Democracy and the Global Emergency – Shared Experiences, Starkly Uneven Impacts

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The global pandemic has evidently had a dramatic impact on democratic practices worldwide. An unprecedented number of states have derogated en masse from international human rights treaties and are simultaneously under a state of emergency (or emergency measures without a formal emergency declaration e.g. Ireland, Poland). Over 50 states have postponed elections, with often little certainty as to when and how they will be held. Concerns run high. In a survey of 142 states' exposure to 'pandemic backsliding', the V-Dem Institute perceives emergency measures as little threat to democracy in just 47 states, but deems 82 states as at high (48) or medium (34) risk, with the pandemic response accelerating or emphasizing established trends of democratic decay.

Curating analysis of these developments since early April through the COVID-DEM project, and reading across the 62 published contributions to this outstanding symposium, there are clear commonalities across all democracies affected. Fundamental protections against excessively powerful executives have had to be temporarily shelved as governments wield sweeping powers. Citizens have had to submit to rights restrictions, 'stay at home' orders, expanded police powers, and in some states, surveillance apps, often without anything close to an acceptable level of democratic scrutiny as parliaments (and the media) are hobbled by the lockdown.

Beyond these commonalities, the effect of the COVID-19 response on the democratic system has been – and will be – starkly uneven across democracies worldwide, due to the different democratic 'starting point' of each state as the pandemic hit. We might set out four broad categories of government:

- (i) Effective Rationalists: Some democratic governments have effectively addressed the pandemic through rational policy based on fact, acted within the constraints of the law, and placed clear limitations on emergency actions to preserve maximal democratic functioning. In New Zealand, for instance, parliamentary committees continue and an Epidemic Response committee has been established to scrutinise government action. South Korea has flattened the curve primarily through contact tracing and successfully held national elections on 15 April the first country to do so. These states have benefited from their starting position of high-quality democratic governance, high state capacity, and the economic ability to assist individuals negatively affected by emergency measures.
- (ii) Constrained Rationalists: Other governments have also taken a broadly rational and law-abiding approach but are in a starkly different position due to limited state capacity. As Melodie Labuschaigne and Ciara Staunton offer, South Africa is facing

a 'state of disaster' due to emergency measures preventing access to food, water, and even basic hygiene. The state is also less equipped to address the economic fall-out of the lockdown, with uncertain implications for its fragile young democracy.

- (iii) Autocratic Opportunists: The third camp are states where democratic decay has been proceeding apace for years and governments, while seemingly recognizing the reality of the threat, have pounced on the crisis to further consolidate and expand their power. Hungary is the poster child, with the parliament having empowered the prime minister to rule by decree, setting no time-limit for the emergency, and arming the government with a law criminalizing 'publication of false or distorted facts'.
- (iv) Fantasists: The final category includes governments whose response has been impeded and distorted by partial or full denial of the facts presented by recognised experts, and engagement in conspiracy theories (e.g. that the pandemic is a Chinese bio-weapon). 'Pandemic denial' has turned the USA into a global outbreak hotspot, placed citizens in the unenviable position of risking their health and lives to exercise their democratic rights in Wisconsin's April primary elections, encouraged inaction at federal and state levels, and endlessly undermined any concerted action taken. However, the true global leader of pandemic deniers is Brazil's President Bolsonaro, who continues to simply refuse to act and for whom, Meyer and Bustamante assert, 'politics comes before truth'. Both are extreme examples of what Sophia Rosenfeld calls 'antitruth governance', based on 'indifference to the boundaries between truth and falsehood' and an aversion to objective institutional expertise. This not only presents an existential threat to democratic government, but in the current circumstances, to health and life for thousands, and in both states risks social disturbances.

In many states, the pandemic has simply laid bare the true nature of the political system. Where commitment to good governance and the rule of law endures, it has been reflected in the action taken. Where democratic government has not led to hoped-for prosperity and security, this has been exposed in desolate detail. Where democratic rot had already set in, the COVID-19 response has rendered it more visible. In Poland, for instance, the 10 May presidential elections were finally declared postponed (albeit in a bizarrely unorthodox process), not by the government or election commission, but by the true power in the state, Jaros#aw Kaczy#ski, leader of the ruling party (alongside his coalition partner Jaroslaw Gowin) – a damning confirmation of how democratic power has been wrenched from its constitutional locus and is now exercised in an openly undemocratic manner.

That said, the pandemic has also prompted impressive innovation. Activists have managed to arrange visually striking physical protests compliant with social distancing regulations – against the <u>perceived assault on democracy in Israel</u> or <u>attempts to introduce stricter abortion laws in Poland</u>. Digital activism has pushed back against state repression of human rights monitors in states such as the <u>Philippines</u>. These are a powerful reminder that although democracy is constrained, it is not suspended. We see institutional innovation too. In Australia, long-time critics of the political system's dysfunction have been surprised by the capacity of the newly-established <u>National Cabinet</u> to coordinate executives of different party colours across the federation, cutting through the hyper-partisan *status quo* to

achieve consensus on nation-wide action – in blunt contrast to the chaotic tussles in the USA between federal and state governments, and two main parties, over everything from the <u>validity of state lockdowns</u> to the <u>purchase and retention of protective equipment</u>.

More broadly, the global pandemic has revealed that there is no single fault-line between effective democracies and inept autocracies – or vice versa. Nor is there a simple division between the Global South and Global North, or between younger and older democracies. Instead, we see multiple fault-lines based on state capacity, effective government, governance based on observable fact, and citizen trust in government. While the failures of many of global democracy's perceived 'leading lights' – particularly the USA and UK, but also Sweden – has tarnished their already sullied democratic reputations, other democracies like South Korea and New Zealand are enjoying greater international visibility as examples of best practice (although their responses are not immune to criticism). That said, even as the lockdown eases in many states, concerns are shared worldwide about the long-term effects of the emergency, including the expansion and normalization of surveillance. All democracies will be exposed to difficult questions of legitimacy if measures continue to be extended, if parliaments continue to be sidelined, and scheduled elections are not held.

What will democracy look like worldwide in a year's time, when hopefully the worst of the pandemic will have passed? It is impossible to tell. What we can predict is that the effects will be starkly uneven: many democracies will be battered but resilient, a lucky few may even be renewed, while others will emerge seriously degraded or even depart from the global club of democracies entirely.

