new, invasive real-time pandemic control technologies (aka nowcasting across countries) modes of resistance also emerged, triggering patterns of noncompliance including using fraud as social resistance (Levi & Smith, 2021), challenging the biopolitics of contamination control in everyday digital societies (Lindlow et al., 2021). Although these processes are extensively studied in digital epidemiology research, the mainstream approach to nonconformities in the pandemic context overlooks fundamental changes in the social construction of deviance (Salathé, 2018). While these studies discuss the main responses to COVID-19 rules such as an increase in cybercrime, medical PPE fraud, Covid test data falsification, or corruption, those who break the rules for other reasons, such as corporate beneficiaries or people in precarity, remain out of sight.

As part of the *new normal* the overextended State of Emergency and the use of exceptional law-making practices (Grogan, 2020) legitimised new means of defining social order, overwriting the traditional philosophical meaning of normativity that has taken to be a class of facts, or a class of things accepted to be true, valid, or otherwise indispensable to science in society (Yang, 2020). Healthcare-based justifications rapidly normalised extreme social restrictions and penal measures for noncompliance. Normalization was introduced through new media applications and push content, popularising pandemic governance strategies on the national and EU levels, as well as globally. As a result, disproportionate collective control and surveillance technologies were invented to screen, govern, and exclude different groups in societies.

While resistance has been considered a form of intentional political reflection expressing social and legal injustices as well as economic and cultural concerns (Baaz et al., 2016), the meaning of resistance during the pandemic came to symbolize far more than morally justified actions against the harms of legal order (Friedrichs & Vegh Weis (2021). By not obeying the rules, resisting control measures, and defying the so-called New normal new patterns of nonconformative social behaviour also considered as immoral, illegitimate, antisocial, and sometimes even extra-legal (Holmes & Smith, 2012) emerged. Publications on healthcare worker protests, antivaccine movements, vaccination certificate frauds kept echoing the traditional criminalisation and state corporate repression narratives, while several new forms of social and legal nonconformities appeared which aimed to ensure social or economic inclusion such as access to public venues.

Also, in the research by Eraso and Hills (2021), noncompliance with policies such as social distancing measures was explained as both intentional and nonintentional. The study, which looked at residents of North London, studied reasons behind adherence to social distancing measures such as keeping two meters distance, meeting family and friends, and leaving their homes for so-called nonessential reasons. The authors found that unintentional reasons provided for noncompliance with the above-listed measures were dependent on factors such as—perceived (in)ability to control (i.e. do anything about) the spread of the virus and personal difficulties (emotional stress, loneliness, anxiety, etc.) that was provoked by compliance to the measures. Others described keeping two meters distance as simply being impossible due to reasons such as living in close proximity to others. Confusion over the rules of what is and is not allowed, as well as rules that were in conflict with each other also affected willingness to be compliant. Most notably—prosocial behaviour—helping those in need, making contact with others in an effort to provide physical or emotional support during the pandemic were cited as being valid reasons to override the social distancing rules. With contradictory information circulating on traditional local and global social media, the New Normal of COVID-19 compliance cultures faded away lost their credibility. According to Pali (2023: 4),

> *"disobedience" is not simply the absence of "obedience" (Morselli and Passini 2010); it can both enhance or undermine the principles of democracy and governance* (Habermas 1985; Smith 2013), *and; can reveal important, and sometimes unbridgeable, tensions between sources of legitimate agency for governance, morality, and justice*'' (Zinn 1968; Welch 2009) in; Pali, 2023: 4)

By emphasising the inconsistencies in COVID-19 regulations, and how these created new loopholes in the criminalisation processes we will highlight how the pandemic restrictions effected different marginal populations. Considering the pandemic context as the justification of health crisis governance that increased individual responsibilisation and social control, we aim to present a selection of COVID-19 nonconformities, including legal

protests, political resistance, collective violence, self-harming, and even legal corporate conducts to illustrate the consequences of disproportionate, selective, and inconsequent measures with and beyond the so-called Global North.

Mapping Covid Nonconformities

The selection of papers highlights how different societies initiated their own innovative nonconformities including innovative social responses. By differentiating the traditional law-centred criminological approaches from symbolic and constructivist explanations of nonconformity, the selection of papers elaborates on social responses to COVID-19. First, this selection wishes to maintain a distance from studying deviant responses, a subject that has regularly been studied by criminologists as opportunity crimes (e.g. cybercrimes), and exclusively focuses on socially constructed deviance, highlighting individual or collective responses of those who are abusing their administrative power and those who are challenging extraordinary COVID-19 measures from a socially, politically, or economically marginal position. While critical security and critical surveillance studies, as well as criminology, generally focus on manifestations of traditional counter conduct from a sociological perspective, plenty of other disciplines can provide novel conceptual and methodological understanding of the ways we can explore contemporary social practices. As this selection of papers will illustrate, media and communication studies, digital humanities, and gender studies offer modern approaches to the study of (digitised) social responses to injustices.

Despite varying national modus operandi of pandemic management, suffice it to note that criticism of critical reflections on the pandemic addresses similar themes, regardless of geography or culture; debates on executive overreach, ad hoc legislation and definition of covid-criminality, polarization and social conflict along the lines of official government narratives and alternative Covid-related information. In this special issue of the Journal of Critical Criminology we have selected contributions that showcase different forms of social disobedience as resistance to conform with government-imposed pandemic restrictions, presenting global academic perspectives on social deviance from different geopolitical contexts of COVID-19 measures. The studies explore how inconsistent and disproportionate methods of pandemic governance strategies triggered unprecedented forms of noncompliance in different geographical and cultural contexts by examining measures imposed and social responses to them (Spahl et al., 2022). The Special issues contains 7 contributions from 4 continents, Asia, Europe, South America, and Oceania.

Content Outline of the Special Issue

In the current Special Issue on COVID-19 nonconformities, we propose to challenge the traditional approaches to discussing disobedience and resistance, by emphasising how the rapidly changing normativities fuelled by media narratives and peer to peer content sharing created new power dynamics in different countries. The Special issue introduced the Covid-19 Nonconformities in two thematic sections—*Sanitized discrimination* and *Illicit Legality*.

Sanitized Discrimination

The COVID-19 crisis shifted focus away from existing social issues, focussing in the implementation of blanket measures against an indiscriminate virus. These measures and restrictions however served to reveal and further aggravate discrimination among the lines of race and ethnicity as is showcased by Giulia Fabini and Omid Firouzi Tabar. In their contribution, the authors examine Covid nonconformities in the responses of migrants trapped in "sites of confinement"; migrant reception centres, deportation detention facilities, and designated quarantine ships in Italy's Veneto region. Arguably the most tangible measure implemented against the virus was the lockdown and quarantine regulations imposed in numerous countries across the world. The boarders of personal autonomy were condensed to the square meters that citizens owned or rented—and migrants owned nothing. Despite Europe experiencing the so-called migrant crisis since 2015, it is the 2020 Pandemic in which the chasm between "us" and "them" was revealed. Fabini and Tabar showcase the dire circumstances in which migrants in Italy were subjected during the pandemic but highlight that compared to the generally inhumane treatment of migrants already known in pre-pandemic times, during COVID-19 migrants effectively became the collateral for biopolitical and necropolitical violence (Sanfelici, 2021). As a result, disobedience and nonconformity—manifesting in protest, riots, and violence against ones' self is used as a lens through which systemic violence against migrants can be examined. The authors argue that the Italian state of emergency enabled the use of harsher punishments, and legitimized gross neglect of migrants' well-being without needing justification other than the chaos of crisis to do so. In the vein of his special issue, Covid noncompliance is viewed not from the perspective of social construction of deviance, but as a unit of analysis through which structural violence is explored.

Alongside alleviating government accountability, the pandemic provided reason for regulatory authorities and law enforcement to avoid grounding their actions in constitutional law. In their paper "Off the Cuff Law-making" Daniel Jimenez Franco, Jesús C. Aguerri, and Alejandro Forero-Cuéllar describe law enforcement rationales in Spain, arguing that what was reasoned as necessary increase in police power was not simply a COVID-19 public health necessity, but an act of "accumulation by dispossession" enabled by a state of emergency. These exceptional states of emergency imposed in many countries during the pandemic allowed a concentration of power, delegated to presidents or in some case COVID-19 task forces, expert committees intended to debate the necessity of various restrictive pandemic measures. Jimenez, Aguerri, and Forero-Cuéllar argue that in Spain, this delegation of power was taken by law enforcement as incentive to create law, i.e. create categories of disobedience.

In addition, examining unjustified structural violence against migrants by the state, the overreach of policing powers, and organized criminality to elicit conformity, the first thematic section closes with a study by Sara Salman, who's research accentuates the how othering is used to maintain structural exclusion and discrimination of indigenous Māori in New Zealand by criminalizing pro-social noncompliance during the pandemic. The analysis presents a striking reflection on the nonconformative behaviour from a country heralded as the ultimate government success story in curbing the spread of COVID-19. The author challenges the successfulness of New Zealand's Covid policies by presenting three case studies which exemplify exclusion though racially determined discourses on blameworthiness of spreading the virus, noncompliance as resistance to exclusion, and nonconformity as a pro-social protective measure. Challenging conventional ideas on social resistance, the

article explains how normative deviance is necessary when government protective measures leave out populations who do not possess the privileges and status of white middle-class families—to which protective measures are tailored.

Illicit Legitimacy

Legality, and what constitutes reasonable and justified limitations to personal freedoms and fundamental rights is the product of negotiated meaning. As described earlier in this introduction, we see the assistance of others (socially accepted norm) serving as legitimization of nonconformative behaviour during the COVID-19 pandemic. These motivations were validated by the infodemic which amplified contradictory information, weakening commitment to compliance with COVID-19 preventative measures and trust in technological advancements in pandemic management—i.e. pandemic fatigue. The process of disengagement from social and legal norms is introduced and discussed in the second thematic component of this special issue—Illicit legitimacy—and emerges from the broader fields of social and media studies introducing novel methodological and theoretical arguments relevant for a critical criminological understanding of motives and narratives on Covid noncompliance. Is essence, the studies provide a glimpse into the process of disengagement from conformity. Opening the thematic section on illicit legitimacy, Weihang Wang and Xuanxuan Tan provide a case study on how dissent is turned to compliance through emotional mobilization, a tactic of quashing online resistance used by the Chinese government. During the COVID-19 pandemic, censorship of online content that questioned the existence or severity of COVID-19, spread false information about the source of the virus, the efficacy of vaccines or the usefulness of alternative treatments was, in many countries, censored or labelled as dangerous and harmful information. While this followed the logic of true and false information, the case study presented here illustrates a softer approach to online surveillance and erasure of nonconformitive content. The study reflects on the death of Dr. Li Wenliang, a whistle-blower claiming that the Chinese government was supressing information about the virus when it was first identified in Wuhan. His death shortly thereafter was a catalyst for online dissent and expressions of frustration towards the government. In this case study the authors examine online posts and trace how dissent is turned to acceptance and even praise of the governments state of exception and restrictive measures by refarming government actions as fulfilling positive legal obligations of the state to protect the population from the virus. Described in this study is the concept of affective sovereignty, whereby acceptance of state control and compliance rules enforce though strategies of emotive persuasion (Nivette et al., 2021).

Claire Seungeun Lee's contribution presents an internet ethnography (netnography) and qualitative thematic analysis of social responses to government-mandated Covid restrictions enforced via datafication and dataveillance in South Korea. Studies from the Global-North have dealt with the increasing impact that the internet, and more specifically social media, has on amplifying and proliferating the deviant views of individuals, the reach of conspiracy theories, and the criminogenicity of self-representation (Yar, 2012). Rather than highlighting the false, fake or deviant nature of online views that challenge mandates, Lee's study looks closely at the process of negotiation—to conform or not to conform to social distancing, self-isolation, and vaccinations. Examining how citizen's use online (e-petition) platforms as a conduit for challenging biopowered social surveillance and control measures imposed by the Korean government, the study illustrates the main argument presented in this Special Issue—that socially accepted behaviour is used to challenge compliance with

legal norms by critically examining an ongoing debate around COVID-19 nonconformities reasoned by concerning privacy, mis/disinformation, and conspiracy in the context of an emerging body of literature on datafication, dataveillance, social control, and digital sociology.

In addition to challenging disobedience as the absence of obedience, we also challenge binaries of truth and falsehood, and the subscription to either camp as a precursor for compliance and noncompliance. Examining fake news in Taiwan, Winping Kuo and Sumei Wang present an alternative contextualisation of fake news and expand on the limitations of shrouding the problem of fake news—as was the approach of Western national and supra-national governmental bodies—in the vernacular of a contagious virus, that similar to COVID-19, must be eradicated, and those who spread it, penalized. Opposing this view—the authors discuss how cultural relationships and historical contexts determined not only the manner in which fake news is conveyed and interpreted, but how these social contexts—discussed in the framework of social, cultural, and political capital—determine the manner and extent to which fake news is acted upon, creating noncompliance. The paper detaches from analysis of fake news belief as a question of mental capacities, far-right political views, and low levels of education but advocate for its examination as a product of social, political, and historical struggles of and between cultural hegemony. Using the context of Taiwan, the authors argue that the study of fake news during COVID-19 shows a functional capacity—that of challenging compliance to state-imposed censorship, acceptance of health mandates (vaccines and treatments), and most pertinently as a tool to discredit political opposition.

Illicit legitimacy is further discussed in the context of fake Covid passes. In their contribution authors Kristjan Kikerpill and Ragne Kõuts-Klemm examine the purchasing of fake covid passes as a case of 'creative compliance' as an act of achieving self-realization. Examining a sample of international news articles, the authors discuss motivations for faking compliance arguing that the process of creative compliance is exercised when legal norms are adhered to but the means in which compliance is achieved is illegitimate. Using a critical discursive psychology approach to data gathered from online news articles, examining interpretive repertoires on conformity to the implementation of Covid health passes—a virtual Covid clearance card confirming immunization against COVID-19, or absence of infection. The authors analyse two frames in which Covid health passes are discussed—debates on the general necessity of the health pass requirement, and negotiations of compliance with health pass requirements, namely—getting vaccinated. Highlighting the multifaceted processes of belief, hostility, fear, and deservingness as motivating the purchase of fake Covid passes, the study emphasized the complexities of nonconformity, illustrating the negotiation of self-actualization, a social norm (if not perceived fundamental right) in decisions of compliance, conformity, or disobedience with ravel restrictions during COVID-19.

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