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PUT MORE WOMEN IN CHARGE AND OTHER LEADERSHIP LESSONS FROM COVID-19

*Peter H. Huang**

ABSTRACT

COVID-19 teaches us many lessons, including about leadership, the most important of which is to put more women in charge. This Article provides an interdisciplinary analysis of these lessons, which come at the very high price of many forever disrupted and lost human lives. COVID-19 is a global tragedy. COVID-19 can also be a cruel, relentless, and unforgiving teacher of valuable lessons about leadership. During COVID-19, leaders had to quickly mobilize many resources and convince many people to change their established behaviors and familiar routines. Leaders had to rely on effective and persuasive communication to achieve buy-in and voluntary compliance by a diverse public. This is because enforcement of non-compliance is effectively infeasible. This Article introduces the phrase, *thoughtful leadership*, to describe such leadership and leadership communications. In response to COVID-19, some leaders have been compassionate, courageous, data-based, decisive, and kind. These leaders' communications with the media and the public were calm, caring, clear, empathetic, honest, science-driven, and transparent. This Article applies to leadership mathematician Eugenia Cheng's category-theory based notion of congressive qualities, such as being collaborative, communitarian, cooperative, curious, empathetic, inclusive, open-minded, modest, other-regarding, and prudent. This Article analyzes how leaders who were more successful during COVID-19 behaved. During COVID-19, women were many of the most admired and more successful leaders. These female leaders of cities, states, and nations were exemplary. There were also some exemplary male leaders. This Article considers explanations and theories about why so many women leaders were more successful during COVID-19. This Article profiles three exemplars of leadership during COVID-19: New Zealand prime minister Jacinda Ardern, Secretary to the Governor of New York Melissa DeRosa, and New York state governor Andrew Cuomo.

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Finally, congressive leadership and thoughtful leadership are also applicable to parenting and teaching.

Keywords: COVID-19, thoughtful leadership, congressive leadership, exemplary female leaders, crisis leadership, partisan leadership, leadership communications, politics of kindness

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I. INTRODUCTION

COVID-19 teaches us many lessons,¹ including about leadership, the most important of which is to put more women in charge. This lesson is based on dramatic evidence that some women were more successful than some men as leaders during COVID-19. This Article provides an interdisciplinary analysis of these lessons, which come at the very high price of many disrupted and lost human lives. Another article offers an interdisciplinary analysis of the implications of emotional responses to pandemics for public health, financial economics, law, and leadership.²

The first part of this Article's title, *Put More Women in Charge*, is the plural and scaled up or writ large version of, and inspired by, the song, "Put A Woman in Charge."³ This is an anthemic, catchy, and timely song, sung by blues musician and five-time Grammy Award winner Kevin Roosevelt Moore, better known by his moniker, Keb' Mo', and featuring author, singer-songwriter, and four-time Grammy Award winner Rosanne Cash. Both artists are known for their political activism and philanthropy.⁴ Keb' Mo' dedicates the song's official music video, available online,⁵ to his mother who passed at the age of 91,⁶ saying that "She was smart. She was strong. She was a leader. This video is dedicated to her and amazing women everywhere that are getting the job done."⁷ On his official website, Keb' Mo' explains that:

Put A Woman in Charge is about trying something else. There have been a lot of great achievements made by men or by the masculine, but maybe, just maybe, we've gotten too comfortable with the imbalance of men in power and have

¹ Jane deLima Thomas, *Pandemic as Teacher—Forcing Clinicians to Inhabit the Experience of Serious Illness*, NEW ENG. J. MED. (May 20, 2020), <https://www.nejm.org/doi/full/10.1056/NEJMp2015024>.

² See generally Peter H. Huang, *Pandemic Emotions: The Good, the Bad, and the Unconscious—Implications for Public Health, Financial Economics, Law, and Leadership*, 16 NW. J.L. & SOC. POL'Y 80 (2021).

³ Keb' Mo', *Put A Woman in Charge Featuring Rosanne Cash (Official Music Video)*, YOUTUBE (Oct. 11, 2018), <https://www.youtube.com/watch?v=FcIQeRGYFlw>; see also Sheryl Crow, *Woman in the White House (2020 version)*, YOUTUBE (Aug. 10, 2020), https://www.youtube.com/watch?v=W5Ehcd_kpQ.

⁴ *Keb' Mo' Releases Anthem Song "Put A Woman in Charge" Featuring Rosanne Cash*, KEB' MO' OFFICIAL WEBSITE (Sept. 28, 2018), <https://kebmo.com/news/keb-mo-releases-anthem-song-put-a-woman-in-charge-featuring-rosanne-cash>.

⁵ Keb' Mo', *supra* note 3.

⁶ GGM Staff, *Keb' Mo' Releases Official Music Video for Timely Anthem Song, "Put A Woman in Charge" Featuring Rosanne Cash*, GUITAR GIRL MAG. (Oct. 11, 2018), <https://guitargirlmag.com/news/music-news/keb-mo-releases-official-music-video-for-timely-anthem-song-put-a-woman-in-charge-featuring-rosanne-cash/>.

⁷ *Id.*

fallen short by not listening and embracing what women have to offer when they lead. I think the song should be heard and conversations need to be had. It's about empowering each and every one of us to contribute, and to be brave to step forward and speak up.⁸

The song lyrics were co-written by singer-songwriter Beth Nielsen Chapman (who also co-wrote Faith Hill's hit song, "This Kiss,"⁹ and wrote Martina McBride's hit song, "Happy Girl"¹⁰), songwriter John Lewis Parker (who also co-wrote Chicago's hit song, "Hard Habit to Break,"¹¹ and wrote Phyllis Hyman & Michael Henderson's hit song "Can't We Fall in Love Again"¹²), and Keb' Mo'. The song's lyrics in their entirety are:

Way back when
 In the beginning of time
 Man made the fire then the wheel
 Went from a horse to an automobile
 He said, "the world is mine"
 He took the oceans and the sky
 He set the borders - built the walls
 He won't stop till he owns it all
 And here we are
 Standing on the brink of disaster
 Enough is enough is enough is enough
 I know the answer
 Put a woman in charge
 Put the women in charge
 Put a woman in charge
 Put the women in charge
 The time has come
 We've got to turn this world around
 Call the mothers
 Call the daughters
 We need the sisters of mercy now

⁸ Keb' Mo' Releases Anthem Song "Put A Woman in Charge" Featuring Rosanne Cash, *supra* note 4.

⁹ Faith Hill, "This Kiss" (Official Video), YOUTUBE (Nov. 17, 2009), https://www.youtube.com/watch?v=dls_cBmUt7Q.

¹⁰ Martina McBride, *Happy Girl*, YOUTUBE (Nov. 28, 2017), <https://www.youtube.com/watch?v=R0KWFVotWV0>.

¹¹ SontaxNL, *Chicago—Hard Habit to Break*, YOUTUBE (Feb. 3, 2009), <https://www.youtube.com/watch?v=nTpoo4BLN7g>.

¹² Bad14v, *Phyllis Hyman & Michael Henderson—"Can't We Fall in Love Again,"* YOUTUBE (May 10, 2013), <https://www.youtube.com/watch?v=Bmv610WJoGU>.

She'll be a hero
 Not a fool
 She's got the power
 To change the rules
 She's got something
 that men don't have
 She is kind and she understands
 So let the ladies
 Do what they were born to do
 Raise the vibration
 And make a better place for me and you
 Put a woman in charge
 Put the women in charge
 Put a woman in charge
 Put the women in charge
 Hallelujah
 We're gonna feel the magic
 When the girls take over
 it's gonna be fantastic
 Put a woman in charge
 Put the women in charge
 Put a woman in charge
 Put the women in charge¹³

At the 2:45 mark of “Put A Woman in Charge,” just after Cash sings, “[h]allelujah, we're gonna feel the magic, when the girls take over it's gonna be fantastic,”¹⁴ there is a just barely audible snippet from one of former President Barack Obama's speeches in which he affirms, “We need more women in charge.”

After his Presidency, Obama made similar statements twice, interestingly each time at foreign, invitation-only events. The first was in Paris, in response to a question about leadership qualities for the future, Obama advocated “for more women to be put in positions of power ‘because men seem to be having some problems these days.’”¹⁵ Obama expressed appreciation for people who question themselves and those who are around them, utilizing such questions as, “How can I make the people around me

¹³ Keb' Mo', *supra* note 3.

¹⁴ Stephen L. Betts, *Hear Keb' Mo', Rosanne Cash's Timely New Duet 'Put a Woman in Charge'*, ROLLING STONE (Sept. 28, 2018, 12:54 PM), <https://www.rollingstone.com/music/music-country/keb-mo-rosanne-cash-duet-put-a-woman-in-charge-730678/>.

¹⁵ *Obama Calls for More Women in Power as 'Men Seem to be Having Problems,'* FRANCE 24 (Dec. 2, 2017, 9:46 PM), <https://www.france24.com/en/20171202-obama-calls-more-women-power-men-seem-be-having-problems>.

better? How do I empower them . . . how do I build a team where everyone's pulling together to get something done?"¹⁶ Obama also stated, "Not to generalize but women seem to have a better capacity than men do, partly because of their socialization."¹⁷ Research study data found that women rank higher than men in thirteen out of sixteen leadership competencies, with females ranking the highest in the two categories of driving results and taking initiative, while the genders tying only for the category of innovation.¹⁸

The second time, Obama said in remarks during a private event in Singapore about leadership that our world would be a better place if more women were in charge.¹⁹ Obama also said that while President, he mused about what our world led by women would look like:

Now women, I just want you to know; you are not perfect, but what I can say pretty indisputably is that you're better than us [men].

I'm absolutely confident that for two years if every nation on earth was run by women, you would see a significant improvement across the board on just about everything . . . living standards and outcomes.²⁰

Obama said that after two years of women leading our world, everyone will come to realize that women should always run the world.²¹ Obama's remarks about women as leaders were in the context of his advocating for more diversity in leadership to have more viewpoints to cover decision-making blind spots.²² Obama utilized the analogy of the diversity of strengths required on a (successful) basketball team to explain the necessity of

¹⁶ *Id.*

¹⁷ Zameena Mejia, *Barack Obama Says Women Make Better Leaders—and Data Shows He's Right*, CNBC MAKE IT (Dec. 4, 2017, 5:04 PM), <https://www.cnbc.com/2017/12/04/barack-obama-says-women-make-better-leaders-and-data-shows-hes-right.html>.

¹⁸ *Id.*; Jack Zenger & Joseph Folkman, *Are Women Better Leaders than Men?*, HARV. BUS. REV. (Mar. 15, 2012), <https://hbr.org/2012/03/a-study-in-leadership-women-do>.

¹⁹ Bill Chappell, *Barack Obama Says Women Could Solve Many of World's Problems—Which Men Have Caused*, NPR (Dec. 16, 2019, 4:22 PM), <https://www.npr.org/2019/12/16/788549518/obama-links-many-of-world-s-problems-to-old-men-not-getting-out-of-the-way>.

²⁰ Saira Asher, *Barack Obama: Women Are Better Leaders than Men*, BBC NEWS (Dec. 16, 2019), https://www.bbc.com/news/world-asia-50805822?intlink_from_url=https://www.bbc.com/news/topics/c302m85qe3yt/singapore&link_location=live-reporting-story.

²¹ Navene Elangovan, *World Would Be a Better Place If Women Led All Nations, Obama Tells Cheering S'pore Audience*, TODAY (Dec. 16, 2019), <https://www.todayonline.com/singapore/world-would-be-far-better-if-women-led-all-nations-obama-tells-cheering-spore-audience>.

²² *Id.*

diversity (across gender, ethnicity, and socio-economics) of talents on (successful) teams, be they in the private or public sector.²³

This Article advocates putting more women in leadership roles of countries; states; cities; localities; business associations, including corporations, banks, hedge funds; and all other organizations. This Article is advocating putting more women in leadership roles in the spirit of Keb' Mo's song and his commentary about his song, namely because it is time to try something else. Additionally, this Article marshals much multidisciplinary empirical evidence in support of more women leaders of countries and at every level of society.

This Article does not make the claim that all women are better than all men as leaders generally or during the COVID-19 crisis because there are both exemplary and not so exemplary female and male leaders in the midst of COVID-19. Utilizing death rates per capita as the somber metric or solemn yardstick for judging leadership success, statistically, women leaders aren't doing any better, or any worse, than men leaders.²⁴ Looking at American states reveals "no significant difference between median per capita death rates for states with female governors and those with male governors."²⁵ In the European Union, "the median death rate in female-led countries isn't statistically different from the median death rate in male-led countries."²⁶ Naturally, it is worth remembering that "death rates depend on many variables, including population density, accessibility of healthcare, reporting protocols and possibly temperature and humidity levels, so it's tricky to isolate the impact of the sex of the leader."²⁷ While research does not find any gender differences in leadership effectiveness, research suggests tendencies towards gender differences in leadership styles.²⁸ Leadership during COVID-19 might have highlighted these stylistic differences and made them more salient.²⁹

Certain approaches to leadership have been immensely valuable in successfully responding to COVID-19, including being more caring, collaborative, compassionate, credible, data-driven, decisive, empathetic, humble, participative, relational, and scientific evidence-based. Certain approaches to leadership have been immensely valuable in successfully

²³ *Id.*

²⁴ Kim Elsesser, *Are Female Leaders Statistically Better at Handling the Coronavirus Crisis?* FORBES (Apr. 29, 2020), <https://www.forbes.com/sites/kimelsesser/2020/04/29/are-female-leaders-statistically-better-at-handling-the-coronavirus-crisis/#63e9ecbb539c>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

responding to COVID-19, including being less autocratic, arrogant, blustering, boastful, impatient, impulsive, indecisive, mercurial, rambling, swaggering, and top-down. Undoubtedly, people differ in their varied approaches to, and styles of, leadership. Emphasizing or focusing on differences by gender or any other demographic variable necessarily requires creation of generalizations that “certainly don’t apply to all women or all men. Each leader should be evaluated on their own strengths and weaknesses, and not on their gender.”³⁰

For example, a willingness to admit fallibility and revise your decision-making in light of learning from your errors is a leadership strength, while an inability to admit your mistakes and change course due to learning from your experience is a leadership weakness.³¹ Cautiousness and flexibility, as well as overconfidence and stubbornness, exist in people of both genders and all demographic variables.

In the words of *New York Times* opinion columnist Nicholas Kristof:

It’s not that the leaders who best managed the virus were all women. But those who bungled the response were all men, and mostly a particular type: authoritarian, vainglorious and blustering. Think of Boris Johnson in Britain, Jair Bolsonaro in Brazil, Ayatollah Ali Khamenei in Iran and Donald Trump in the United States.³²

Kristof also notes the possibility “that this isn’t about female leaders but about the kind of country that chooses a woman to lead it.”³³ Kristof raises an intriguing point akin to a causality dilemma over which one of two interdependent things happened before the other. This is usually expressed by a well-known metaphorical question of whether the chicken or the egg came first. In the present case, the answer is unclear. Either way, if people have a choice of where to locate, then people are better off to live, or move to, a country that has more women in charge.

Female leaders were more successful than male leaders during COVID-19 in acting boldly and quickly to implement unpopular Nonpharmaceutical Interventions (NPIs),³⁴ which are also known as community mitigation strategies. NPIs include wearing facemasks, staying at home, and social, or more accurately, physical distancing. Why is this? One theory is that those

³⁰ *Id.*

³¹ Paul Krugman, *In Praise of Fallible Leaders*, N.Y. TIMES (May 25, 2020), <https://www.nytimes.com/2020/05/25/opinion/trump-biden-president.html>.

³² Nicholas Kristof, *What the Pandemic Reveals About the Male Ego*, N.Y. TIMES (June 13, 2020), <https://www.nytimes.com/2020/06/13/opinion/sunday/women-leaders-coronavirus.html>.

³³ *Id.*

³⁴ *Nonpharmaceutical Interventions*, CTR. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/nonpharmaceutical-interventions/index.html/> (last visited Feb. 8, 2021).

countries that chose to elect female leaders are more inclusive politically, tolerant of differing values, and supportive of diversity in backgrounds, expertise, and perspectives in political group decision-making.³⁵ Willingness to listen to a spectrum of information sources and voices comes from humility and helps leaders avoid blind spots and groupthink.³⁶

Party affiliation reflecting political ideology and tolerance may account more for differences in leadership styles or decision-making than gender. For example, Democrat female governors responded early to COVID-19. Michigan's Gretchen Whitmer was among the first governors in the nation to make the hard choice to close all K-12 schools and public universities.³⁷ New Mexico Governor Michelle Lujan Grisham, America's only Latina governor, moved swiftly to close bars and restaurants to in-person dining, stop shoppers from hoarding supplies, prohibit public gatherings of ten or more people, and temporarily shut down gyms, indoor malls, movie theaters, and resort spas.³⁸ Oregon Governor Kate Brown, America's first openly LGBTQ governor, issued an executive order directing Oregonians to stay home and in doing so saved lives.³⁹ In contrast, Republican women governors of Iowa, Kim Reynolds, and South Dakota, Kristi Noem, worked to keep meat-processing plants in their states open despite COVID-19 outbreaks causing hotspots.⁴⁰

Ruth Carlitz,⁴¹ Tulane University political scientist,⁴² found there was no difference in the time it took female versus male American state governors to issue stay-at-home (SAH) orders after the first reported COVID-19 case in their states.⁴³ After controlling for state population, Carlitz found states with Republican governors, both female and male, took about six more days on average after the first confirmed case in the state than Democrat governors to

³⁵ Amanda Taub, *Why Are Women-Led Nations Doing Better with Covid-19?* N.Y. TIMES (Aug. 13, 2020), <https://www.nytimes.com/2020/05/15/world/coronavirus-women-leaders.html>.

³⁶ Devi Sridhar & Maimuna S Majumder, *Modelling the Pandemic*, 369 BRIT. MED. J. m1567 (2020).

³⁷ Barbara Lee, *The Coronavirus Crisis Is Proving We Need More Women Governors and Mayors*, NEWSWEEK (Apr. 8, 2020, 1:05 PM), <https://www.newsweek.com/coronavirus-crisis-proving-we-need-more-women-governors-mayors-opinion-1496897>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Ryan J. Foley, *States Work to Keep Meat Plants Open Despite Virus Outbreaks*, U.S. NEWS & WORLD REPORT (Apr. 20, 2020), <https://www.usnews.com/news/business/articles/2020-04-20/jbs-shuts-down-minnesota-pork-plant-hit-by-covid-19-outbreak>.

⁴¹ Personal Webpage of Assistant Professor Ruth Carlitz, RUTH CARLITZ, <http://www.ruthcarlitz.com/> (last visited Apr. 11, 2021).

⁴² Faculty Webpage of Assistant Professor Ruth Carlitz, DEP'T OF POL. SCI., TUL. UNIV., <https://liberalarts.tulane.edu/departments/political-science/people/ruth-carlitz> (last visited Apr. 11, 2021).

⁴³ E-mail from Ruth Carlitz, Assistant Professor of Law, Tulane Univ. Dep't of Pol. Sci., to Peter H. Huang, Professor of Law, Univ. of Colorado (May 16, 2020, 10:39 CST) (on file with author).

issue SAH orders.⁴⁴ Carlitz's analysis is current as of April 14, 2020, and for states that had not issued SAH orders, Carlitz coded them as the total number of days since the first case reported in America.⁴⁵ Carlitz found that leaders' political party affiliations appeared to be more salient and predictive than leaders' genders for their leadership decisions about issuing SAH orders.⁴⁶ Carlitz's analysis of the timing of imposition of SAH orders is part of a larger project that Carlitz is a member of, along with Swedish colleagues about the nature of perceived government legitimacy and how that perception affects people's willingness to do things they might prefer not to do.⁴⁷ Carlitz and her colleagues call this "ideational reach" and understand it as a dimension of state power with important implications for compliance with NPIs to contain the spread of COVID-19, among other things.⁴⁸

In another *New York Times* op-ed published seven years earlier,⁴⁹ Kristof cites a study finding that "a trader's cortisol rises with both the variance of his trading results and the volatility of the market."⁵⁰ Kristof asks if predominantly male finance leaders created a macho aggressive risk-taking culture that contributed to, if not caused, the 2008 financial crisis:

So would it all have been different if it had been Lehman Sisters?

Maybe not: Lehman Sisters, equally nondiverse, might also have been prone to herd behavior of a different kind. The smart bet would have been on an inclusive and diverse Lehman Brothers & Sisters — and there's a lesson there for Twitter, for our government, and for all of us.⁵¹

This Article concurs with Kristof's conclusion advocating for gender diversity of corporate boards and government leadership. This Article is simply stating the indisputable, uncontroversial fact that some women are better than some men as leaders, generally and during the COVID-19 crisis. This is a humble claim that is the opposite of the ludicrous and obviously erroneous claim that all men are better at leadership generally and during the COVID-19 crisis than all women. The fact that some women are better than

⁴⁴ E-mail from Ruth Carlitz, Assistant Professor of Law, Tulane Univ. Dep't of Pol. Sci., to Peter H. Huang, Professor of Law, Univ. of Colorado (May 16, 2020, 12:28 CST) (on file with author).

⁴⁵ *Id.*

⁴⁶ Email from Ruth Carlitz, *supra* note 43.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Nicholas Kristof, *Twitter, Women and Power*, N.Y. TIMES (Oct. 23, 2013), <https://www.nytimes.com/2013/10/24/opinion/kristof-twitter-women-power.html>.

⁵⁰ J. M. Coates & J. Herbert, *Endogenous Steroids and Financial Risk Taking on A London Trading Floor*, 105 PROC. NAT'L ACAD. SCI. 6167, 6167 (2008).

⁵¹ Kristof, *supra* note 49.

some men as leaders, in general and during the COVID-19 crisis, in particular, simply reflects human diversity and what psychologists refer to as “individual differences.”

It is important to remember that whatever characteristics or qualities make up a good leader, leaders are made not born, just as scientists are made, not born.⁵² There has been a generally unfortunate history and tendency of many human civilizations to have leadership through dynasties and royalty. Leadership should not be a birthright. Leadership should be the result of expertise, merit, and skills. Leadership is often the result of popularity (as in democracies) or force (as with authoritarian regimes).

Like critical thinking, decision-making, mindfulness negotiation, and persuasion (all of which are components of effective leadership), leadership itself is a set of skills. That the bundle of skills known as leadership can be learned and taught is the *raison d'être* of such an educational institution as the Jepson School of Leadership Studies at the University of Richmond.⁵³ Leadership entails a portfolio of skills that can be acquired, developed, improved, maintained, and refined over time.

This Article is agnostic over the statistical properties of the current empirical distributions across demographic variables of the endogenously chosen skills that comprise leadership. These distributions are themselves variable over time. More importantly, laws, public policies, and social norms can influence the evolution or time paths of these stochastic processes. This Article strongly disagrees with the controversial, inapt, and unfortunate comments by former U.S. Treasury Secretary and then Harvard University President Larry Summers about gender differences in the standard deviations of mathematical abilities,⁵⁴ and the disparaging, hurtful, and outrageous assertions by University of Pennsylvania law school professor Amy Wax about a downside of affirmative action being the questionable aptitudes of black law students.⁵⁵ There are exemplary leaders of every gender, race, ethnicity, sexual orientation, and socioeconomic status.

⁵² W. Michael Cox & Richard Alm, *Scientists Are Made, Not Born*, N.Y. TIMES (Feb. 28, 2005), <https://www.nytimes.com/2005/02/28/opinion/scientists-are-made-not-born.html>; Bernice R. Sandler Washington, *Women in the Sciences: The Paths They Took*, N.Y. TIMES (Mar. 7, 2005), <https://www.nytimes.com/2005/03/07/opinion/women-in-the-sciences-the-paths-they-took-486493.html>.

⁵³ *Mission Statement, Purpose, and Goals*, JEPSEN SCH. OF LEADERSHIP STUD., UNIV. OF RICHMOND, <https://jepson.richmond.edu/about/mission.html> (last visited Apr. 11, 2021).

⁵⁴ *What Larry Summers Said—and Didn't Say*, SWARTHMORE C. BULL. (Jan. 2009), https://www.swarthmore.edu/bulletin/archive/wp/january-2009_what-larry-summers-said-and-didnt-say.html; Lawrence Summers, *Harvard President Summers' Remarks About Women in Science, Engineering*, PBS NEWSHOUR (Feb. 22, 2005, 4:25 PM), https://www.pbs.org/newshour/science/science-jan-june05-summersremarks_2-22.

⁵⁵ Bloggingheads.tv, *The Downside to Social Uplift* | Glenn Loury & Amy Wax [The Glenn Show], YOUTUBE (Sept. 11, 2017), <https://www.youtube.com/watch?v=cb9Ey-SsNsg>.

So, why then should we put more women in charge, as this Article and its title advocate? The answer is simple: path dependence. Path dependence is just a fancy way of saying that in the history of our species, we have already experienced predominately male leaders with decidedly mixed results thus far. It is high time for us to experience more women leaders with results that are likely to be far better for humankind, non-human species, and this planet.

There is a large body of research supporting having women leaders and also lots of scholarship corroborating having diversity, equity, and inclusion of all sorts everywhere, including leadership.⁵⁶ How can organizations and societies practically go about achieving these all-important goals of gender and racial equality? Iris Bohnet,⁵⁷ who is the Albert Pratt Professor of Business and Government and Academic Dean of the John F. Kennedy School of Government at Harvard University,⁵⁸ advocates research evidence-based answers of behavioral design to eradicate gender-based inequality.⁵⁹ Relatedly, Rhonda V. Magee, University of San Francisco School of Law Professor,⁶⁰ provides pragmatic, evidence-driven, and mindfulness-based contemplative practices to foster what she terms color insight: an understanding about race and its ubiquitous role in people's lives and in legal institutions.⁶¹

Deborah L. Rhode was the director of the Ernest W. McFarland Professor of Law, Center on the Legal Profession, and the director of the Program in Law and Social Entrepreneurship at Stanford University.⁶² Rhode is a former chair of the American Bar Association's Commission on Women in the Profession and also a former director of Stanford's Institute of Research on Women and Gender.⁶³ Rhode believes the persistent and pervasive underrepresentation of women in leadership is due to such reasons as women's exclusion from professional development networks, women

⁵⁶ Peter H. Huang, *Boost: Improving Mindfulness, Thinking, and Diversity*, 10 WM. & MARY L. REV. 139, 190–97 (2018).

⁵⁷ See, e.g., Iris Bohnet, *Gender Equality by Design*, RSA (Aug. 8, 2016), <https://www.thersa.org/discover/videos/event-videos/2016/08/iris-bohnet-on-gender-equality#>.

⁵⁸ Faculty Webpage of Iris Bohnet, Professor of Public Policy, JOHN F. KENNEDY SCH. GOV'T, HARV. UNIV., https://scholar.harvard.edu/iris_bohnet/home (last visited Apr. 11, 2021).

⁵⁹ See generally IRIS BOHNET, WHAT WORKS: GENDER EQUALITY BY DESIGN (2016).

⁶⁰ Faculty Webpage of Professor Rhonda Magee, UNIV. SAN FRANCISCO SCH. L., <https://www.usfca.edu/law/faculty/rhonda-magee> (last visited Apr. 11, 2021).

⁶¹ See generally Rhonda V. Magee, *The Way of ColorInsight: Understanding Race and Law Effectively Through Mindfulness-Based ColorInsight Practices*, 8 GEO L.J. & MOD. CRIT. RACE PERSP. 251, 251 (2016); RHONDA V. MAGEE, THE INNER WORK OF RACIAL JUSTICE: HEALING OURSELVES AND TRANSFORMING OUR COMMUNITIES THROUGH MINDFULNESS (2019).

⁶² Faculty Webpage of Deborah L. Rhode, Ernest W. McFarland Professor of Law and Dir. of the Ctr. on the Legal Profession, STAN. L. SCH., <https://law.stanford.edu/directory/deborah-l-rhode/> (last visited Apr. 11, 2021).

⁶³ *Id.*

taking on traditional care-taking roles in families, and unconscious gender bias.⁶⁴ Rhode emphasizes the gender leadership imbalance problem cannot be solved by individuals. Instead, Rhode advocates broad-based strategies to address deep-seated cultural and structural conditions women routinely face and have to navigate. Rhode proposes various prescriptions, including developing training programs starting earlier in life, fostering robust women-to-women networks, and promulgating legislation and public policies to address work/life imbalances.

There has been much academic scholarship about leaders,⁶⁵ leadership communication,⁶⁶ and their interplay.⁶⁷ Although definitions of (good) leadership abound, crises crystallize certain critical characteristics common to effective leaders: compassion, courage, decency, decisiveness, empathy, evidence-based, science-driven, and transparency.⁶⁸ There is psychological research about how leaders and leadership communications can change people's emotions,⁶⁹ and in so doing, also change people's behaviors.

Empathy particularly is crucial for successful leadership, especially in uncertain times.⁷⁰ Novelist Toni Morrison nicely captured the feeling of empathy when she wrote, “[s]he is a friend of my mind. She gather me, man. The pieces I am she gather them and give them back to me in all the right order. It’s good, you know, when you got a woman who is a friend of your mind.”⁷¹ A ten-year study of leaders, the CEO Genome Project,⁷² identified

⁶⁴ See generally DEBORAH L. RHODE, *WOMEN AND LEADERSHIP* (2016); see also DEBORAH L. RHODE, *LEADERSHIP FOR LAWYERS* 451–66 (3rd ed., 2020) (covering gender and leadership).

⁶⁵ See generally Bruce J. Avolio et al., *Leadership: Current Theories, Research, and Future Directions*, 60 ANN. REV. PSYCHOL. 421 (2009).

⁶⁶ See generally Jacqueline Mayfield & Milton Mayfield, *Leadership Communication: Reflecting, Engaging, and Innovating*, 54 INT’L J. BUS. COMM. 3 (2017).

⁶⁷ See generally Reinout E. de Vries et al., *Leadership = Communication? The Relations of Leaders’ Communication Styles with Leadership Styles, Knowledge Sharing and Leadership Outcomes*, 25 J. BUS. PSYCHOL. 367 (2010).

⁶⁸ Editorial Board, *In a Crisis, True Leaders Stand Out*, N.Y. TIMES (Apr. 30, 2020), <https://www.nytimes.com/2020/04/30/opinion/coronavirus-leadership.html>.

⁶⁹ See generally Amir Erez et al., *Stirring the Hearts of Followers: Charismatic Leadership as the Transferal of Affect*, 93 J. APPLIED PSYCHOL. 602 (2008); see also Stefanie K. Johnson, *Do You Feel What I Feel? Mood Contagion and Leadership Outcomes* 20 LEADERSHIP Q. 814 (2009); Stefanie K. Johnson, *I Second That Emotion: Effects of Emotional Contagion and Affect at Work on Leader and Follower Outcomes*, 19 LEADERSHIP Q. 1 (2008); Antonio Sacavem et al., *Charismatic Leadership: A Study on Delivery Styles, Mood, and Performance*, 11 J. LEADERSHIP STUD. 21 (2017); Thomas Sy et al., *Reciprocal Interactions Between Group Perceptions of Leader Charisma and Group Mood Through Mood Contagion*, 24 LEADERSHIP Q. 463 (2013).

⁷⁰ Mays Imad, *Empathy Matters: 10 Leadership Strategies for Times of Uncertainty*, 21 DEAN & PROVOST 1, 1 (2020).

⁷¹ TONI MORRISON, *BELOVED* 321 (First Vintage Int’l ed., 2004) (1987).

⁷² *About*, CEO GENOME PROJECT, <https://ceogenome.com/about/> (last visited Feb. 9, 2021).

these four other crucial behaviors of successful leaders: being agile, decisive, engaging, and reliable.⁷³

The COVID-19 pandemic is a global tragedy. COVID-19 also is a cruel, relentless, and unforgiving teacher providing valuable lessons about leadership for those of us who are willing and able to learn. This Article observes that exemplary leaders during COVID-19 were compassionate, courageous, data-based, decisive, and kind. This Article also notes that exemplary leaders during COVID-19 engaged in calm, caring, clear, empathetic, honest, science-driven, and transparent communications to the media and public. During COVID-19, many of the most admired, successful, and caring leaders and leadership communicators were women. These female leaders of cities, states, and countries were exemplary. Some male leaders of cities, states, and countries were also exemplary.

This Article draws lessons about leadership from how various leaders responded to COVID-19. This Article analyzes the leadership of several acclaimed leaders during COVID-19. To do this, the Article provides interdisciplinary analysis of leadership drawing on insights from leadership studies, communications studies, psychology, (behavioral) economics, game theory, decision sciences, management science, marketing, neuroscience, and sociology.

This Article analyzes how leaders who were more successful during COVID-19 behaved. In doing so, this Article also considers explanations and theories about why some women were more successful than men as leaders during COVID-19. Finally, this Article profiles in some detail three exemplars of leadership: New Zealand prime minister Jacinda Ardern; Melissa DeRosa, Secretary to the Governor of New York; and New York state governor Andrew Cuomo.

II. LEADERSHIP DURING COVID-19

On May 16, 2020, former President Barack Obama eloquently delivered a pair of virtual commencement speeches,⁷⁴ in which he implored millions of American college and high school graduates to become good leaders.⁷⁵ In both speeches, Obama also explicitly bemoaned America's lack of leadership during COVID-19.⁷⁶ In Obama's first speech, addressed to 27,000 graduates

⁷³ Elena Lytkina Botelho et al., *What Sets Successful CEOs Apart*, HARV. BUS. REV., May–June 2017, <https://hbr.org/2017/05/what-sets-successful-ceos-apart>.

⁷⁴ Audra D. S. Burch & John Eligon, *Obama Says U.S. Lacks Leadership on Virus in Commencement Speeches*, N.Y. TIMES (May 16, 2020), <https://www.nytimes.com/2020/05/16/us/barack-obama-2020-commencement-graduation-speech.html>.

⁷⁵ *Id.*

⁷⁶ *Id.*

of seventy-eight Historically Black Colleges and Universities (H.B.C.U.), Obama stated:

More than anything, this pandemic has fully, finally torn back the curtain on the idea that so many of the folks in charge know what they're doing. A lot of them aren't even pretending to be in charge.

...

So rather than say, "What's in it for me?" or "What's in it for my community? And to heck with everyone else," stand up for and join up with everyone who's struggling—whether immigrants, refugees, the rural poor, the L.G.B.T. community, low-income workers of every background, women who so often are subject to their own discrimination and burdens and not getting equal pay for equal work; look out for folks whether they are white or black or Asian or Latino or Native American. As Fannie Lou Hamer once said, "nobody's free until everybody's free."

...

And finally, as H.B.C.U. graduates, you have to remember that you are inheritors of one of America's proudest traditions. Which means you're all role models now—whether you like it or not. Your participation in this democracy, your courage to stand up for what's right, your willingness to forge coalitions—these actions will speak volumes. And if you are inactive, that will also speak volumes. Not just to the young folks coming up behind you—but to your parents, your peers, and the rest of the country. They need to see your leadership—you're the folks we've been waiting for to come along.⁷⁷

Obama's later prime-time speech was part of *Graduate Together: High School Class of 2020 Commencement*,⁷⁸ an event co-organized by the XQ Institute,⁷⁹ a think tank that works with schools, the Entertainment Industry Foundation,⁸⁰ and the LeBron James Family Foundation.⁸¹ This event was

⁷⁷ *Read the Full Transcript of Obama's H.B.C.U. Commencement Speech*, N.Y. TIMES (May 16, 2020), <https://www.nytimes.com/2020/05/16/us/obama-hbcu-speech-transcript.html>.

⁷⁸ GRADUATE TOGETHER, AMERICA HONORS THE HIGH SCHOOL CLASS OF 2020, <https://graduatetogether2020.com/>.

⁷⁹ *About*, XQ INST., <https://xqsuperschool.org/about/>.

⁸⁰ ENTERTAINMENT INDUSTRY FOUNDATION, <https://www.eifoundation.org/>.

⁸¹ LEBRON JAMES FAMILY FOUNDATION, <https://www.lebronjamesfamilyfoundation.org/>.

addressed to millions of American high school graduating seniors and aired on all of television's major networks. Obama stated:

All of which means that you're going to have to grow up faster than some generations. This pandemic has shaken up the status quo and laid bare a lot of our country's deep-seated problems—from massive economic inequality to ongoing racial disparities to a lack of basic health care for people who need it. It's woken a lot of young people up to the fact that the old ways of doing things just don't work; that it doesn't matter how much money you make if everyone around you is hungry and sick; and that our society and our democracy only work when we think not just about ourselves, but about each other.

It's also pulled the curtain back on another hard truth, something that we all have to eventually accept once our childhood comes to an end. All those adults that you used to think were in charge and knew what they were doing? Turns out that they don't have all the answers. A lot of them aren't even asking the right questions. So, if the world's going to get better, it's going to be up to you.

...

Doing what feels good, what's convenient, what's easy—that's how little kids think. Unfortunately, a lot of so-called grown-ups, including some with fancy titles and important jobs, still think that way—which is why things are so screwed up.

I hope that instead, you decide to ground yourself in values that last, like honesty, hard work, responsibility, fairness, generosity, respect for others. You won't get it right every time, you'll make mistakes like we all do. But if you listen to the truth that's inside yourself, even when it's hard, even when it's inconvenient, people will notice. They'll gravitate towards you. And you'll be part of the solution instead of part of the problem.

...

if we're going to save the environment and defeat future pandemics, then we're going to have to do it together.

...

But the truth is that you don't need us to tell you what to do.

Because in so many ways, you've already started to lead.⁸²

A. Thoughtful Leadership

In pandemics, as in many other crises, leaders often have to quickly mobilize many resources and convince many people to change their established behaviors and familiar routines. In pandemics, leaders must be thoughtful and rely on effective and persuasive communication to achieve buy-in and voluntary compliance by a diverse public. This is because enforcement of non-compliance is effectively infeasible. This Article utilizes the phrase, *thoughtful leadership*, to describe such leadership and leadership communications. Being analytical, authentic, calm, careful, caring, cautious, considerate, empathetic, emotionally intelligent and connected, humble, inclusive, logical, mindful, open, pragmatic, reasonable, strategic, supportive, understanding, and even vulnerable are all parts of thoughtful leadership.⁸³

In his famous “shining city on a hill” 1988 State of the Union Address, President Ronald Reagan quoted Taoist philosopher Lao-Tzu who said, “[g]overn a great nation as you would cook a small fish; do not overdo it.”⁸⁴ Earlier versions of this Article called this gentle leadership,⁸⁵ and a non-existent version of this Article considered calling this mindful leadership, a phrase also (too) much used already.⁸⁶ Thoughtful seems to capture better the idea of leadership that Lao-Tzu had in mind.

⁸² Read the Full Transcript of Obama's High School Commencement Speech, N.Y. TIMES (May 16, 2020), <https://www.nytimes.com/2020/05/16/us/obama-graduation-speech-transcript.html>.

⁸³ Jessica Bennett, *Leaders Are Crying on the Job. Maybe That's a Good Thing*, N.Y. TIMES (May 5, 2020), <https://www.nytimes.com/2020/05/03/us/politics/crying-politicians-leadership.html>.

⁸⁴ Ronald Reagan, *Address Before a Joint Session of Congress on the State of the Union*, (Jan. 25, 1988), REAGANLIBRARY.GOV, <https://www.reaganlibrary.gov/research/speeches/12488d>.

⁸⁵ See Len Brzozowski, *Gentle Leadership*, LEADING INNOVATIVE CHANGE (Oct. 28, 2012, 5:11 AM), <https://lenbrzozowski.wordpress.com/2012/10/28/gentle-leadership/>; see also Brian Donovan, *The Gentle Art of Leadership*, DONOVAN LEADERSHIP (Feb. 15, 2017), <https://www.donovanleadership.com/the-gentle-art-of-leadership/>; Jeff Morris, *Why Leaders Must Be Strong AND Gentle*, HELICX (Aug. 21, 2014), <https://helicx.com/why-leaders-must-be-strong-and-gentle/>; M.S. Rao, *Soft Leadership: Make Others Feel More Important*, 64 LEADER TO LEADER 27 (2012); Gregg Thompson, *The Gentle Leader*, HR DAILY ADVISOR (July 23, 2018), <https://hrdailyadvisor.blr.com/2018/07/23/the-gentle-leader/>.

⁸⁶ See generally JULIET ADAMS, *MINDFUL LEADERSHIP FOR DUMMIES* (2016); JEFFREY L. BULLER, *MINDFUL LEADERSHIP: AN INSIGHT-BASED APPROACH TO COLLEGE ADMINISTRATION* (2019); MICHAEL BUNTING, *THE MINDFUL LEADER: 7 PRACTICES FOR TRANSFORMING YOUR LEADERSHIP, YOUR ORGANISATION AND YOUR LIFE* (2016); JOE BURTON, *CREATING MINDFUL LEADERS: HOW TO POWER DOWN, POWER UP, AND POWER FORWARD* (2018); LAURA DELIZONNA & TED ANSTEDT, *MINDFUL LEADERS: A SELF-COACHING GUIDE & TOOLKIT* (2015); MICHAEL H. DICKMAN & NANCY STANFORD-BLAIR, *MINDFUL LEADERSHIP: A BRAIN-BASED FRAMEWORK* (2d ed., 2008); MARIA GONZALEZ, *MINDFUL LEADERSHIP: THE 9 WAYS TO SELF-AWARENESS, TRANSFORMING YOURSELF, AND INSPIRING OTHERS* (2012); MARC LESSER, *SEVEN PRACTICES OF A MINDFUL LEADER: LESSONS FROM*

A pair of *New York Times* op-ed columnists in discussing how COVID-19 made them nostalgic for 1999 had this exchange about the need for a thoughtful leader:

Gail: You're right that we do need a leader who can think outside the box. Or one who even understands where the box is.

Bret: Come to think of it, we really could use a president who says that all we have to fear is fear itself. Or maybe just someone to tell us, "Serenity Now!"

Gail: That's Jerry Stiller's motto from *Seinfeld*, right? I think the time has come.⁸⁷

I vividly remember hearing Chris Guthrie,⁸⁸ John Wathrde-Kent Syverud Professor of Law and Vanderbilt law school Dean since 2009, provide during a panel at a Pepperdine law school Straus Institute of Dispute Resolution conference five principles of leadership.⁸⁹ I say vividly because upon listening to Guthrie's list, I felt an epiphany or eureka type of experience. Guthrie based his principles on extensive academic experience and these three research literatures: judgment and decision-making, negotiation and dispute resolution, and psychology of influence and persuasion. Guthrie's five principles of leading without power are:

- (1) Serve, instead of lead, e.g., say yes before being asked,
- (2) Ask, instead of direct, e.g., make personalized and effortful requests,
- (3) Listen, instead of talk, e.g., mindful, active listening
- (4) Negotiate, instead of dictate, e.g., interests rather than positions,
- (5) Explain instead of defend, e.g., acknowledge uncertainty, downsides.

Guthrie's idea of leading without power exemplifies this Article's thoughtful leadership notion.

GOOGLE AND A ZEN MONASTERY KITCHEN (2019) ; JANICE MARTURANO, FINDING THE SPACE TO LEAD: A PRACTICAL GUIDE TO MINDFUL LEADERSHIP (2014); NOURA, PURPOSE: MINDFUL LEADERSHIP—AN EXPLORATION OF THE LEADERSHIP MINDSET (2019).

⁸⁷ Gail Collins & Bret Stephens, *Strange Things Happen When You Spend a Couple of Months in Lockdown*, N.Y. TIMES (May 19, 2020), <https://www.nytimes.com/2020/05/19/opinion/coronavirus-flynn-stiller.html>.

⁸⁸ Faculty Page of Chris Guthrie, Dean, John Wade-Kent Syverud Professor of Law, VAND. L. SCH., <https://law.vanderbilt.edu/bio/chris-guthrie>.

⁸⁹ Chris Guthrie, Remarks at Plenary 2: Engaging our Future: Opportunities and Challenges, at Appreciating Our Legacy and Engaging the Future: An International Conference for Dispute Resolution Teachers, Scholars, and Leaders (June 18, 2019), <https://law.pepperdine.edu/straus/training-and-conferences/connecting-in-classrooms.htm>; see also Chris Guthrie, Leading without Power, presentation at Vanderbilt University in Fall 2019, <https://news.vanderbilt.edu/2019/09/13/faculty-development-workshops-for-fall-2019-announced/>.

Effective leadership⁹⁰ and successful leadership communication⁹¹ are always desirable and all the more so during crises. Gianpiero Petriglieri, a physician, psychologist, and organizational behavior professor at INSEAD,⁹² explains that leaders who are effective in crises provide good institutional holding,⁹³ meaning they contain and interpret crises by acknowledging difficulties, soothing distress, reassuring people, making sense of confusion, thinking clearly, orienting people, helping people stick together, dispelling rumors, inclusifying⁹⁴ people's participation, understanding people's immediate concerns, bearing witness to people's experiences, helping people find new meaning, and sincerely caring about people.

B. *Congressive Leadership*

Mathematician Eugenia Cheng recently suggests applying an area of abstract mathematics to rethink the very concept of gender.⁹⁵ Cheng's area of mathematical research, category theory, is "a general mathematical theory of structures and of systems of structures"⁹⁶ and "a powerful language, or conceptual framework, allowing us to see the universal components of a family of structures of a given kind, and how structures of different kinds are interrelated."⁹⁷ Because category theory focuses on how objects are related to each other externally, instead of what objects are internally, many

⁹⁰ Thomas L. Friedman, *We Need Great Leadership Now, and Here's What It Looks Like*, N.Y. TIMES (Apr. 21, 2020), <https://www.nytimes.com/2020/04/21/opinion/covid-dov-seidman.html?referringSource=articleShare>.

⁹¹ David Robson, *Covid-19: What Makes a Good Leader During a Crisis?*, BBC (Mar. 27, 2020), <https://www.bbc.com/worklife/article/20200326-covid-19-what-makes-a-good-leader-during-a-crisis>.

⁹² Faculty Webpage of Gianpiero Petriglieri, INSEAD (Institut Européen d'Administration des Affaires), <https://www.insead.edu/faculty-research/faculty/gianpiero-petriglieri>.

⁹³ Gianpiero Petriglieri, *The Psychology Behind Effective Crisis Leadership*, HARV. BUS. REV., Apr. 22, 2020, <https://hbr.org/2020/04/the-psychology-behind-effective-crisis-leadership>.

⁹⁴ See generally STEFANIE K. JOHNSON, INCLUSIFY: THE POWER OF UNIQUENESS AND BELONGING TO BUILD INNOVATIVE TEAMS (2020).

⁹⁵ See generally EUGENIA CHENG, X + Y: A MATHEMATICIAN'S MANIFESTO FOR RETHINKING GENDER (2020) [hereinafter CHENG, X + Y]; see also Eugenia Cheng, *How to Undo Gender Stereotypes in Math—With Math!*, WIRED (Aug. 25, 2020 7:00 AM), <https://www.wired.com/story/how-to-undo-gender-stereotypes-in-math-with-math/>; Katy Guest, *x + y by Eugenia Cheng Review—An End to the Gender Wars?*, GUARDIAN (July 22, 2020 7:00 AM), <https://www.theguardian.com/books/2020/jul/22/x-y-by-eugenia-cheng-review-an-end-to-the-gender-wars>; Cathy O'Neil, *Want a Better Way to Think About Gender? Use Math*, N.Y. TIMES (Sept. 4, 2020), <https://www.nytimes.com/2020/09/04/books/review/x-y-mathematicians-manifesto-gender-eugenia-cheng.html>; Jillian Tamaki, *To the Mathematician Eugenia Cheng, There's No Gap Between Art and Science*, N.Y. TIMES (Nov. 20, 2020), <https://www.nytimes.com/2020/08/13/books/review/eugenia-cheng-by-the-book-interview.html>.

⁹⁶ Jean-Pierre Marquis, *Category Theory*, STAN. ENCYCLOPEDIA PHIL., (Edward N. Zalta ed., 2020), <https://plato.stanford.edu/entries/category-theory/>.

⁹⁷ *Id.*

mathematical objects can be reframed as examples of categories, including sets, (abelian) groups, rings, fields, vector spaces, topological spaces, differentiable manifolds, and monoids.⁹⁸

Cheng proposes that instead of a traditional focus on the intrinsic qualities of men versus women (specifically, in doing mathematics, and also in any context), a more helpful focus would be upon the behavioral tendencies of people of all genders.⁹⁹ Cheng introduces the term “congressive” to describe people who tend to be more appreciative, candid, charitable, collaborative, collective, communitarian, contextual, considerate, cooperative, creative, curious, decent, easy-going, egalitarian, empathetic, encouraging, equity-oriented, flexible, gentle, helpful, imaginative, inclusive, interdependent, introverted, inventive, laconic, modest, multi-dimensional, nurturing, open-minded, other-regarding, polite, prudent, reflective, rehabilitative, reserved, restorative, reticent, self-aware, sensitive, sharing, supportive, thorough, trusting, unifying, and validating.¹⁰⁰ Cheng introduces the term “ingressive” to describe people who tend to be more absolutist, aggressive, atomistic, authoritarian, autonomous, blunt, certain, competitive, confident, divisive, entitled, exchange-oriented, exclusive, extroverted, focused, harsh, hierarchical, independent, individualistic, insecure, judgmental, meritocratic, one-dimensional, outspoken, perfectionist, performative, punitive, quick, resolute, risk-taking, secretive, self-protective, self-regarding, single-minded, status-oriented, strict, structured, winner-take-all, and zero-sum thinking.¹⁰¹

As the above list of adjectives illustrates, the same person can be congressive or ingressive at different times in different contexts. American society and institutions often reward ingressive behavior over congressive behavior. For example, the traditional Socratic method of doctrinal legal instruction is ingressive, leading some (Harvard) law students to ask whether the Socratic method is sexist.¹⁰² As the above list also demonstrates, many leaders who have been more successful at responding to COVID-19 have

⁹⁸ *Id.*

⁹⁹ Jory C. Lerbach, *Equity: A Mathematician Shares Her Solution*, NATURE, July 30, 2020, at 681, 681–82 (reviewing CHENG, X + Y, *supra* note 95).

¹⁰⁰ *Id.*; CHENG, *supra* note 95, at 135; Meghna Chakrabarti & Anna Bauman, *Rethinking Gender with Mathematician Eugenia Cheng*, *On Point*, WBUR (Sept. 16, 2020), <https://www.wbur.org/onpoint/2020/09/16/rethinking-gender-with-mathematician-eugenia-cheng>, (interviewing Eugenia Cheng).

¹⁰¹ Lerbach, *supra* note 99, at 681–82; CHENG, X + Y, *supra* note 95, at 135; Chakrabarti & Bauman, *supra* note 100.

¹⁰² Dev A. Patel, *In HLS Classes, Women Fall Behind*, HARV. CRIMSON (May 8, 2013), <https://www.thecrimson.com/article/2013/5/8/law-school-gender-classroom/>; *see also* Shatter the Ceiling Coalition, *Shatter the Ceiling Documentary* (2013), https://docs.google.com/file/d/0B_oAFRmU07tFZFlmTHVOTDBQN0k/preview?pli=1.

displayed congressive behaviors, while many leaders who have been less successful at responding to COVID-19 have displayed ingressive behaviors.

Cheng emphasizes these tendencies range in a two-dimensional plane, instead of being a one-dimensional binary or dichotomous variable.¹⁰³ Just as importantly, Cheng accentuates that such tendencies are variable and malleable through experience, learning, and social conditioning (instead of being constant, determined, and fixed).¹⁰⁴ A central point of Cheng's conceptual framework to rethink gender is to not be "stuck thinking along the lines of men and women being 'different,' and then distracted by questions of whether those differences are innate or not."¹⁰⁵

Cheng suggests the congressive nature of leaders and/or the congressive nature of countries that elect congressive leaders may have been more suited to deal with, and respond to, COVID-19 successfully.¹⁰⁶ Cheng also notes how traditionally celebrated ingressive behaviors led to unhelpful and unsuccessful responses to COVID-19 at individual and societal levels.¹⁰⁷ For example, Cheng observes that "[p]oliticians accustomed to bold posturing have found that you might be able to outposture a human enemy but you can't outposture a virus."¹⁰⁸ Cheng is not denying that gender or identity matters.¹⁰⁹ Instead, Cheng is refocusing our attention from the intrinsic nature of gender, a social construct about people, to relationships among people.¹¹⁰

A logical conclusion of Cheng's analysis is to foster societies to become more congressive in their institutions, leaders, and social norms. Certainly, this Article whole-heartedly supports that conclusion. This Article nonetheless advocates now putting more women in charge because of path dependence. In addition, this Article suggests that most current American education teaches, and most dominant American social norms reinforce, that most men should be ingressive, and most women should be congressive. Putting more women in charge might not be enough by itself "when the system itself is informed by and imbued with male characteristics, language, energy."¹¹¹ It is a start and by itself may lead to systems becoming informed

¹⁰³ Lerback, *supra* note 99, at 681–82; CHENG, X + Y, *supra* note 95, at 134, 196; Chakrabarti & Bauman, *supra* note 100.

¹⁰⁴ Lerback, *supra* note 99, at 681–82; CHENG, X + Y, *supra* note 95, at 135–36.

¹⁰⁵ CHENG, X + Y, *supra* note 95, at 216.

¹⁰⁶ Chakrabarti & Bauman, *supra* note 100; CHENG, X + Y, *supra* note 95, at 253–56.

¹⁰⁷ CHENG, X + Y, *supra* note 95, at 255.

¹⁰⁸ *Id.*

¹⁰⁹ Chakrabarti & Bauman, *supra* note 100.

¹¹⁰ *Id.*

¹¹¹ Carice Witte, *Reimagining Governance After COVID-19*, MOD. DIPL. (Sept. 18, 2020), <https://moderndiplomacy.eu/2020/09/18/reimagining-governance-after-covid-19/>.

by and imbued with congressive characteristics, language, and energy.¹¹² Cheng's book contains an appendix of practical suggestions about how to be more congressive in everyday life,¹¹³ including congressive role play.¹¹⁴ Finally, Cheng's conceptual analysis for rethinking gender also applies to other observable characteristics of people that are often the source of prejudice, discrimination, and stereotyping.¹¹⁵

C. Exemplary Female Leadership During COVID-19

Angela Merkel, Germany's only women Chancellor and the Chancellor of Germany from November 2005 to September 2021, who also is "a former research scientist who holds a doctorate in quantum chemistry,"¹¹⁶ exemplified exemplary leadership by providing science-based facts about COVID-19 at a news conference speaking "in her typically low-key, non-nonsense manner."¹¹⁷ In 2015–2016, Merkel experienced unpopularity, if not open hatred, due to Germany's migration crisis.¹¹⁸ In July 2020, Germany's effective containment of COVID-19 through a very successful testing and tracing program resulting in an exceptionally low fatality rate assures Merkel of being remembered as one of Germany's best leaders.¹¹⁹ A multidisciplinary research team from the Clinic of Psychosomatic Medicine and Psychotherapy surveyed 12,244 Germans between March 10, 2020, and March 24, 2020, on their levels of general anxiety, depression, perceived COVID-19 threat, and trust in the German government.¹²⁰ The survey results documented substantial drops in anxiety, depression, and perceived COVID-19 threat, while the German public's trust in the German government surged after Merkel's unprecedented address to the German public on March 18,

¹¹² CHENG, X + Y, *supra* note 95, at 141.

¹¹³ *Id.* at 257–61.

¹¹⁴ *Id.* at 262–63.

¹¹⁵ *Id.* at 257–61.

¹¹⁶ Caroline Mimbs Nyce, *The Atlantic Daily: Four Leaders Who Acted Swiftly*, ATLANTIC: NEWSLETTERS (Apr. 21, 2020), <https://www.theatlantic.com/newsletters/archive/2020/04/ardem-merkel-breed-newsom/610351/>.

¹¹⁷ Katrin Bennhold & Melissa Eddy, *Merkel Gives Germans a Hard Truth About the Coronavirus*, N.Y. TIMES (July 21, 2020), <https://www.nytimes.com/2020/03/11/world/europe/coronavirus-merkel-germany.html>.

¹¹⁸ Anna Sauerbrey, *How Germany Fell Back in Love with Angela Merkel*, N.Y. TIMES (July 7, 2020), <https://www.nytimes.com/2020/07/07/opinion/coronavirus-merkel-germany.html>.

¹¹⁹ *Id.*

¹²⁰ Martin Teufel et al., *Not All World Leaders Use Twitter in Response to the COVID-19 Pandemic: Impact of the Way of Angela Merkel on Psychological Distress, Behavior and Risk Perception*, J. PUB. HEALTH (May 12, 2020), <https://academic.oup.com/jpubhealth/advance-article/doi/10.1093/pubmed/fdaa060/5835923>.

2020.¹²¹ A member of the research team, Dr. Benjamin Weismüller, believes the main insight of the study results is to “highlight the tremendous importance of political leadership for mental health and psychological well-being. Strong and transparent leadership can help reduce citizens’ anxiety and depression in times of crisis.”¹²² A biopsychologist, Sebastian Ocklenburg,¹²³ dubbed the research finding the “Merkel effect,” showing that leadership can reduce (COVID-19) anxiety.¹²⁴

Even though in 2020 only 8 percent (16/193) of the United Nations member states have women leaders,¹²⁵ many countries with the best COVID-19 policy responses had women leaders,¹²⁶ including Denmark (Prime Minister Mette Frederiksen), Norway (Prime Minister Erna Solberg), Taiwan (President Tsai Ing-wen), Germany (Chancellor Angela Merkel), New Zealand (Prime Minister Jacinda Ardern),¹²⁷ Iceland (Prime Minister Katrín Jakobsdóttir), Finland (Prime Minister Sanna Marin),¹²⁸ and Scotland (First Minister Nicola Sturgeon).¹²⁹ Other regions where female leaders were assertive, proactive, and quick to address COVID-19 include the state of New Mexico (Governor Michelle Lujan Grisham)¹³⁰ and the city of San Francisco

¹²¹ *Id.*

¹²² Sebastian Ocklenburg, *The Merkel Effect: How Leadership Reduces COVID-19 Anxiety*, PSYCHOL. TODAY: ASYMMETRIC BRAIN (June 3, 2020), <https://www.psychologytoday.com/us/blog/the-asyymmetric-brain/202006/the-merkel-effect-how-leadership-reduces-covid-19-anxiety>.

¹²³ Sebastian Ocklenburg, RUHR-UNIVERSITÄT BOCHUM: INSTITUT FÜR KOGNITIVE NEUROWISSENSCHAFT [RUHR-UNIV. BOCHUM: INST. FOR COGNITIVE NEUROSCIENCE], https://www.bio.psy.ruhr-uni-bochum.de/members_sebastian.html (last visited Feb. 8, 2021).

¹²⁴ Ocklenburg, *supra* note 122.

¹²⁵ Aaron O’Neill, *Number of Countries Where the Highest Position of Executive Power was Held by a Woman, in Each Year from 1960 to 2020*, STATISTA (Apr. 1, 2020), <https://www.statista.com/statistics/1058345/countries-with-women-highest-position-executive-power-since-1960/>.

¹²⁶ Susan Devaney, *Female Leaders Are Doing an Exceptional Job Right Now*, BRIT. VOGUE (Apr. 18, 2020), <https://www.vogue.co.uk/news/article/female-leaders-coronavirus>; Avivah Wittenberg-Cox, *What Do Countries with the Best Coronavirus Responses Have in Common? Women Leaders*, FORBES (Apr. 13, 2020), <https://www.forbes.com/sites/avivahwittenbergcox/2020/04/13/what-do-countries-with-the-best-coronavirus-reponses-have-in-common-women-leaders/#4138a7493dec>.

¹²⁷ Nyce, *supra* note 116.

¹²⁸ Sirin Kale, *“In Every Position I’ve Ever Been in, My Gender Has Always Been the Starting Point”*: Sanna Marin Opens Up About Sexism in Politics, BRIT. VOGUE (Mar. 30, 2020), <https://www.vogue.co.uk/arts-and-lifestyle/article/sanna-marin-finland-prime-minister-interview>.

¹²⁹ Brian Taylor, *Coronavirus: Nicola Sturgeon Abandons the Pretense*, BBC NEWS (Apr. 23, 2020), <https://www.bbc.com/news/uk-scotland-scotland-politics-52401278>.

¹³⁰ Richard Parker, *How New Mexico Is Beating the Virus*, N.Y. TIMES: OP. (May 1, 2020), <https://www.nytimes.com/2020/05/01/opinion/new-mexico-coronavirus-curve.html>.

(Mayor London Breed,¹³¹ who on March 17 was the first mayor to declare a SAH order).¹³²

These women exemplified truth, clarity, decisiveness, social media and technology savviness, empathy, thoughtfulness, and love in their leadership and leadership communications.¹³³ They also often displayed and employed a sense of (often self-deprecating) humor in their leadership. Chicago Mayor Lori Lightfoot utilized a series of hilarious, popular memes,¹³⁴ based on a local graphic artist's images of the mayor hand-clasped, looking stern, and stone-faced photoshopped into scenes all over Chicago,¹³⁵ and viral social media posts¹³⁶ to encourage Chicagoans to remain home during COVID-19.¹³⁷

The many possible reasons why women leaders were more successful than men leaders¹³⁸ include women outperforming men in 11 of 12 key emotional intelligence competencies,¹³⁹ possessing a diverse repertoire of leadership strategies,¹⁴⁰ seeking input and listening to others due to not suffering from overconfidence,¹⁴¹ defining expectations and rewards and

¹³¹ Nyce, *supra* note 116.

¹³² Russell Berman, *The City that Has Flattened the Coronavirus Curve*, ATLANTIC (Apr. 12, 2020), <https://www.theatlantic.com/politics/archive/2020/04/coronavirus-san-francisco-london-breed/609808/>.

¹³³ *Id.*

¹³⁴ Kelly Bauer, *Mayor Lori Lightfoot Loves the Memes Showing Her Sternly Protecting the City from Coronavirus*, BLOCK CLUB CHICAGO (Mar. 30, 2020, 1:47 PM), <https://blockclubchicago.org/2020/03/30/mayor-lori-lightfoot-loves-the-memes-showing-her-sternly-protecting-the-city-from-coronavirus/>.

¹³⁵ @whereslightfoot, INSTAGRAM, <https://www.instagram.com/whereslightfoot/> (last visited Feb. 8, 2021).

¹³⁶ Lori Lightfoot (@chicagomayor), TWITTER (Apr. 30, 2020, 3:18 PM), <https://twitter.com/chicagosmayor/status/1255939556412542976>.

¹³⁷ Grace Hauck, *Coronavirus in Chicago: How the Mayor of the Nation's 3rd-Largest City Is Waging Her Biggest Fight*, USA TODAY (May 2, 2020), <https://www.usatoday.com/story/news/nation/2020/05/02/some-flash-and-some-social-media-chicagos-mayor-battles-covid-19/3068658001/>.

¹³⁸ Cami Anderson, *Why Do Women Make Such Good Leaders During COVID-19?*, FORBES (Apr. 19, 2020, 10:00 AM), <https://www.forbes.com/sites/camianderson1/2020/04/19/why-do-women-make-such-good-leaders-during-covid-19/#74929fb642fc>.

¹³⁹ *New Research Shows Women Are Better at Using Soft Skills Crucial for Effective Leadership and Superior Business Performance, Finds Korn Ferry*, KORN FERRY (Mar. 4, 2016), <https://www.kornferry.com/about-us/press/new-research-shows-women-are-better-at-using-soft-skills-crucial-for-effective-leadership>; Victor Lipman, *New Study Shows Women Consistently Outperform Men in Emotional Intelligence*, FORBES (Mar. 11, 2016; 2:38 PM), <https://www.forbes.com/sites/victorlipman/2016/03/11/new-study-shows-women-consistently-outperform-men-in-emotional-intelligence/#66ef00cb335d>.

¹⁴⁰ Anderson, *supra* note 138.

¹⁴¹ *Id.*

being more inspirational,¹⁴² being people-oriented,¹⁴³ excelling at vision-setting¹⁴⁴ and transformational leadership,¹⁴⁵ seeing risk differently than men,¹⁴⁶ managing risk differently than men,¹⁴⁷ and ironically facing a glass cliff in terms of being more likely to be blamed for (even pre-existing) crises and criticized for negative (even inevitable) consequences of crises.¹⁴⁸

Leaders also differed systematically by gender in how they communicated about COVID-19.¹⁴⁹ The commonly heard phrase of “waging a war”¹⁵⁰ against COVID-19 is a masculine metaphor and mindset.¹⁵¹ To perceive COVID-19 as a war implies that all of us are not just potential victims but also potential killers.¹⁵² The COVID-19 war analogy also

¹⁴² Georges Desvaux et al., *Leadership Through the Crisis and After*, MCKINSEY & CO.: FEATURED INSIGHTS (Oct. 1 2009), <https://www.mckinsey.com/featured-insights/leadership/leadership-through-the-crisis-and-after-mckinsey-global-survey-results#>; Georges Desvaux & Sandrine Devillard, *Women Matter 2: Female Leadership. A Competitive Edge for the Future*, MCKINSEY & CO. (Oct. 1, 2008), https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Organization/Our%20Insights/Women%20matter/Women_matter_oct2008_english.ashx.

¹⁴³ Anderson, *supra* note 138.

¹⁴⁴ *Id.*

¹⁴⁵ See generally Bernard M. Bass, *From Transactional to Transformational Leadership: Learning to Share the Vision*, 18 ORG. DYNAMICS 19 (1990).

¹⁴⁶ See generally Melissa L. Finucane et al., *Gender, Race, and Perceived Risk: The ‘White Male’ Effect*, 2 HEALTH, RISK, & SOC’Y 159 (2000).

¹⁴⁷ See generally Mara Mather & Nicole R. Lighthall, *Both Risk and Reward Are Processed Differently in Decisions Made Under Stress*, 21 CURRENT DIR. PSYCHOL. SCI. 36 (2012); Mark Miscercola, *Higher Returns with Women in Decision-Making Positions*, CREDIT SUISSE (Mar. 10, 2016), <https://www.credit-suisse.com/about-us-news/en/articles/news-and-expertise/higher-returns-with-women-in-decision-making-positions-201610.html>; Stephanie D. Preston et al., *Effects of Anticipatory Stress on Decision Making in a Gambling Task*, 121 BEHAV. NEUROSCI. 257 (2007); Livia Tomova et al., *Is Stress Affecting Our Ability to Tune into Others? Evidence for Gender Differences in the Effects of Stress on Self-Other Distinction*, 43 PSYCHONEUROENDOCRINOLOGY 95 (2014); Ruud van den Bos et al., *Stress and Decision-Making in Humans: Performance Is Related to Cortisol Reactivity, Albeit Differently in Men and Women*, 34 PSYCHONEUROENDOCRINOLOGY 1449 (2009).

¹⁴⁸ Michelle K. Ryan & S. Alexander Haslam, *The Glass Cliff: Exploring the Dynamics Surrounding the Appointment of Women to Precarious Leadership Positions*, 32 ACAD. MGMT. REV. 549 (2007).

¹⁴⁹ Roopa Dhatt & Ilona Kickbusch, *What We Talk About When We Talk About Coronavirus*, THINKGLOBALHEALTH (Apr. 9, 2020), <https://www.thinkglobalhealth.org/article/what-we-talk-about-when-we-talk-about-coronavirus>.

¹⁵⁰ Rod Norland, *Is the Light at the End of This Tunnel the Beam of an Oncoming Train?*, N.Y. TIMES (Apr. 26, 2020), <https://www.nytimes.com/2020/04/26/opinion/war-correspondent-covid.html>.

¹⁵¹ Cynthia Enloe, *COVID-19: “Waging War” Against a Virus Is NOT What We Need to Be Doing*, WOMEN’S INTERNATIONAL LEAGUE FOR PEACE & FREEDOM (Mar. 23, 2020), <https://www.wilpf.org/covid-19-waging-war-against-a-virus-is-not-what-we-need-to-be-doing/>.

¹⁵² Mitch Albom, *In Our Fight Against the Coronavirus, 100,000 Americans Are Dead. We’re All Potential Victims and All Potential Killers*, USA TODAY (last updated May 27, 2020), https://www.usatoday.com/in-depth/news/2020/05/27/coronavirus-pandemic-100000-deaths-us/5239048002/?build=native-web_i_p.

underscores how much America should create an effective, functional, and national public health system led by a newly created secretary of Public Health Systems to the president's cabinet.¹⁵³

Academic research about how corporations with women in leadership roles perform financially and otherwise is mostly mixed.¹⁵⁴ Samuel I. Becher,¹⁵⁵ Victoria University School of Accounting and Commercial Law professor, discusses¹⁵⁶ research that found women increase the collective intelligence of groups,¹⁵⁷ independent women directors improve board effectiveness in monitoring CEO compensation,¹⁵⁸ and the fraction of women in top management jobs tend to have positive effects on firm profits.¹⁵⁹ A recent study found U.S. companies that promote more pro-diversity cultures, especially in terms of treatment of women and minorities, also cause enhancement of their future innovative efficiency.¹⁶⁰

The current experience of countries with women leaders doing better in responding to COVID-19 suggests that gender-balanced political leadership and gender-inclusive political governance could enhance global recovery from the COVID-19 pandemic.¹⁶¹ Economist Scott Page¹⁶² demonstrated

¹⁵³ Michael S. Sparer, *We Need a Voice for Public Health in the President's Cabinet*, N.Y. TIMES (May 28, 2020), <https://www.nytimes.com/2020/05/28/opinion/trump-cabinet-covid.html>.

¹⁵⁴ See generally Alice H. Eagly, *When Passionate Advocates Meet Research on Diversity, Does the Honest Broker Stand a Chance?*, 72 J. SOC. ISSUES 199 (2016); Katherine Klein, *Does Gender Diversity on Boards Really Boost Company Performance?*, KNOWLEDGE@WHARTON (May 18, 2017), <https://knowledge.wharton.upenn.edu/article/will-gender-diversity-boards-really-boost-company-performance/>; Katherine Klein, *What's the Impact of More Diverse Corporate Boards?*, KNOWLEDGE@WHARTON (Oct. 16, 2018), <https://knowledge.wharton.upenn.edu/article/california-board-gender-quota/>.

¹⁵⁵ Faculty Webpage of Professor Samuel I. Becher, VICTORIA UNIV. OF WELLINGTON TE HERENGA WAKA, <https://www.wgtn.ac.nz/sacl/about/staff/samuel-becher>.

¹⁵⁶ Samuel I. Becher, *Unintended Consequences and the Design of Consumer Protection Legislation*, 93 TUL. L. REV. 105, 143 (2018).

¹⁵⁷ Anita Williams Woolley et al., *Evidence for a Collective Intelligence Factor in the Performance of Human Groups*, 330 SCI. 686, 688 (2010).

¹⁵⁸ Ramzi Benkraiem et al., *Board Independence, Gender Diversity and CEO Compensation*, 17 CORP. GOVERNANCE 845, 848 (2017).

¹⁵⁹ See generally Nina Smith et al., *Do Women in Top Management Affect Firm Performance? A Panel Study of 2500 Danish Firms*, 55 INT'L J. PRODUCTIVITY & PERFORMANCE MGMT. 569 (2006).

¹⁶⁰ Roger C. Mayer et al., *Do Pro-Diversity Policies Improve Corporate Innovation?*, FIN. MGMT. 617 (2018).

¹⁶¹ Jacqui True, *Women's Leadership Could Enhance Global Recovery From COVID-19*, PEACE RESEARCH INSTITUTE OSLO (Apr. 23, 2020), <https://blogs.prio.org/2020/04/womens-leadership-could-enhance-global-recovery-from-covid-19/>.

¹⁶² Faculty Webpage of Scott E. Page, Leonid Hurwicz Collegiate Professor, UMICH.EDU, <https://sites.lsa.umich.edu/scottepage/> (last visited Feb. 8, 2021).

there are benefits from diversity in groups, organizations, and societies.¹⁶³ Because groups make many policy and other decisions about COVID-19, having cognitive diversity in groups improves decision-making processes and outcomes.

Tomas Chamorro-Premuzic, a leadership psychologist, author, and entrepreneur,¹⁶⁴ and Cindy Gallop,¹⁶⁵ founder and CEO of IfWeRanTheWorld.com, offered these seven “critical leadership lessons that most men can learn from the average woman.”¹⁶⁶

- (1) Don’t lean in when you’ve got nothing to lean in about.¹⁶⁷
- (2) Know your own limitations.¹⁶⁸
- (3) Motivate through transformation.¹⁶⁹
- (4) Put your people ahead of yourself.¹⁷⁰
- (5) Don’t command; empathize.¹⁷¹
- (6) Focus on elevating others.¹⁷²
- (7) Don’t say you’re “humbled.” Be humble.¹⁷³

¹⁶³ See generally SCOTT E. PAGE, *THE DIVERSITY BONUS: HOW GREAT TEAMS PAY OFF IN THE KNOWLEDGE ECONOMY* (2019); SCOTT E. PAGE, *THE DIFFERENCE: HOW THE POWER OF DIVERSITY CREATES BETTER GROUPS, FIRMS, SCHOOLS, AND SOCIETIES* (2008).

¹⁶⁴ Tomas Chamorro-Premuzic, DRTOMAS.COM, <https://drtomas.com/> (last visited Feb. 8, 2021).

¹⁶⁵ Cindy Gallop, CINDYGALLOP.COM, <https://cindygallop.com/> (last visited Feb. 8, 2021).

¹⁶⁶ Tomas Chamorro-Premuzic & Cindy Gallop, *7 Leadership Lessons Men Can Learn from Women*, HARV. BUS. REV. (Apr. 1, 2020), <https://hbr.org/2020/04/7-leadership-lessons-men-can-learn-from-women>.

¹⁶⁷ See generally Justin Kruger & David Dunning, *Unskilled and Unaware of It: How Difficulties in Recognizing One’s Own Incompetence Lead to Inflated Self-Assessments*, 77 J. PERSONALITY & SOC. PSYCHOL. 1121 (1999).

¹⁶⁸ See generally Sarosh Asad & Eugene Sadler-Smith, *Differentiating Leader Hubris and Narcissism on the Basis of Power*, 16 LEADERSHIP 39 (2020); Patrick Ring et al., *Gender Differences in Performance Predictions: Evidence from the Cognitive Reflection Test*, 7 FRONTIERS PSYCHOL. 1680 (2016).

¹⁶⁹ See generally Alice H. Eagly & Blair T. Johnson, *Gender and Leadership Style: A Meta-Analysis*, 108 PSYCHOL. BULL. 233 (1990).

¹⁷⁰ See generally Emily Grijalva et al., *Gender Differences in Narcissism: A Meta-Analysis*, 141 PSYCHOL. BULL. 261 (2015).

¹⁷¹ See generally Alice H. Eagly et al., *Gender and the Effectiveness of Leaders: A Meta-Analysis*, 117 PSYCHOL. BULL. 125 (1995).

¹⁷² See generally Alice H. Eagly et al., *Transformational, Transactional, and Laissez-Faire Leadership Styles: A Meta-Analysis Comparing Women and Men*, 129 PSYCHOL. BULL. 569 (2003); see also Asha N. Gipson et al., *Women and Leadership: Selection, Development, Leadership Style, and Performance*, 53 J. APPLIED BEHAV. SCI. 32 (2017); Richard Ronay et al., *Playing the Trump Card: Why We Select Overconfident Leaders and Why It Matters*, 30 LEADERSHIP Q. 1 (2019).

¹⁷³ See generally Michael C. Ashton & Kibeom Lee, *The HEXACO Model of Personality Structure and the Importance of the H Factor*, 2 SOC. & PERSONALITY COMPASS 1952 (2008); see also Adrain Furnham et al., *Male Hubris and Female Humility? A Crosscultural Study of Ratings of Self, Parental, and Sibling Multiple Intelligence in America, Britain, and Japan*, 30 INTELLIGENCE 101 (2001); Kibeom Lee & Michael C. Ashton, *The HEXACO Personality Inventory—Revised*, HEXACO.ORG,

D. Exemplary Male Leadership During COVID-19

There were also exemplary male leaders and leadership communications during COVID-19. For a non-political example, watch Marriott's CEO and president Arne Sorenson's about five-minute long clear, emotional, factual, heartfelt, and transparent video to employees about COVID-19.¹⁷⁴ For political examples, on March 19, Los Angeles Mayor Eric Garcetti issued a "Safer at Home" emergency order, and California governor Gavin Newsom issued the nation's first state-wide stay-at-home directive.

The most often-cited political example of exemplary American leadership communication and leadership during COVID-19 is New York governor Andrew Cuomo, for providing compassionate, courageous, data-driven, decisive, and mindful leadership.¹⁷⁵ Indeed, Cuomo even wrote his own book about leadership lessons from his experiences leading the state of New York's fight against the COVID-19 pandemic.¹⁷⁶ Cuomo's leadership garnered praise from bipartisan leaders,¹⁷⁷ and many others,¹⁷⁸ including

<https://hexaco.org/hexaco-online>; In-Sue Oh et al., *Are Dishonest Extraverts More Harmful Than Dishonest Introverts? The Interaction Effects of Honesty-Humility and Extraversion in Predicting Workplace Deviance*, 60 APPLIED PSYCHOL. 496 (2011); Amy Y. Ou et al., *Do Humble CEOs Matter? An Examination of CEO Humility and Firm Outcomes*, 44 J. MGMT. 1147 (2015); Bradley P. Owens & David R. Hekman, *How Does Leader Humility Influence Team Performance? Exploring the Mechanisms of Contagion and Collective Promotion Focus*, 59 ACAD. MGMT. 1088 (2015); Bradley P. Owens et al., *Expressed Humility in Organizations: Implications for Performance, Teams, and Leadership*, 24 ORG. SCI. 1291 (2013); Sue Shellenbarger, *The Best Bosses Are Humble Bosses*, WALL ST. J. (Oct. 9, 2018), <https://www.wsj.com/articles/the-best-bosses-are-humble-bosses-1539092123>; Monika K. Sumra, *Masculinity, Femininity, and Leadership: Taking A Closer Look at the Alpha Female*, 14 PLoS ONE e0215181 (2019).

¹⁷⁴ Marriott International (@MarriottIntl), Twitter (Mar. 19, 2020, 10:00 AM), <https://twitter.com/MarriottIntl/status/1240639160148529160>.

¹⁷⁵ Rob Asghar, *This Is Cuomo's Moment—And It Offers Essential Leadership Lessons*, FORBES (Apr. 6, 2020), <https://www.forbes.com/sites/robasghar/2020/04/06/this-is-cuomos-moment-and-it-offers-essential-leadership-lessons/#2a95b19f34a4>.

¹⁷⁶ See generally ANDREW CUOMO, AMERICAN CRISIS: LEADERSHIP LESSONS FROM THE COVID-19 PANDEMIC (2020).

¹⁷⁷ Joseph Spector, *Gov. Andrew Cuomo Has 40 Years of Government Experience. He's Facing His Biggest Test Yet*, USA TODAY (Mar. 20, 2020, 10:58 PM), <https://www.lohud.com/story/news/politics/2020/03/20/governor-andrew-cuomo-coronavirus-in-new-york/2882202001/>; Paul Steinhauer, *Democracy Digest 2020: Cuomo's Profile Rises Amid Coronavirus Storm*, FOX NEWS (Mar. 25, 2020), <https://www.foxnews.com/politics/democracy-2020-digest-cuomos-profile-rises-amid-coronavirus-storm>.

¹⁷⁸ Richard Brodsky, *Cuomo Deserves Praise—and Some Words of Caution*, YONKERS TRIBUNE (Mar. 29, 2020, 08:30 PM), <https://www.yonkertribune.com/2020/03/commentary-cuomo-deserves-praise-and-some-words-of-caution-by-richard-brodsky>; see also James Doubek, *New York Gov. Andrew Cuomo Takes the Spotlight in Coronavirus Response*, NPR (Mar. 24, 2020, 05:00 AM), <https://www.npr.org/2020/03/24/820270978/new-york-gov-andrew-cuomo-takes-the-spotlight-in-coronavirus-response>; John Haltiwanger, *People Are Praising New York Gov. Andrew Cuomo's Steady and Calm Leadership During the Coronavirus Pandemic*, BUS. INSIDER AUSTRALIA (Mar. 21, 2020, 05:58 AM), <https://www.businessinsider.com.au/coronavirus-people-are-praising-new-york-gov-andrew->

public health experts,¹⁷⁹ epidemiologists, and infectious disease physicians.¹⁸⁰

Cuomo often exhibited a sense of flair for the theatrical, reflecting his understanding, command, and exercise of the (visual) power his acclaim provided. For example, Cuomo took a live COVID-19 nasal swab test during his May 17, 2020, nationally televised press briefing to encourage New York state residents to do the same.¹⁸¹ Cuomo also chose his youngest daughter, Mariah Kennedy-Cuomo,¹⁸² to be a pro bono “informal advisor” for the New York State Department of Health on a crowdsourced 30-second video public service announcement contest encouraging New York state residents to wear face masks.¹⁸³ There were over 600 video submissions, 186,000 votes cast, and Mariah Cuomo announced the first and second place videos (with only a 502 vote difference).¹⁸⁴ The video receiving the most votes tilted, *We Love NY*, was created by a female-founded production company, Bunny Lake Films, which teamed up with directors Celine Danhier and Aliya Naumoffk, and animator Mike Perry, who worked on Comedy Central’s *Broad City*.¹⁸⁵

The effusive praise about Cuomo’s leadership during COVID-19 stands in sharp contrast with the dominant popular media coverage and public

cuomos-response-2020-3; Caitlin O’Kane, *New York Governor Andrew Cuomo Takes National Spotlight During Coronavirus Pandemic*, CBS NEWS (Mar. 24, 2020, 02:02 PM), <https://www.cbsnews.com/news/coronavirus-updates-new-york-governor-andrew-cuomo-takes-national-spotlight-during-coronavirus-pandemic-2020-03-24/>; Susan Milligan, *How Coronavirus Made Andrew Cuomo America’s Governor*, U.S. NEWS & WORLD RPT. (Mar. 23, 2020), <https://www.usnews.com/news/health-news/articles/2020-03-23/how-coronavirus-made-andrew-cuomo-americas-governor>; Peter Yacobellis, *In Praise of Cuomo’s Leadership*, WASH. BLADE (Apr. 2, 2020, 4:50 PM), <https://www.washingtonblade.com/2020/04/02/in-praise-of-cuomos-leadership/>.

¹⁷⁹ Zach Williams, *Andrew Cuomo: Master of Disaster*, CITY & ST. N.Y. (Mar. 4, 2020), <https://www.cityandstateny.com/articles/policy/health-care/cuomo-mobilizes-coronavirus-outbreak.html>.

¹⁸⁰ Jerry Zremski, *Pandemic Experts Rate Cuomo: ‘A Sense of Order’ Amid One of NY’s Greatest Crises*, BUFF. NEWS (Apr. 4, 2020), <https://buffalonews.com/2020/04/04/pandemic-experts-agree-cuomo-is-doing-a-good-job/>.

¹⁸¹ Katie Canales, *New York Gov. Cuomo Was Tested for the Coronavirus on Live Television as He Urged More New Yorkers to Also Get Tested*, BUS. INSIDER (May 17, 2020, 01:01 PM), <https://www.businessinsider.com/new-york-gov-andrew-cuomo-tested-covid-19-live-television-2020-5>.

¹⁸² Jake Lahut, *NY Gov. Cuomo Picks Daughter Mariah as ‘Informal Advisor’ for Coronavirus Mask Wearing Campaign*, BUS. INSIDER (May 5, 2020, 1:18 PM), <https://www.businessinsider.com/ny-gov-cuomo-picks-daughter-mariah-for-covid-pro-mask-ad-campaign-2020-5>.

¹⁸³ New York State Governor’s Office, *Wear A Mask New York Ad Contest: Winner Announced*, <https://coronavirus.health.ny.gov/node/2871> (last visited Feb. 7, 2021).

¹⁸⁴ *Id.*

¹⁸⁵ Minda Smiley, *The Winners of New York’s ‘Wear a Mask’ PSA Contest Have Been Revealed*, ADWEEK (May 26, 2020), <https://www.adweek.com/brand-marketing/the-winners-of-new-yorks-wear-a-mask-psa-contest-have-been-revealed/>.

perceptions about Cuomo before COVID-19.¹⁸⁶ Andrew Cuomo wrote a frank memoir that “reflects on his rise, fall, and rise again in politics.”¹⁸⁷ Andrew Cuomo is the oldest son of Mario Cuomo, who also was a three-term New York governor, known for his political quips,¹⁸⁸ and perhaps most well-known for his eloquent, moving keynote “tale of two cities” speech at the opening session of the Democratic National Convention in San Francisco on July 17, 1984,¹⁸⁹ in response to President Reagan’s “a city on a shining hill” speech.¹⁹⁰ Mario Cuomo earned the nickname of “Hamlet on the Hudson” for his indecisiveness about whether to be a candidate for the American presidency in 1992.¹⁹¹ Andrew Cuomo was “never an overwhelmingly popular governor, with approval ratings that seesawed over the years,”¹⁹² who “also tended to avoid the national spotlight, and has declined to launch presidential bids or travel much beyond the state.”¹⁹³

Even Cuomo’s leadership during COVID-19 has its critics.¹⁹⁴ Although there were testing shortages in New York state, Cuomo boasted about how New York state “conducted more tests for COVID-19, by far, than any other state in the country and has performed more such tests on a per-capita basis

¹⁸⁶ See generally MICHAEL SHNAYERSON, *THE CONTENDER: ANDREW CUOMO, A BIOGRAPHY* (2020).

¹⁸⁷ See generally ANDREW CUOMO, *ALL THINGS POSSIBLE: SETBACKS AND SUCCESS IN POLITICS AND LIFE* (2014); see also Sam Roberts, *As Election Looms, a Governor Chronicles His Ups and a Few Downs*, N.Y. TIMES (Oct. 20, 2014), <https://www.nytimes.com/2014/10/21/books/andrew-m-cuomo-tells-his-story-in-all-things-possible.html> (reviewing the book).

¹⁸⁸ Dan Janison, *Mario Cuomo: Political Quipster with a Honed Edge*, NEWSDAY, <https://www.newsday.com/long-island/columnists/dan-janison/mario-cuomo-political-quipster-with-a-honed-edge-1.9766649> (last updated Jan. 1, 2015, 9:28 PM).

¹⁸⁹ *Mario Cuomo 1984 Democratic National Convention Keynote Speech*, C-SPAN (July 16, 1984), <https://www.c-span.org/video/?323534-1/mario-cuomo-1984-democratic-national-convention-keynote-speech>.

¹⁹⁰ Adam Nagourney, *Mario Cuomo, Ex-New York Governor and Liberal Beacon, Dies at 82*, N.Y. TIMES (Jan. 1, 2015), <https://www.nytimes.com/2015/01/02/nyregion/mario-cuomo-new-york-governor-and-liberal-beacon-dies-at-82.html>.

¹⁹¹ *Id.*; Kevin Sack, *Cuomo Says He Will Not Run for President in '92*, N.Y. TIMES (Dec. 21, 1991), <https://www.nytimes.com/1991/12/21/us/cuomo-says-he-will-not-run-for-president-in-92.html>.

¹⁹² Ross Barkan, *Glowing Coverage of Cuomo Also Raises Difficult Questions*, COLUM. JOURNALISM REV. (Mar. 27, 2020), <https://www.cjr.org/analysis/andrew-cuomo-coronavirus-covid19-barkan.php>.

¹⁹³ *Id.*

¹⁹⁴ See Anthony L. Fisher, *Coronavirus Hero Cuomo Helped Create New York's Disaster*, BUS. INSIDER (Apr. 30, 2020, 11:11 AM), <https://www.businessinsider.com/coronavirus-hero-andrew-cuomo-helped-create-new-york-disaster-2020-4>; see also Lyta Gold & Nathan Robinson, *Andrew Cuomo Is No Hero. He's to Blame for New York's Coronavirus Catastrophe*, GUARDIAN (May 20, 2020), <https://www.theguardian.com/commentisfree/2020/may/20/andrew-cuomo-new-york-coronavirus-catastrophe>.

than China or South Korea.”¹⁹⁵ While Cuomo displayed humility and self-reflection when he “said he wishes he had ‘blown the bugle’ about COVID-19 earlier;”¹⁹⁶ on the very next day, Cuomo “accused various world and federal health groups, as well as the news media, of not sufficiently warning the world of the coronavirus outbreak.”¹⁹⁷

Cuomo did not have a live ASL interpreter at his daily briefings until a court-mandated one, Arkady Belozovsky, appeared on May 13, 2020¹⁹⁸ (though there was closed captioning of his video livestream in addition to ASL interpretation available on YouTube here and in TV quality format).¹⁹⁹ This was all the more surprising because every other state and New York City provided live ASL interpreters.²⁰⁰ It was also astonishing because there are 526,296 people having a hearing disability in New York state (as of 2018);²⁰¹ 208,000 deaf people living in New York City alone;²⁰² and 90,000 deaf people in Rochester, New York, the most deaf-friendly city in the U.S.²⁰³ having the nation’s highest deaf population per capita,²⁰⁴ and since 1968²⁰⁵

¹⁹⁵ Stephen T. Watson, *Cuomo Touts Extensive Covid-19 Testing as Erie County Cites Shortage*, BUFF. NEWS (Mar. 21, 2020), <https://buffalonews.com/2020/03/21/cuomo-touts-extensive-covid-19-testing-as-erie-county-cites-shortage/>.

¹⁹⁶ Martin Pengelly, *Andrew Cuomo Wishes He Had ‘Blown the Bugle’ on Coronavirus Earlier*, GUARDIAN (Apr. 28, 2020), <https://www.theguardian.com/us-news/2020/apr/28/new-york-andrew-cuomo-coronavirus-blew-the-bugle>.

¹⁹⁷ Jesse McKinley, *‘Governors Don’t Do Global Pandemics’: Cuomo Faults Others Over Virus*, N.Y. TIMES (Apr. 28, 2020), <https://www.nytimes.com/2020/04/28/nyregion/andrew-cuomo-bugle-coronavirus.html>.

¹⁹⁸ Bernadette Hogan & Aaron Feis, *Cuomo’s Sign Language Interpreter Makes Coronavirus Briefing Debut*, N.Y. POST (May 13, 2020, 12:27 PM), <https://nypost.com/2020/05/13/cuomos-sign-language-interpreter-makes-coronavirus-briefing-debut/>.

¹⁹⁹ Press Release, Disability Rights New York, ASL Interpreters Absent from Press Briefings (Apr. 29, 2020), <https://myemail.constantcontact.com/ASL-INTERPRETERS-ABSENT-FROM-PRESS-BRIEFINGS.html?soid=1128997988588&aid=vhShlis11gA>; see also Complaint at 4–6, *Martinez et al v. Cuomo*, No. 1:20-CV-0333 (S.D.N.Y. Apr. 29, 2020), <https://www.dropbox.com/s/5rov49vbgdwpeay/Martinez%20et%20al%20v.%20Cuomo%20-%20Complaint%20ECF%20Stamped.pdf?dl=0>; Rebecca Rosenberg, *Gov. Cuomo Sued for Not Having A Sign Language Interpreter at Coronavirus Briefings*, N.Y. POST (Apr. 29, 2020, 02:31 PM), <https://nypost.com/2020/04/29/gov-cuomo-sued-for-lack-of-sign-language-interpreter-at-briefings/>.

²⁰⁰ Rosenberg, *supra* note 199.

²⁰¹ UNIV. OF N.H., INST. ON DISABILITY, *2019 Annual Disability Statistics Compendium*, tbl.1.4, <https://disabilitycompendium.org/compendium/2019-annual-disability-statistics-compendium?page=6>.

²⁰² Rosenberg, *supra* note 199.

²⁰³ Jamie Berke, *The Deaf Community in Rochester, New York*, VERYWELL HEALTH (Jan. 22, 2020), <https://www.verywellhealth.com/deaf-community-rochester-ny-1046250>; Michelle York, *Where Sign Language Is Far from Foreign*, N.Y. TIMES (Dec. 25, 2006), <https://www.nytimes.com/2006/12/25/nyregion/25deaf.html>.

²⁰⁴ York, *supra* note at 203.

²⁰⁵ NAT’L TECH. INST. FOR THE DEAF, *History of NTID*, ROCHESTER INST. TECH., <https://www.rit.edu/ntid/history>.

home to the National Technical Institute for the Deaf,²⁰⁶ the first and largest technological college in the world for students who are deaf or hard of hearing, and one of nine colleges on the campus of Rochester Institute of Technology.²⁰⁷

E. Crisis Leadership During COVID-19

COVID-19, like any other crisis, creates a perhaps insatiable demand by people for (good) leadership due to understandable psychology.²⁰⁸ Humans crave to feel that they live in a world that is in control, secure, and stable as much as they require food, water, and shelter.²⁰⁹ These basic needs imply that people will place faith in leaders, even if those leaders have little real abilities to do much of anything to make a difference, or worse, are corrupt, incompetent, and ill-informed fools wearing a set of “emperor’s new clothes.”²¹⁰ People look to leaders for psychological self-preservation. People seek out heroes in crises, even false heroes.

Crises, such as the COVID-19 pandemic, are by their definition rare. In spite of their relative paucity, the occurrence of crises in general and pandemics in particular are somewhat foreseeable. Only the precise nature of their circumstances and timing are unforeseeable. For example, plane crashes are foreseeable crises, even though their precise circumstances and timing are unforeseeable. All airlines do and should have a crisis response communication strategy and team in place for such horrible tragedies. Similarly, oil companies should foresee oil spills, and nuclear power plants should foresee nuclear accidents. Businesses, governments, individuals, leaders, organizations, and societies can, should, and some do prepare and train for how to anticipate, coordinate, manage, prevent and respond well to such human-made disasters as cyber-attacks, genocide, mass shootings, oil spills, terrorist attacks, and wars.²¹¹

Businesses, governments, individuals, leaders, organizations, and societies can, should, and some do prepare and train for how to anticipate, coordinate, manage, mitigate and respond well to such natural disasters as drought, earthquakes, hurricanes, floods, landslides, mudslides, snowstorms,

²⁰⁶ NAT’L TECH. INST. FOR THE DEAF, ROCHESTER INST. TECH., <https://www.rit.edu/ntid/>.

²⁰⁷ NAT’L TECH. INST. FOR THE DEAF, *About NTID*, ROCHESTER INST. TECH., <https://www.rit.edu/ntid/about-ntid>.

²⁰⁸ Max Fisher, *Rattled by a Pandemic, People Turn to Leaders—Any Leaders*, N.Y. TIMES (May 23, 2020), <https://www.nytimes.com/2020/05/23/world/asia/virus-leaders-popularity.html>.

²⁰⁹ *Id.*

²¹⁰ *See generally* HANS CHRISTIAN ANDERSON, *THE EMPEROR’S NEW CLOTHES* (2004).

²¹¹ *See generally* AMY L. FRAHER, *LEADING CONTEMPORARY ORGANIZATIONS: PSYCHODYNAMIC PERSPECTIVES ON CRISIS AND CHANGE* (2020).

tornadoes, tidal waves, tsunamis, and volcanic eruptions. For example, on the morning of May 18, 1980, America's most destructive volcanic eruption happened at Mount St. Helens after less than two months of ominous warning signs.²¹² In mere minutes, more energy was unleashed than by all the explosives dropped in World War II, including two atomic bombs, combined.²¹³ Many of the same tensions about economics, politics, and science that Mount St. Helens raised are being replayed over COVID-19.²¹⁴

Viral diseases caused many more human deaths than all armed conflicts over the last century.²¹⁵ Pandemics like COVID-19 are crises that have predictable health and economic consequences, contagion dynamics, and policy responses.²¹⁶ Whether an influenza pandemic, such as COVID-19, legally qualifies as a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act)²¹⁷ is an open legal question.²¹⁸ Regardless of whether COVID-19 is a major disaster as defined by the Stafford Act, COVID-19 is a crisis that was foreseen,²¹⁹ except for its uncertain timing.²²⁰

Crises require leadership more than they do management because leaders can provide ways through crises.²²¹ When there is a crisis, leadership may become more important and sometimes also more effective. Whether leadership during crises differs from leadership during non-crises is an open, debatable question. What is undebatable is that some leaders succeed and thrive in crises, other leaders fail and flail in crises. Also undebatable is that some leaders succeed and thrive in non-crises, other leaders fail and flail in non-crises. Finally, it is undebatable that some leaders are exemplary in both

²¹² Robin George Andrews, *The Mount St. Helens Eruption Was the Volcanic Warning We Needed*, N.Y. TIMES (May 18, 2020), <https://www.nytimes.com/2020/05/18/science/mt-st-helens-eruption.html>.

²¹³ *Id.*

²¹⁴ Lawrence Roberts, *Forty Years Later, Lessons for the Pandemic from Mount St. Helens*, N.Y. TIMES (May 17, 2020), <https://www.nytimes.com/2020/05/17/opinion/mount-st-helens-coronavirus.html>.

²¹⁵ Jérôme Adda, *Economic Activity and the Spread of Viral Diseases: Evidence from High Frequency Data*, 131 Q.J. ECON. 891, 891 (2015).

²¹⁶ See generally Imran Rasul, *The Economics of Viral Outbreaks*, 110 AM. ECON. ASS'N PAPERS & PROC. 265 (2020).

²¹⁷ 42 U.S.C. § 5121 (2020).

²¹⁸ See generally EDWARD C. LIU, CONG. RSCH. SERV., RL34724, WOULD AN INFLUENZA PANDEMIC QUALIFY AS A MAJOR DISASTER UNDER THE STAFFORD ACT? (2008).

²¹⁹ TED, *The Next Outbreak? We're Not Ready: Bill Gates*, YOUTUBE (Apr. 3, 2015), https://www.youtube.com/watch?v=6Af6b_wyiwI&feature=youtu.be.

²²⁰ Erik Kobayashi-Solomon, *The Next "Natural" Disaster Is as Foreseeable as COVID-19 Was*, FORBES (May 8, 2020, 10:51 AM), <https://www.forbes.com/sites/erikkobayashisolomon/2020/05/08/the-next-natural-disaster-is-as-foreseeable-as-covid-19-was/#6ce24902248f>.

²²¹ Joan Hope, *Provide Leadership to Address Economic Impact of Pandemic*, 21 DEAN & PROVOST 8, 8 (2020).

crises and non-crises, while others are not exemplary in both crises and non-crises. There are some attributes, characteristics, decision-making processes, features, principles, strategies, styles, and traits of leaders that are helpful always, crises or non-crises, or unhelpful always, crises or non-crises.

Gary Burnison, who is the Chief Executive Officer (CEO) of Korn Ferry,²²² a global organizational consulting firm,²²³ says that after almost seventy million assessments of executives, Korn Ferry's research found three of the four qualities of an exemplary CEO are intuitive, and so are frequently mentioned, namely: "(1) sets vision and strategy; (2) drives growth; and (3) displays financial acumen."²²⁴

The final quality of exemplary leaders is unintuitive, and therefore, is underappreciated, overlooked, and usually does not make the list of top required characteristics, namely managing crises.²²⁵ Burnison notes that it is human nature for most people to ignore and fail to consider or even think about crises until one occurs. He points out when uncertainty prevails, people naturally look towards leaders for conclusive answers, even if the authentic answer is actually "I do not currently know and here is our plan of action." This is why he says leaders should have ready multiple contingency plans. He explains that while leaders by the nature of leading and throughout history regularly face ambiguity, a crisis exacerbates ambiguity levels many-fold. He cautions that as fear spreads throughout organizations, leaders have to be able to manage how they respond to ambiguity.

Burnison says leaders should respond to ambiguity by following these "six steps of leadership:

1. **Anticipate** – predicting what lies ahead
2. **Navigate** – course correcting in real time
3. **Communicate** – continually
4. **Listen** – to what you don't want to hear
5. **Learn** – learning from experience to apply in the future
6. **Lead** – improve yourself to elevate others."

Burnison offers these five concrete, pragmatic strategies leaders can utilize to implement crisis management in real-time:

- **Start at the Bottom of Maslow's Hierarchy:** In a crisis, you first need to meet people where they are. Their most basic needs must be met first and they need

²²² Gary Burnison, KORN FERRY, <https://www.kornferry.com/about-us/consultants/garyburnison> (last visited Feb. 14, 2021).

²²³ KORN FERRY, <https://www.kornferry.com> (last visited Feb. 14, 2021).

²²⁴ Gary Burnison, *A Word from the CEO: Leading in a Crisis*, N.Y. TIMES (May 18, 2020), <https://www.kornferry.com/insights/articles/burnison-coronavirus-leadership-crisis>.

²²⁵ *Id.*

to feel safe. Naturally, no one is interested in talking about the company's strategic plan when they are out buying hand sanitizer and toilet paper. Once their essential needs are addressed, then the focus can shift to alignment, common purpose, elevating others and even opportunities for growth.

- **Earthquakes and Aftershocks:** In Los Angeles, where our firm is based, we're accustomed to earthquakes—knowing that, when one occurs, the aftershocks are coming. In the same way, in a crisis, you have to anticipate the aftershocks—the unintended consequences of the initial shock to the system. Too often, people don't consider all the possibilities. Anticipation becomes a Monte Carlo simulation in action. For example, *what if travel bans expand, commerce slows, or a liquidity crisis develops, etc.? What is the impact on all aspects of my business? What are the implications for all stakeholders—employees, customers, and investors?* Strategy is making a bet, and the skill of anticipating improves one's odds.
- **Urgent vs. Important:** Day to day, leaders face a multitude of issues—both urgent and important. In the normal course of business, I've found that many leaders have difficulty distinguishing between the two. When a crisis hits, though, everything blurs as events and their implications constantly change. What's important often becomes urgent, and the urgent becomes critical. Leaders must delegate the urgent by empowering others to lead around a common purpose.
- **Leave No One Behind:** In a crisis, leaders must connect with, motivate, and inspire others—and show genuine compassion. In the military, for example, leaders put the safety and well-being of others before themselves. I've met a number of military leaders who led during periods of conflict, and many have voluntarily told me, "I've never lost a soldier." This reveals a deep mindset of humility and accountability, rather than hubris and bravado.
- **Know What to Do When You Don't Know What to Do:** There's nothing like a crisis or a complex problem to accelerate learning. This is learning agility to the "Nth" degree—applying past lessons to new and

unfamiliar situations. It really is knowing what to do when you don't know what to do. In a crisis, this has never been more profound. Amid uncertainty, leaders need to be hyper-focused on past experiences and synthesize and apply them to real-time, fluid conditions. Clarity comes from finding a close comparison. Is it like the Great Recession? The 1987 stock market crash? The outbreaks of SARS or MERS? By running the "unknown" of the current crisis against the "known" of previous ones, leaders gain perspective, identify patterns, connect the dots, and determine appropriate and timely responses. The eventual recovery may be a V or a U or some other alphabet letter, but there will be a new normal—thanks, ultimately, to the scientists, innovators, and dreamers.²²⁶

Burnison concludes by emphasizing that human instinct is to engage in command-and-control mode. He warns that such a heavy-handed approach is not even genuine leadership. Instead, he believes exemplary leaders create a bottom-up culture of observation "to accurately perceive today in order to predict tomorrow."²²⁷

Dr. David Nash wrote an op-ed for physicians and other healthcare professionals, explaining that while he tried to stay abreast with rapidly changing media coverage about COVID-19, he also kept seeking for crisis management insights.²²⁸ Nash described Burnison's above crisis leadership insights as among the best "take-home" messages he has read about crisis leadership.²²⁹

F. Partisan Leadership During COVID-19

Crises may justify and embolden leaders to consolidate or escalate their powers. Unfortunately, crises also may empower and enable leaders to intensify delusions of grandeur and worsen political partisanship. It would be sensible and understandable for crises to bring people together and unify disparate factions in solidarity to participate in a common cause of responding effectively to crises. Australia is an underappreciated example of how a country's people and government's leader developed communality and

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ David Nash, *What Does Good Leadership Look Like in a Crisis?*, MEDPAGE TODAY (Apr. 1, 2020), <https://www.medpagetoday.com/columns/focusonpolicy/85731>.

²²⁹ *Id.*

inclusivity during COVID-19.²³⁰ Unfortunately, this is not necessarily the case as illustrated by the fact that questions about when and how to reopen societies from NPIs of economic pausing in response to COVID-19 have become highly politicized in America²³¹ and Germany.²³²

In individualistic societies, such as the U.S., a fundamental shift to a more inclusive and other-regarding mindset requires a necessary transformation in how we discuss and frame public policy issues. Sadly, though perhaps unsurprisingly, in the oftentimes not so United States, compliance with NPIs became a highly charged, partisan issue.²³³ Calls to reopen state and local economies to return to our cherished “American way of life” have become political battlegrounds for waging class warfare.²³⁴ Even preliminary preprint research studies, which had not yet been peer-reviewed, became weaponized for a far-flung social media hashtag battle in an ideological propaganda fight for the attention and following of Americans.²³⁵

Arguments for a rush to reopen state and local economies are problematic. For example, the argument that some financial elites and others make that it is inevitable that people will and do indeed die²³⁶ is of course a correct statement, though it proves too much. It misses crucial points about how, when, where, and why people die and if people die voluntarily or are coerced to die to make a living. Another argument is “to die for the Dow!”²³⁷

²³⁰ Richard Flanagan, *Did the Coronavirus Kill Ideology in Australia?*, N.Y. TIMES (May 18, 2020), <https://www.nytimes.com/2020/05/18/opinion/coronavirus-australia.html>.

²³¹ Charles M. Blow, *Obama Lives in Trump's Head*, N.Y. TIMES (May 17, 2020), <https://www.nytimes.com/2020/05/17/opinion/trump-obama.html>.

²³² Anna Sauerbrey, *Germany Is Reopening. And Learning a Tough Lesson*, N.Y. TIMES (May 18, 2020), <https://www.nytimes.com/2020/05/18/opinion/germany-coronavirus-reopening.html>.

²³³ GUY GROSSMAN, SOOJONG KIM, JONAH M. REXER & HARSHA THIRUMURTHY, POLITICAL PARTISANSHIP INFLUENCES BEHAVIORAL RESPONSES TO GOVERNORS' RECOMMENDATIONS FOR COVID-19 PREVENTION IN THE UNITED STATES (2020), https://faculty.wharton.upenn.edu/wp-content/uploads/2020/04/Manuscript_v2.pdf.

²³⁴ Michelle Goldberg, *The Phony Coronavirus Class War*, N.Y. TIMES (May 18, 2020), <https://www.nytimes.com/2020/05/18/opinion/coronavirus-reopen-workers.html>; see also Peggy Noonan, *Scenes from the Class Struggle in Lockdown*, WALL ST. J. (May 14, 2020, 07:17 PM), <https://www.wsj.com/articles/scenes-from-the-class-struggle-in-lockdown-11589498276>; Keeanga-Yamahtta Taylor, *The 'American Way of Life' Is Shaping up to Be a Battleground*, N.Y. TIMES (May 14, 2020), <https://www.nytimes.com/2020/05/14/opinion/coronavirus-reopen-workers.html>.

²³⁵ Aleszu Bajak & Jeff Howe, *A Study Said Covid Wasn't that Deadly. The Right Seized It*, N.Y. TIMES (May 14, 2020), <https://www.nytimes.com/2020/05/14/opinion/coronavirus-research-misinformation.html>.

²³⁶ William D. Cohan, “*People Will Die. People Do Die.*” *Wall Street Has Had Enough of the Lockdown*, VANITY FAIR (May 15, 2020), <https://www.vanityfair.com/news/2020/05/wall-street-has-had-enough-of-the-lockdown>.

²³⁷ Paul Krugman, *We Should Help Workers, Not Kill Them*, N.Y. TIMES (May 18, 2020), <https://www.nytimes.com/2020/05/18/opinion/coronavirus-unemployment.html> [hereinafter Krugman, *We Should Help Workers*].

How many Americans will die as sacrifices for the almighty financial altar of the Dow?²³⁸ Apparently, our current federal government neither cares nor cares to know. It will not only be people who will die, it will also be the ethnic, gender, and income distribution of those who die. People who are BIPOC, women, and poorer likely don't own much or any stocks should just die for the sake of predominantly male, white, and wealthier equity owners? That is a perverse, unjust form of income redistribution.

Economics Nobel laureate,²³⁹ Paul Krugman, empirically contests the argument “that we must reopen for the sake of workers, who need to start earning wages again to put food on their families’ tables.”²⁴⁰ Krugman,²⁴¹ stated in another *New York Times* op-ed with a satirical turn of phrase, “[t]he U.S. right long ago rejected evidence-based policy in favor of policy-based evidence—denying facts that might get in the way of a predetermined agenda.”²⁴² Krugman pointed out that it has been fourteen years already since comedian and current late-night television show host Stephen Colbert joked, “reality has a well-known liberal bias.”²⁴³

Brown University president and economist, Christina Paxson, made the argument that American colleges and universities now have a duty to reopen campuses, safely, as soon as possible for the sake of students and local economies.²⁴⁴ Understandably, there were mixed reactions to Paxson's argument, even at Brown University itself.²⁴⁵ One Brown University alumnus even wrote a response arguing for “no dead students,” a reference to his 2005 freshman orientation where hundreds of incoming students heard a university administrator's repeating the refrain of “no dead students,” and urging students to call 9-1-1 or for an ambulance if a fellow student is in trouble

²³⁸ Paul Krugman, *How Many Will Die for the Dow?* N.Y. TIMES (May 21, 2020), <https://www.nytimes.com/2020/05/21/opinion/trump-coronavirus-dow.html>.

²³⁹ Press Release, The Nobel Prize, The Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel 2008 (Oct. 13, 2008), <https://www.nobelprize.org/prizes/economic-sciences/2008/press-release/>.

²⁴⁰ Krugman, *We Should Help Workers*, *supra* note 237.

²⁴¹ Paul Krugman, CUNY, <https://www.gc.cuny.edu/Faculty/Core-Bios/Paul-Krugman> (last visited Feb. 14, 2021).

²⁴² Paul Krugman, *Covid-19 Reality Has a Liberal Bias*, N.Y. TIMES (May 14, 2020), <https://www.nytimes.com/2020/05/14/opinion/trump-covid-experts.html>.

²⁴³ Stephen Colbert, *Clip of 2006 White House Correspondents' Dinner: Reality Has a Well Known Liberal Bias*, C-SPAN (Apr. 29, 2006), <https://www.c-span.org/video/?c4698442/user-clip-reality-liberal-bias>.

²⁴⁴ Christina Paxson, *College Campuses Must Reopen in the Fall. Here's How We Do It*, N.Y. TIMES (Apr. 26, 2020), <https://www.nytimes.com/2020/04/26/opinion/coronavirus-colleges-universities.html>.

²⁴⁵ Katie Chen, *Paxson's NYT Op-ed on Fall Reopening Met with Mixed Reactions from Brown Community*, BROWN DAILY HERALD (May 4, 2020), <https://www.browndailyherald.com/2020/05/04/paxson-nyt-op-ed-fall-reopening-met-mixed-reactions-brown-community/>.

from too much drinking and partying on campus!²⁴⁶ An essay presents other compelling reasons to not yet reopen college and university campuses.²⁴⁷

During COVID-19, some argued and protested against NPIs based on a notion of liberty against the alleged tyranny of compliance with NPIs.²⁴⁸ This notion of personal liberty does not address other people's liberties to be free from the tyranny of involuntary COVID-19 death or infection. American society changed our attitudes, cultural norms, and policies towards second-hand smoke when we reframed the issue from smoker's liberties and rights to smoke to instead of non-smoker's rights and liberties to breathe cigarette smokeless air.²⁴⁹ We must do the same with NPIs and global climate change.

III. EXEMPLARS OF LEADERSHIP DURING COVID-19

Some researchers believe with good reason that leadership equals communication.²⁵⁰ At the very least, a critical part of leadership consists of communication by leaders with the media and public. Successful communication is crucial to successful leadership, and also as it happens, successful living. Effective leaders are also effective communicators. Some of the most successful, and also unfortunately the most horrible, leaders in history were charismatic, dynamic, effective, eloquent, and persuasive communicators. Humans are social animals who love to hear and believe in stories. Economics Nobel laureate,²⁵¹ Robert J. Shiller, stresses the importance of popular stories in affecting individual behavior, collective economic behavior, and aggregate economic fluctuations.²⁵² The rest of this section analyzes exemplary leadership communications during COVID-19.

Pandemics are abnormal, chaotic, confusing, disorienting, distressing, scary, and stressful times. Pandemics provide fertile ground for conspiracy

²⁴⁶ Thane Richard, "No Dead Students": A Response to Christina Paxson's NY Times Op-ed on Opening Colleges This Fall, MEDIUM (Apr. 28, 2020), <https://medium.com/@thanerichard/no-dead-students-a-response-to-christina-paxsons-ny-times-op-ed-on-opening-colleges-this-fall-bea354d967c8>.

²⁴⁷ See generally Peter H. Huang & Debra S. Austin, *Unsafe at Any Campus: Don't Let Colleges Become the Next Cruise Ships, Nursing Homes, and Food Processing Plants*, 96 IND. L.J. SUPPLEMENT 25 (2020).

²⁴⁸ Charlie Warzel, *Open States, Lots of Guns. America Is Paying a Heavy Price for Freedom*, N.Y. TIMES (May 5, 2020), <https://www.nytimes.com/2020/05/05/opinion/coronavirus-deaths.html>.

²⁴⁹ U.S. DEP'T OF HEALTH & HUM. SERV., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL (2006), https://www.ncbi.nlm.nih.gov/books/NBK44324/pdf/Bookshelf_NBK44324.pdf.

²⁵⁰ de Vries et al., *supra* note 67, at 376.

²⁵¹ Robert J. Shiller—Facts, THE NOBEL PRIZE, <https://www.nobelprize.org/prizes/economic-sciences/2013/shiller/facts/> (last visited Feb. 14, 2021).

²⁵² See generally ROBERT J. SHILLER, NARRATIVE ECONOMICS: HOW STORIES GO VIRAL AND DRIVE MAJOR ECONOMIC EVENTS (2019); see also Robert J. Shiller, *Narrative Economics*, 107 AM. ECON. REV. 967 (2017).

theories²⁵³ and opportunities for people to mistrust leaders.²⁵⁴ People understandably want communications from their leaders during pandemics to be trustworthy.²⁵⁵ Psychological research documents how leaders through their communications can increase trust and reduce stress.²⁵⁶ As Stanford Graduate School of Business Atholl McBean Professor of Organizational Behavior and Human Resources, Hayagreeva Rao, states:

Leaders need to bear in mind that citizens are in a room called Fear, and they want to be taken to a room called Safe. Creating psychological safety is very important for leaders when you have contagious diseases. People expect to be assured that the community is committed to solving the problem. . . . The place to begin is to understand we're involved in a team sport. What's our job now? To help all of the people in the hospitals. How? By staying at home so we don't infect more people. In a team sport, everybody needs to commit. . . . In the end, be compassionate, be kind, and be generous. Period.²⁵⁷

²⁵³ See, e.g., Mark Lynas, *COVID: Top 10 Current Conspiracy Theories*, CORNELL ALL. FOR SCI. (Apr. 20, 2020), <https://allianceforscience.cornell.edu/blog/2020/04/covid-top-10-current-conspiracy-theories/>; Joanne M. Miller, Kyle L. Saunders & Christina E. Farhart, *Conspiracy Endorsement as Motivated Reasoning: The Moderating Roles of Political Knowledge and Trust*, 60 AM. J. POL. SCI. 824 (2016); Joanne M. Miller & Kyle L. Saunders, *Conspiracy Theories in the United States: More Commonplace than Extraordinary*, 28 CRITICAL REV. 127 (2016); JOSEPH E. USCINSKI & JOSEPH M. PARENT, *AMERICAN CONSPIRACY THEORIES* (2014).

²⁵⁴ Joey Garrison, *Nearly One-Third of Americans Believe a Coronavirus Vaccine Exists and Is Being Withheld, Survey Finds*, USA TODAY (Apr. 24, 2020, 05:00 AM), <https://www.usatoday.com/story/news/politics/2020/04/24/coronavirus-one-third-us-believe-vaccine-exists-is-being-withheld/3004841001/>.

²⁵⁵ Ellen Peters, Brittany Shoots-Reinhard, Michael Silverstein & Raleigh Goodwin, *Americans Still Trust Doctors and Scientists During a Public Health Crisis*, CONVERSATION (Mar. 5, 2020), <https://theconversation.com/americans-still-trust-doctors-and-scientists-during-a-public-health-crisis-132938>.

²⁵⁶ *How Leaders Can Maximize Trust and Minimize Stress During the COVID-19 Pandemic*, AM. PSYCHOL. ASS'N (Mar. 20, 2020), <https://www.apa.org/news/apa/2020/03/covid-19-leadership>.

²⁵⁷ Martin J. Smith, *Contagion, Xenophobia, and Leadership*, INSIGHTS STAN. BUS. (Apr. 23, 2020), <https://www.gsb.stanford.edu/insights/contagion-xenophobia-leadership> (interviewing Hayagreeva Rao).

There are well-established principles of crisis communication,²⁵⁸ such as “Don’t over-reassure,”²⁵⁹ “Proclaim uncertainty,”²⁶⁰ “Validate emotions — your audience’s and your own,”²⁶¹ “Admit and apologize for errors,”²⁶² and “Share Dilemmas,”²⁶³ that many commentators, experts, journalists, and officials did not follow during COVID-19.²⁶⁴

People often felt understandable frustration with communications by leaders, even when they were doing it right because their messages kept changing. At first, “no, you don’t need to wear a face mask,” and then later on, “yes, you do need to wear a face mask.” At first, “no, you don’t need to be tested,” and then later on, “yes, you do need to be tested.” Not only is the “one thing today, the opposite tomorrow” a problem, but the rationale given is problematic. You don’t need a mask because it won’t protect you, it protects other people. Now, you need a mask because it will protect other people. So, some people can, may, and will say, “the heck with other people.” It would have been much better to have said, “Masks protect against transmission. We didn’t think you needed one before, and there weren’t enough to go around, but now, we do think it makes sense for everyone.” The same goes for testing. It was so hard for physicians to get their patients tested because of the administrative hoops to qualify for testing. So how accurate is the COVID-19 positive test rate if most people can’t or won’t get tested? And now, people don’t want to be tested anymore, and there is excess capacity that is not being utilized because everyone was dissuaded so successfully from getting tested.

When it comes to questions about a constantly changing and rapidly evolving situation, people and politicians crave absolutes and certainty. Science and reality often involve provisional and uncertain answers based on the best available data, evidence, and information, which will change sometimes overnight as facts, figures, and statistics become available, and knowledge is revised and updated.

The rest of this part of this Article analyzes two leaders who earned acclaim and praise for their leadership and leadership communications: New

258 PETER SANDMAN & JODY LANARD, CENTER FOR INFECTIOUS DISEASE RESEARCH & POLICY, *COVID-19: THE CIDRAP VIEWPOINT, PART 2: EFFECTIVE COVID-19 CRISIS COMMUNICATION 2* (May 6, 2020), <https://www.cidrap.umn.edu/sites/default/files/public/downloads/cidrap-covid19-viewpoint-part2.pdf>.

259 *Id.* at 2–5.

260 *Id.* at 6.

261 *Id.* at 6–8.

262 *Id.* at 9.

263 *Id.* at 9–11.

264 *Id.* at 2.

Zealand Prime Minister Jacinda Ardern and New York state, and also effectively America's,²⁶⁵ Governor Andrew Mark Cuomo.

A. *New Zealand Prime Minister Jacinda Ardern*

Readers of this Article might, like its author was before writing this Article, be unfamiliar with Jacinda Ardern. Therefore, this Article will offer some background information about her before discussing her leadership and communications during COVID-19 to provide some helpful context. Jacinda Ardern was sworn into office as Prime Minister of the South Pacific island nation New Zealand on October 26, 2017,²⁶⁶ when Ardern was thirty-seven years old.²⁶⁷ Ardern is New Zealand's youngest prime minister in 150 years.²⁶⁸ Ardern is New Zealand's third woman prime minister.²⁶⁹

Ardern rode an unpredicted wave of popular support, now known as Jacindamania,²⁷⁰ or the Jacinda effect, because Ardern has these qualities: ability to connect with people, charisma, friendliness, a youthful dynamism, a direct and frank political style, quick wit, rock-star-like appeal, trustworthiness, and positivity to counter the negativity of problems.²⁷¹ Ardern's campaign of a more humane, compassionate government included an ad that explicitly stated, "They'll say that kindness will stand in the way of progress . . . but we can do better. . . ."²⁷² Ardern ran a campaign of relentless positivity.²⁷³ Upon winning office, Ardern said that,

²⁶⁵ Milligan, *supra* note 178.

²⁶⁶ Christopher Luu, *What You Need to Know About Jacinda Ardern, New Zealand's Prime Minister*, INSTYLE (Apr. 23, 2020, 09:45 AM), <https://www.instyle.com/news/who-is-jacinda-ardern-prime-minister-new-zealand>.

²⁶⁷ Maureen Dowd, *Lady of the Rings: Jacinda Rules*, N.Y. TIMES (Sept. 8, 2018), <https://www.nytimes.com/2018/09/08/opinion/sunday/jacinda-ardern-new-zealand-prime-minister.html>.

²⁶⁸ *Id.*

²⁶⁹ Megan Specia, *Jacinda Ardern Takes Over as Kiwi Opposition Leader. So Why Ask Her About Babies?*, N.Y. TIMES (Aug. 2, 2017), <https://www.nytimes.com/2017/08/02/world/asia/new-zealand-jacinda-ardern-family-questions.html>.

²⁷⁰ Isabella Kwai, *New Zealand's Election Had Been Predictable. Then 'Jacindamania' Hit*, N.Y. TIMES (Sept. 4, 2017), <https://www.nytimes.com/2017/09/04/world/asia/jacinda-ardern-new-zealand.html>.

²⁷¹ Eleanor Ainge Roy, *New Zealand Gripped by 'Jacindamania' as New Labour Leader Soars in Polls*, GUARDIAN (Aug. 10, 2017), <https://www.theguardian.com/world/2017/aug/10/new-zealand-gripped-by-jacindamania-as-new-labour-leader-soars-in-polls>.

²⁷² Graham Adams, *Election 2017: The Politics of Kindness*, NOTED (Aug. 29, 2017), https://web.archive.org/web/20200421002117if_/https://www.noted.co.nz/currently/currently-politics/election-2017-the-politics-of-kindness.

²⁷³ Laurel Wamsley, *Meet Jacinda Ardern, 37, New Zealand's Next Prime Minister*, NPR (Oct. 19, 2017, 04:29 PM), <https://www.npr.org/sections/thetwo-way/2017/10/19/558824862/meet-jacinda-ardern-37-new-zealands-next-prime-minister>.

I also want this government to feel different, I want people to feel that it's open, that it's listening and that it's going to bring kindness back. I know that will sound curious but to me if people see they have an empathetic government I think they'll truly understand that when we're making hard calls that we're doing it with the right focus in mind. . . . This will be a government that works with others. . . . Empathy is the one thing that I think that's your foundation, that's your grounding, and we'll keep ourselves in constant check.²⁷⁴

Ardern is the first world leader in three decades to become a mother while in office and only the second sitting head of government to give birth in office,²⁷⁵ the first being Pakistan prime minister Benazir Bhutto who did so in 1990.²⁷⁶ Ardern is the first world leader to take maternity leave, though only for six weeks.²⁷⁷ Ardern also made history on September 24, 2018, as the first world leader to bring a baby to the United Nations General Assembly.²⁷⁸

Ardern's inaugural speech to the United Nations General Assembly advocated that world leaders put kindness before "isolationism, protectionism, and racism."²⁷⁹ During her speech at the Nelson Mandela Peace Summit, Ardern spoke about her wish to lobby for a better work-life balance for women.²⁸⁰ Ardern feels that if she can change how people think about such issues, she will have made an achievement.²⁸¹ The full text of

²⁷⁴ John Campbell, 'I Want the Government . . . to Bring Kindness Back,' RADIO N.Z. (Oct. 26, 2017), <https://www.rnz.co.nz/national/programmes/checkpoint/audio/2018619376/i-want-the-government-to-bring-kindness-back>.

²⁷⁵ Charlotte Graham-McLay, *New Zealand's Leader, Jacinda Ardern, Delivers a Baby Girl*, N.Y. TIMES (June 21, 2018), <https://www.nytimes.com/2018/06/21/world/asia/jacinda-ardern-new-zealand-baby-girl.html>.

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ Brendan Cole, *Jacinda Ardern: New Zealand Prime Minister Makes History by Becoming First Woman to Bring Baby into U.N. Assembly*, NEWSWEEK. (Sept. 25, 2018, 10:02 PM), <https://www.newsweek.com/new-zealand-prime-minister-makes-history-becoming-first-woman-bring-baby-un-1137401>.

²⁷⁹ Tracy Watkins, *Kindness, Not Fear or Hate—Jacinda Ardern's Message to Donald Trump and the World*, STUFF (Sept. 28, 2018), <https://www.stuff.co.nz/national/politics/107442623/kindness-not-hate—jacinda-arderns-message-to-donald-trump-and-the-world>.

²⁸⁰ Cole, *supra* note 278.

²⁸¹ *Id.*

Ardern's speech is worth reading and available online.²⁸² A video of Ardern presenting her speech is worth seeing and available online.²⁸³

Helen Clark, New Zealand's prime minister from 1999 to 2008, observed, "In an era defined by the emergence of populist leaders who are often authoritarian, reactionary, and male, Ardern stands out as progressive, collaborative, and female."²⁸⁴ Clark continued, "Whereas the world's right-wing populists stigmatize and stereotype marginalized people, Ardern has established kindness as a key principle for government policy. . . . Ardern will continue to innovate on policy and to clearly communicate what she stands for and what her government is doing and why."²⁸⁵ Clark concluded that she won't back down from tough issues. New Zealanders can take pride in her global profile and in her ability to draw positive attention to their country. Her boundless energy and optimism will serve her well as she leads New Zealand in today's volatile world.²⁸⁶

Ardern has become an international celebrity, whose image of wearing a Kahu huruhuru, a Māori cloak bestowed on chiefs and dignitaries to convey prestige, respect, and power; went viral on social media, "with many people commenting that the picture captured the inversion of traditional gender roles; a female world leader wearing a powerful cloak while pregnant and representing her country."²⁸⁷ The night before Ardern's speech to the United Nations General Assembly, late-night talk show host Stephen Colbert conducted a humorous interview of Ardern,²⁸⁸ who invited him to visit New Zealand anytime. In November of 2018, Stephen Colbert visited and conducted another entertaining interview of Ardern.²⁸⁹

²⁸² Jacinda Ardern, *Kindness and Kaitiakitanga: Jacinda Ardern Addresses the UN*, SPINOFF (Sept. 28, 2018), <https://thespinoff.co.nz/politics/28-09-2018/kindness-and-kaitiakitanga-jacinda-ardern-addresses-the-un/>.

²⁸³ The Spinoff, *Jacinda Ardern at the UN General Assembly, September 27, 2018* | *The Spinoff*, YOUTUBE (Sept. 27, 2018), <https://www.youtube.com/watch?v=2wew4C3p8>.

²⁸⁴ Helen Clark, *The Kindness Quotient*, FOREIGN POL'Y (2019), <https://foreignpolicy.com/gt-essay/the-kindness-quotient-jacinda-ardern-new-zealand/>.

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ Eleanor Ainge Roy, *Jacinda Ardern Wears Māori Cloak to Buckingham Palace*, GUARDIAN (Apr. 19, 2018), <https://www.theguardian.com/world/2018/apr/20/jacinda-ardern-maori-cloak-buckingham-palace-new-zealand>.

²⁸⁸ The Late Show with Stephen Colbert, *Prime Minister Jacinda Ardern Explains Why the UN Laughed at Trump*, YOUTUBE (Sept. 27, 2018), <https://www.youtube.com/watch?v=aYsZv9JXmio>.

²⁸⁹ The Late Show with Stephen Colbert, *Stephen Colbert: The Newest Zealander Visits PM Jacinda Ardern*, YOUTUBE (Nov. 19, 2019), <https://www.youtube.com/watch?v=DUPo62ouU84>.

Sheryl Sandberg, Facebook's chief operating officer,²⁹⁰ and author of *Lean In*,²⁹¹ as part of *Time* magazine's 100 list of the most influential people in 2018, described Ardern,

She was already a political prodigy. . . . In a world that too often tells women to stay small, keep quiet—and that we can't have both motherhood and a career—Jacinda Ardern proves how wrong and outdated those notions of womanhood are. She's changing the game. And women and girls around the world will be the better for it.²⁹²

In the brief video accompanying the *Time* magazine post about her, Ardern said that she believed her humble upbringing, as opposed to her youth, helped her to connect with people.²⁹³ Ardern said, "I hope that when I am a 50-year-old woman, that I have still the same level of empathy and compassion that I have as a 37-year-old woman."²⁹⁴ Ardern also stated that, "Youth alone is not remarkable, but winning over people with a message of hope and warmth, tolerance and inclusion, when other politicians the world over choose an easier route—that is remarkable."²⁹⁵

Vogue magazine deemed Ardern, "young, forward-looking, and unabashedly liberal—call her the Anti-Trump,"²⁹⁶ who blends "Bernie Sanders's bluntness and Elizabeth Warren's fearlessness."²⁹⁷ Ardern "has always maintained that she wants her brand of politics to be kinder—and you can feel that energy in the air, a kind of gracious optimism."²⁹⁸ Ardern had the cheerfully assertive election slogan of "Let's do this."²⁹⁹

Ardern is committed to implementing a system of government decision-making guided by a politics of empathy and kindness,³⁰⁰ utilizing current

²⁹⁰ Sheryl Sandberg, *Chief Operating Officer*, FACEBOOK, <https://about.fb.com/media-gallery/executives/sheryl-sandberg/> (last visited Feb. 17, 2021).

²⁹¹ See generally SHERYL SANDBERG, *LEAN IN: WOMEN, WORK, AND THE WILL TO LEAD* (2013).

²⁹² Sheryl Sandberg, *Jacinda Ardern*, TIME, <https://time.com/collection/most-influential-people-2018/5217549/jacinda-ardern/> (last visited Feb. 15, 2021).

²⁹³ Eleanor Ainge Roy, *Time 100 List: New Zealand PM Jacinda Ardern Praised as 'Political Prodigy'*, GUARDIAN (Apr. 19, 2018), <https://www.theguardian.com/world/2018/apr/20/time-100-list-new-zealand-pm-jacinda-ardern-praised-as-political-prodigy>.

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ Amelia Lester, *New Zealand's Prime Minister, Jacinda Ardern, Is Young, Forward-Looking, and Unabashedly Liberal—Call Her the Anti-Trump*, VOGUE (Feb. 14, 2018), <https://www.vogue.com/article/jacinda-ardern-new-zealand-prime-minister-vogue-march-2018-issue>.

²⁹⁷ *Id.*

²⁹⁸ *Id.*

²⁹⁹ *Id.*

³⁰⁰ See, e.g., JOHN BALLATT, PENELOPE CAMPLING & CHRIS MALONEY, *INTELLIGENT KINDNESS: REHABILITATING THE WELFARE STATE* (2d ed. 2020).

subjective well-being data,³⁰¹ as well as metrics of intergenerational well-being in the future, as opposed to outdated, more traditional measures of economic well-being and growth such as gross domestic product and gross domestic product per capita.³⁰² Ardern received worldwide praise for the compassion and humanity that Ardern displayed in response to the tragic Christchurch Mosque shooting.³⁰³ Merely hours after the horrific shootings, Ardern addressed her nation,³⁰⁴ expressing her condolences, saying this was “one of New Zealand’s darkest days,”³⁰⁵ and condemning those responsible as people “having extremist views that have absolutely no place in New Zealand and, in fact, have no place in the world.”³⁰⁶ Ardern expressed solidarity with the victims, saying, “They are us” and “The person who has perpetuated this violence against us is not. They have no place in New Zealand. There is no place in New Zealand for such acts of extreme and unprecedented violence.”³⁰⁷

A photograph of a visibly emotionally shaken and empathetic Ardern wearing a headscarf (which is a sign of respect) and hijab staring out a window during her meeting with members of the Christchurch Muslim community went viral.³⁰⁸ Martin Luther King Jr.’s daughter, Bernice King, was among the many who shared this photo on Twitter,³⁰⁹ accompanied by these heartfelt words, “Thank you, @jacindaardern. Your love for New Zealand, particularly for Muslims in your nation during this time of mourning, reflects the type of sincere, people-oriented leadership that the world needs to evolve from its current chaotic state.”³¹⁰

³⁰¹ Peter H. Huang, *Subjective Well-Being and the Law*, in HANDBOOK OF WELL-BEING (Ed Diener et al. eds., 2018), <https://www.nobascholar.com/chapters/56>.

³⁰² World Economic Forum, *Jacinda Ardern: Politics and Economics to Focus on Empathy, Kindness and Well-Being | Forum Insight*, YOUTUBE (June 24, 2019), <https://www.youtube.com/watch?v=GqzIFfL0W4>.

³⁰³ Ashley Collman, *People Around the World Are Praising New Zealand Prime Minister Jacinda Ardern for Her Compassionate Response to the Christchurch Mosque Shootings*, INSIDER (Mar. 18, 2019, 12:34 PM), <https://www.insider.com/new-zealand-pm-jacinda-ardern-praised-for-mosque-shootings-response-2019-3>.

³⁰⁴ David Choi, *‘This Is One of New Zealand’s Darkest Days’: Prime Minister Responds to Christchurch Mass Shooting*, INSIDER (Mar. 15, 2019, 12:16 AM), <https://www.insider.com/this-is-one-of-new-zealands-darkest-days-prime-minister-responds-2019-3>.

³⁰⁵ *Id.*

³⁰⁶ Bianca Britton, *New Zealand PM Full Speech: ‘This Can Only be Described as a Terrorist Attack’*, CNN (Mar. 15, 2019), <https://edition.cnn.com/2019/03/15/asia/new-zealand-jacinda-ardern-full-statement-intl/index.html>.

³⁰⁷ Choi, *supra* note 304.

³⁰⁸ Collman, *supra* note 303.

³⁰⁹ Bernice King (@BerniceKing), TWITTER (Mar. 17, 2019, 07:20 AM), <https://twitter.com/BerniceKing/status/1107240186507902976>.

³¹⁰ *Id.*

ABC News’s chief political analyst, Matthew Dowd, tweeted, “One of the things that struck me about how @jacindaardern has shown leadership in the aftermath of this awful massacre is that she doesn’t use words of vengeance, or retribution, or hate against the evil of what happened. She uses words of love and compassion to those in pain.”³¹¹ Ardern issued a statement that New Zealand would pay for all the victims’ full costs of funeral expenses tax-free, regardless of their immigration status, as well as provide financial compensation to help with the costs of recovering, including treatment and assistance at home and work.³¹²

Ardern said this terrorist act exposed a weakness in New Zealand’s gun laws and vowed that within ten days, New Zealand’s gun laws would change.³¹³ The founder of *Huffington Post*, Arianna Huffington,³¹⁴ tweeted about Ardern’s vow of swift gun control reform: “[w]hat governments are supposed to do: a major problem is identified, reforms are proposed: ‘our gun laws will change’ - New Zealand Prime Minister Jacinda Ardern.”³¹⁵ Less than one month afterward, Ardern made good on her vow to outlaw most semi-automatic weapons, parts that convert firearms into semi-automatics, magazines over a certain capacity, and some shotguns³¹⁶ in a law that every New Zealand parliamentarian voted for except one.³¹⁷

Ardern has achieved several other high-profile accomplishments while in office for only two and a half years, including a net-zero carbon emissions bill;³¹⁸ ban on plastic bags;³¹⁹ passage of domestic and sexual violence laws (such as a law giving victims of domestic violence up to ten days of paid leave from work, and a law making strangulation a separate offense from

³¹¹ Matthew Dowd (@matthewjdowd), TWITTER (Mar. 18, 2019, 8:01 AM), <https://twitter.com/matthewjdowd/status/1107612874497839104>.

³¹² Danielle Garrand, *New Zealand Helping to Pay Christchurch Shooting Victims’ Funerals, Regardless of Immigration Status*, CBS NEWS (Mar. 17, 2019, 08:00 PM), <https://www.cbsnews.com/news/new-zealand-mosque-shootings-country-helping-pay-christchurch-shooting-victims-funerals-regardless-immigration-status/>.

³¹³ Collman, *supra* note 303.

³¹⁴ Arianna Huffington, *Founder*, HUFFPOST, <https://www.huffpost.com/author/arianna-huffington> (last visited Feb. 17, 2021).

³¹⁵ Arianna Huffington (@ariannahuff), TWITTER (Mar. 16, 2019, 10:10 PM), <https://twitter.com/ariannahuff/status/1107101898086277121>.

³¹⁶ Kelly McLaughlin & Joey Hadden, *New Zealand Prime Minister Jacinda Ardern Has Been Praised for Her Response to the Coronavirus Pandemic, with Some Saying She ‘Squashed’ the Curve. Here’s Everything You Need to Know About Her.*, INSIDER (Apr. 15, 2020, 03:45 PM), <https://www.businessinsider.com/new-zealand-prime-minister-jacinda-ardern-biography-2019-3>.

³¹⁷ Charlotte Graham-McLay, *Jacinda Ardern—the Highs and Lows of Her Term in Office So Far*, GUARDIAN (Jan. 28, 2020), <https://www.theguardian.com/world/2020/jan/28/jacinda-ardern-the-highs-of-her-term-in-office-so-far>.

³¹⁸ *Id.*

³¹⁹ *Id.*

regular assault);³²⁰ offering optional curriculum materials about activism, climate change, and eco-anxiety for teenagers and compulsory New Zealand history education;³²¹ and increasing refugee quotas.³²²

Of course, there are criticisms of Ardern's tenure, including concerns about rising homelessness,³²³ lack of progress on a nationwide crisis of unaffordable housing for first-time homeowners,³²⁴ uncertain records about child poverty, a well-being budget realizing more compassionate and life-improving policies,³²⁵ and mental health and suicide reduction initiatives.³²⁶ Ardern has achieved global symbolic icon status, and yet some critics argue that Ardern must do more to address women's material well-being.³²⁷

B. Ardern's Leadership During COVID-19

The novelty and scarcity of female political leaders partly explains popular media coverage adopting a gendered perspective towards leadership during COVID-19, with multiple headlines and news stories stating that women are leading differently and better than men.³²⁸ Ardern has become the popular media's go-to international face of, and exemplar for, exceptional female leadership during COVID-19.³²⁹ Ardern provided nearly daily updates for the media and the public, combining policy particulars with pithy prompts to stay at home, physically distance, and be kind.³³⁰ Ardern is hailed internationally as an exemplary leader and communicator.³³¹ Many are inspired by "Ardern's astute political judgement, her authentic communication style and her capacity for calm resolve."³³² Ardern's leadership style is strong, and yet kind.³³³

³²⁰ *Id.*

³²¹ *Id.*

³²² *Id.*

³²³ *Id.*

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ *Id.*

³²⁷ Jennifer Curtin, *Jacinda Ardern's Global Renown is Great, but She Must Do More for Women*, GUARDIAN (May 20, 2020), <https://www.theguardian.com/world/commentisfree/2020/may/21/jacinda-arderns-global-renown-is-great-but-she-must-do-more-for-women>.

³²⁸ *Id.*

³²⁹ *Id.*

³³⁰ *Id.*

³³¹ *Id.*

³³² *Id.*

³³³ Editorial, *We Want Kindness from Our Leaders, Not Cruelty*, STUFF (Mar. 19, 2020), <https://www.stuff.co.nz/national/health/coronavirus/120374465/we-want-kindness-from-our-leaders-not-cruelty>.

The world has certainly taken notice of Ardern's leadership, with glossy and glowing profiles by the international media, talk of her deserving a Nobel Peace Prize, and recognition that she is one of the world's most powerful and compassionate world leaders. A *New York Times* article described watching Ardern speaking via Facebook Live chat,³³⁴ which is "her favored conduit, is a lesson in rhetorical blending: epidemiology brightened with empathy, law leavened with mom jokes. And it has been strikingly effective."³³⁵ A part of Ardern's enviable success is New Zealand's well-designed electoral system³³⁶ that encourages a political culture of attentiveness, cooperation, moderation, openness, and responsiveness.³³⁷ Ardern has become world renown as exemplifying "a different kind of leadership, one that puts kindness at the top of the agenda,"³³⁸ or a new politics of kindness,³³⁹ which stands in stark contrast to some other male world leaders, who espouse and exhibit isolationism, nationalism, protectionism, racism, and sexism.

An enthusiastic *Financial Times* op-ed praises Ardern during COVID-19 for being "a model of compassionate leadership in the crisis,"³⁴⁰ who provided at least these four lessons about caring and competent crisis leadership: care and command of detail or mastery of minutiae, coordination and collaboration with others, smart policies, and honest communications and willingness to admit problems and mistakes.

A similarly effusive *Atlantic* article praises Ardern for her crisis leadership style being clear and consistent, compassionate and empathetic, informal yet informative, and sobering yet soothing.³⁴¹ Ardern's leadership approach not only resonates emotionally with people yet is also incredibly effective.³⁴² People have confidence in, and trust of, Ardern due to her

³³⁴ Jacinda Ardern, FACEBOOK (May 11, 2020, 01:24 AM), <https://www.facebook.com/jacindaardern/videos/533402127325199/>.

³³⁵ Damien Cave, *Jacinda Ardern Sold a Drastic Lockdown with Straight Talk and Mom Jokes*, N.Y. TIMES (May 23, 2020), <https://www.nytimes.com/2020/05/23/world/asia/jacinda-ardern-coronavirus-new-zealand.html>.

³³⁶ Dylan Matthews, *3 Reasons Why New Zealand Has the Best-Designed Government in the World*, VOX (last updated Jan. 16, 2015, 01:23 PM), <https://www.vox.com/2014/9/23/6831777/new-zealand-electoral-system-constitution-mixed-member-unicameral>.

³³⁷ Cave, *supra* note 335.

³³⁸ Susan Devaney, *7 Defining Characteristics of Jacinda Ardern's Leadership Style*, BRIT. VOGUE (Oct. 9, 2020), <https://www.vogue.co.uk/news/article/jacinda-ardern-leadership-style>.

³³⁹ Watkins, *supra* note 279.

³⁴⁰ Pilita Clark, *Arise Saint Jacinda, A Leader for Our Troubled Times*, FIN. TIMES (Apr. 19, 2020), <https://www.ft.com/content/d26564b4-80ba-11ea-82f6-150830b3b99a>.

³⁴¹ Uri Friedman, *New Zealand's Prime Minister May Be the Most Effective Leader on the Planet*, ATLANTIC (Apr. 19, 2020), <https://www.theatlantic.com/politics/archive/2020/04/jacinda-ardern-new-zealand-leadership-coronavirus/610237/>.

³⁴² *Id.*

empathy.³⁴³ Ardern seems to stand with, instead of preaching at, people.³⁴⁴ Ardern is a model communicator who studied communications.³⁴⁵ Ardern explains the rationales behind and reasoning underlying government policy choices.³⁴⁶ Ardern offers practical examples and pragmatic guidance.³⁴⁷

Yet another ebullient *Conversation* article offered these three reasons why Ardern's handling of COVID-19 is a masterclass in crisis leadership.³⁴⁸ First, Ardern utilizes all three of these key aspects of the Motivating Language Model of effective leadership communications:³⁴⁹ direction giving language ("stay home"), empathetic language ("acknowledging challenges"), and meaning making language ("to save lives").³⁵⁰ Second, Ardern's leadership displays well-known principles of leading through change:³⁵¹ to enable people to cope with change by framing the key issues and questions that require attention in daily televised briefings and recurring Facebook Live chats, in addition to regulating people's distress by developing a transparent framework for decision-making through the early release and explanation of a four-level alert framework.³⁵² Third, Ardern's leadership was able to persuade many people to act for the collective good³⁵³ and asked difficult questions disrupting established patterns of thought and behavior.³⁵⁴

A cover feature story in *Time* magazine complimented Ardern's real gift as "her ability to articulate a form of leadership that embodies strength and sanity, while also pushing an agenda of compassion and community—or, as she would put it, 'pragmatic idealism.'"³⁵⁵ Ardern said in her interview by the magazine that when voters feel disenfranchised and powerless, "we can

³⁴³ *Id.*

³⁴⁴ *Id.*

³⁴⁵ *Id.*

³⁴⁶ *Id.*

³⁴⁷ *Id.*

³⁴⁸ Suze Wilson, *Three Reasons Why Jacinda Ardern's Coronavirus Response Has Been a Masterclass in Crisis Leadership*, CONVERSATION (Apr. 5, 2020, 04:05 PM), <https://theconversation.com/three-reasons-why-jacinda-arderns-coronavirus-response-has-been-a-masterclass-in-crisis-leadership-135541>.

³⁴⁹ See generally Jacqueline Mayfield & Milton Mayfield, *Leader Communication Strategies Critical Paths to Improving Employee Commitment*, 20 AM. BUS. REV. 89 (2002).

³⁵⁰ Wilson, *supra* note 348.

³⁵¹ See generally RONALD A. HEIFETZ, *LEADERSHIP WITHOUT EASY ANSWERS* (1994).

³⁵² Wilson, *supra* note 348.

³⁵³ See generally Keith Grint, *Problems, Problems, Problems: The Social Construction of 'Leadership'*, 58(11) HUM. REL. 1467 (2005).

³⁵⁴ Keith Grint, *Wicked Problems and Clumsy Solutions: The Role of Leadership*, THE NEW PUBLIC LEADERSHIP CHALLENGE 169 (Stephen Brookes & Keith Grint eds., 2010).

³⁵⁵ Belinda Luscombe, *A Year After Christchurch, Jacinda Ardern Has the World's Attention. How Will She Use It?*, TIME (Feb. 20, 2020, 06:37 AM), <https://time.com/5787443/jacinda-ardern-christchurch-new-zealand-anniversary/>.

either stoke it with fear and blame, or we can respond to it by taking some responsibility and giving some hope that our democratic institutions, our politicians, actually can do something about what they're feeling."³⁵⁶

Ardern's response to the Christchurch shootings is a revelation showing how "during a crisis it is possible to lead without telegraphing aggression or playing on anxieties . . . in a world where the kinds of principles Ardern champions seem to be on the wane. She made a plausible case that kindness was a strength, compassion was actionable, and inclusion was possible."³⁵⁷ Ardern demonstrates the wrongness of the model of leadership that believes leaders must be tough, and toughness rules out kindness.³⁵⁸

Ardern engages in collaborative, difficult, and honest conversations with multiple stakeholders to address wicked problems.³⁵⁹ Ardern exemplifies agile, authentic, compassionate, human, inclusive, open, and personal leadership, infused "with a new kind of soft power."³⁶⁰ Ardern follows the example of a former New Zealand prime minister, Mike Moore, who said once, leadership "is more than finding an angry crowd and agreeing with it."³⁶¹ Ardern says to "Know us by our deeds."³⁶²

Ardern successfully articulated and pursued the more ambitious elimination, instead of the more familiar and less ambitious mitigation, strategy towards COVID-19 by following the advice of two epidemiologists and public health experts.³⁶³ Ardern will probably, unsurprisingly face some political fallout and electoral risks from the expected economic consequences of her decisive and swift pursuit of eradicating COVID-19 from New Zealand.³⁶⁴ Ardern has a rare and reassuring sense of being centered, calm, and cool under pressure, even when a significant magnitude (5.8 on the Richter scale) earthquake interrupted her during a live morning television

³⁵⁶ *Id.*

³⁵⁷ *Id.*

³⁵⁸ *Id.*

³⁵⁹ *Id.*

³⁶⁰ *Id.*

³⁶¹ Luscombe, *supra* note 355.

³⁶² *Id.*

³⁶³ See generally Michael G. Baker et al., *New Zealand's Elimination Strategy for the COVID-19 Pandemic and What Is Required to Make It Work*, 133 N.Z. MED. J. 10 (Apr. 3, 2020), <https://www.nzma.org.nz/journal-articles/new-zealands-elimination-strategy-for-the-covid-19-pandemic-and-what-is-required-to-make-it-work>; see also Michael Baker & Nick Wilson, *Elimination: What New Zealand's Coronavirus Response Can Teach the World*, GUARDIAN (Apr. 9, 2020, 09:41 PM), <https://www.theguardian.com/world/2020/apr/10/elimination-what-new-zealands-coronavirus-response-can-teach-the-world>.

³⁶⁴ Katerina Ang, *New Zealand's Winning Virus Tactics Spell Election Risks for Ardern*, NIKKEI ASIAN REV. (May 7, 2020, 01:09 AM), <https://asia.nikkei.com/Politics/New-Zealand-s-winning-virus-tactics-spell-election-risks-for-Ardern>.

show interview.³⁶⁵ As a friend and former colleague of mine joked: Ardern can be shaken, but not stirred. On June 8, 2020, Ardern declared the eradication of COVID-19 and lifted the lockdown on New Zealand.³⁶⁶ Ardern self-described her approach as one of “go hard, go early.”³⁶⁷ Ardern also “focused on framing the effort of the nation as one of cooperation, often referring to her fellow New Zealanders as a ‘team of five million’ tasked with keeping each other healthy.”³⁶⁸

C. *Melissa DeRosa, Secretary to the Governor of New York*

Another exemplary female leader during COVID-19 is Melissa DeRosa, the first woman Secretary to the Governor of New York State.³⁶⁹ DeRosa is effectively Governor Andrew Cuomo’s right-hand person, strategist, tactician, and trusted confidant as the highest-ranked appointed official in New York state.³⁷⁰ DeRosa also serves as the chair of the Governor’s Council on Women and Girls.³⁷¹

DeRosa was the force underlying Cuomo’s ground-breaking legislative accomplishments:³⁷² a \$15 minimum wage,³⁷³ paid family leave,³⁷⁴ our country’s first accessible college program: providing tuition-free education to middle-class families and individuals earning up to \$125,000 per year at all City University of New York and State University of New York two- and

³⁶⁵ Damien Cave, *New Zealand Earthquake Interrupts Jacinda Ardern’s TV Interview*, N.Y. TIMES (May 24, 2020), <https://www.nytimes.com/2020/05/24/world/asia/jacinda-ardern-new-zealand-earthquake.html>; RNZ, *Earthquake This Morning While Prime Minister on the AM Show*, YOUTUBE (May 24, 2020), https://www.youtube.com/watch?v=Da0KoMrh_5E.

³⁶⁶ Damien Cave, *New Zealand Lifts Lockdown as It Declares Virus Eliminated, for Now*, N.Y. TIMES (June 8, 2020), <https://www.nytimes.com/2020/06/08/world/australia/new-zealand-coronavirus-ardern.html>.

³⁶⁷ *Id.*

³⁶⁸ *Id.*

³⁶⁹ Anna Palmer, Jake Sherman, Daniel Lippman & Zach Montellaro, *Politico Playbook Power List 18 to Watch in 2018: Melissa DeRosa Secretary to the Governor of New York*, POLITICO (2017), <https://www.politico.com/interactives/2017/politico-power-list/melissa-derosa/>.

³⁷⁰ Will Bredderman, *Most Powerful Women 2019: Melissa DeRosa*, CRAIN’S N.Y. BUS., <https://www.craainsnewyork.com/awards/most-powerful-women-2019-melissa-derosa>.

³⁷¹ *New York State Council on Women and Girls, Melissa DeRosa, Secretary to the Governor & Chair of the Council on Women and Girls*, OFFICIAL WEBSITE OF NEW YORK STATE, <https://www.ny.gov/programs/new-york-state-council-women-and-girls>.

³⁷² *Id.*

³⁷³ *New York State’s Minimum Wage*, OFFICIAL WEBSITE OF NEW YORK STATE, <https://www.ny.gov/new-york-states-minimum-wage/new-york-states-minimum-wage>.

³⁷⁴ *New York State Paid Family Leave*, OFFICIAL WEBSITE OF NEW YORK STATE, <https://paidfamilyleave.ny.gov/>.

four-year campuses,³⁷⁵ and the mandate that large group insurance providers must cover egg freezing and in vitro fertilization.³⁷⁶

DeRosa's successes at advancing state policies with a female mindset and perspective are all the more notable in light of empirical political science research finding that not all so-called "women's issues" are achieved simply from having more women in politically powerful roles.³⁷⁷ DeRosa has recounted personally experiencing gender bias and sexual harassment in her political career.³⁷⁸

DeRosa also created, chaired, and led a COVID-19 maternity task force through the New York State Council on Women and Girls.³⁷⁹ The task force developed a plan for New York State to authorize and certify more dedicated birthing centers to provide mothers a safe alternative to already stressed hospitals amid COVID-19.³⁸⁰ The COVID-19 maternity task force also in conjunction with regional perinatal centers to provide recommendations on how COVID-19 impacts pregnancy.³⁸¹ The task force maintained an ad hoc status during COVID-19 to address any further issues related to COVID-19 during pregnancy through the postpartum period.³⁸² The task force included stakeholders from obstetrical providers, family planning agencies, and pediatric care providers in conjunction with the New York State Department of Health.³⁸³

DeRosa usually is the steady and steely presence who sits six feet next to Cuomo's side during his nationally televised, popular daily press

³⁷⁵ *Tuition-Free Degree Program: The Excelsior Scholarship*, OFFICIAL WEBSITE OF NEW YORK STATE, <https://www.ny.gov/programs/tuition-free-degree-program-excelsior-scholarship>.

³⁷⁶ N.Y. INSURANCE LAW §§ 3221(k)(6)(C), 4303(s)(3) (McKinney 2020).

³⁷⁷ Valeriya Mechkova & Ruth Carlitz, *Gendered Accountability: When and Why Do Women's Policy Priorities Get Implemented?*, 13 EUR. POL. SCI. REV. 3, 3 (2021).

³⁷⁸ Swapna Venugopal Ramaswamy, *As Gov. Andrew Cuomo's Right Hand, Melissa DeRosa is 'Unapologetically Fierce.'* USA TODAY, (May 14, 2020, 06:01 AM), <https://www.usatoday.com/story/news/politics/2020/05/14/andrew-cuomo-melissa-derosa-unapologetically-fierce/5188567002/>.

³⁷⁹ Sarah Schupp, *CIPA Alumni in Action: Melissa DeRosa '04, MPA '09*, CORNELL INST. FOR PUB. AFFS., COLL. OF HUMAN ECOLOGY (May 17, 2020), <https://www.human.cornell.edu/cornell-institute-public-affairs/about/stories/cipa-alumni-action-melissa-derosa>.

³⁸⁰ *Id.*

³⁸¹ *Secretary to the Governor Melissa DeRosa and New York State Council on Women & Girls Launch COVID-19 Maternity Task Force*, OFFICIAL WEBSITE OF NEW YORK STATE (Apr. 20, 2020), <https://www.governor.ny.gov/news/secretary-governor-melissa-derosa-and-new-york-state-council-women-girls-launch-covid-19>.

³⁸² *Id.*

³⁸³ *Id.*

briefings.³⁸⁴ DeRosa was often visibly checking her cellphone, sliding over documents to Cuomo, taking notes, and always ready at a moment's notice from Cuomo to articulately, authoritatively, and confidently provide a reliable litany of relevant facts and statistics to support Cuomo's responses to reporters' questions.³⁸⁵ Cuomo feels DeRosa is one of the "best minds" to meet the challenge of COVID-19 "as a counsel, strategist, sounding board, and policy maker" and an "invaluable" member of his team.³⁸⁶ Another former New York state official called DeRosa a "quadruple threat," who "does policy, strategy, messaging and organizing."³⁸⁷

D. New York and America's Governor Cuomo's Daily Briefings

In daily COVID-19 briefings accompanied by retro³⁸⁸ PowerPoint slides,³⁸⁹ Cuomo did these five things that effective leaders do to communicate their leadership effectively.³⁹⁰

- (1) Start with and refer back to cold, hard facts and honest, objective data.
- (2) Simplify complex challenges and problems into more manageable ones.
- (3) Repeat, repeat, and repeat.
- (4) Identify personal opinions as such before giving them.

³⁸⁴ Anil Oza, *From Ithaca to Albany: How Cornell's Melissa DeRosa Is Leading New York's COVID Response*, CORNELL DAILY SUN, (Apr. 30, 2020), <https://cornellsun.com/2020/04/30/from-ithaca-to-albany-how-cornells-melissa-derosa-is-leading-new-yorks-covid-response/>.

³⁸⁵ Ruth La Fera, *Who Can Say 'No' to Cuomo? His Top Aide, Melissa DeRosa*, N.Y. TIMES, (May 14, 2020), <https://www.nytimes.com/article/who-is-melissa-derosa.html>.

³⁸⁶ Rose Minutaglio, *How Secretary to the Governor Melissa DeRosa Is Leading Cuomo's Coronavirus Response*, ELLE (Apr. 13, 2020), <https://www.elle.com/culture/career-politics/a32098033/cuomo-melissa-derosa-new-york-coronavirus/>.

³⁸⁷ Lisa W. Foderaro, *Cuomo Promotes Chief of Staff; Melissa DeRosa, to Be His Secretary*, N.Y. TIMES (Apr. 17, 2017), https://www.nytimes.com/2017/04/17/nyregion/cuomo-promotes-chief-of-staff-melissa-derosa-to-be-his-secretary.html?_r=0.

³⁸⁸ Lilly Smith, *Andrew Cuomo's PowerPoints Are Endearingly Primitive, So This Designer Redid Them*, FAST CO. (Apr. 30, 2020), <https://www.fastcompany.com/90498405/andrew-cuomos-powerpoints-are-endearingly-primitive-so-this-designer-redid-them>.

³⁸⁹ Jon Campbell, *Andrew Cuomo Is Having a Moment. So Are His Beloved PowerPoint Slides During the Coronavirus Crisis.*, USA TODAY (Mar. 24, 2020, 12:04 PM), <https://www.lohud.com/story/news/coronavirus/2020/03/24/new-york-andrew-cuomo-coronavirus-briefing-powerpoint/2903009001/>; Shannon Mattem, *Andrew Cuomo's Covid-19 Briefings Draw on the Persuasive Authority of PowerPoint*, ART IN AM. (Apr. 13, 2020, 01:59 PM), <https://www.artnews.com/art-in-america/features/andrew-cuomo-covid-briefings-powerpoint-slideshow-authority-1202683735/>.

³⁹⁰ Gene Marks, *Why You Should Watch Andrew Cuomo's Daily Press Conference. Every Day.*, ENTREPRENEUR (Apr. 10, 2020), <https://www.entrepreneur.com/article/348929>.

- (5) Be compassionate, empathetic, personal, relatable, and inspirational.

Michelle Greenwald, who has taught marketing at Columbia University,³⁹¹ Cornell University,³⁹² and New York University,³⁹³ wrote, “Andrew Cuomo’s communication is among the very best I’ve seen. His daily talks are exceptional from many different standpoints, and studying them can inspire anyone who leads or educates.”³⁹⁴ Greenwald pointed to these engaging aspects of Cuomo’s presentation style:

- (1) Looks at audience instead of looking down to read a script or slides.
- (2) Modulates voice and utilizes hand gestures to demonstrate personal conviction and accentuate key points.
- (3) Comfortable and fluent with statistics and diverse areas of knowledge.
- (4) Easy-to-absorb, easy-to-read, and factual PowerPoint slides.
- (5) Informative, logical, and persuasive organizational structure.
- (6) Uses appropriate, clear, precise vocabulary and explains novel terms.
- (7) Well-paced delivery providing audience time to digest and retain information.
- (8) Speaks in a calm, consistent, and reasoned tone.
- (9) Collaborative, comfortable, and respectful of co-presenters.

Greenwald also pointed to these engaging aspects of Cuomo’s presentation content:

- (1) Provides daily reporting of key performance indicators to monitor progress.
- (2) Presents appropriate level of details, facts, and data to support decisions.
- (3) Shares credit for accomplishments.
- (4) Uses helpful analogies and visualizations to simplify complex reality.

³⁹¹ *Columbia Business School Directory, Michelle Greenwald*, COLUMBIA BUS. SCH., <https://www8.gsb.columbia.edu/cbs-directory/detail/mg2084> (last visited Feb. 17, 2021).

³⁹² *Michelle Greenwald*, NYU STERN SCH. BUS., <https://www.stern.nyu.edu/faculty/bio/michelle-greenwald> (last visited Feb. 17, 2021).

³⁹³ *Digital Marketing Intensive*, JOHNSON COLL. BUS., CORNELL UNIVERSITY, <https://www.johnson.cornell.edu/programs/full-time-mba/one-year-mba/curriculum/nyc-intensives/digital-marketing-intensive/> (last visited Feb. 17, 2021).

³⁹⁴ Michelle Greenwald, *Reasons Andrew Cuomo Strikes So Many as So Impressive and Engaging*, FORBES (Apr. 24, 2020, 06:32 AM), <https://www.forbes.com/sites/michellegreenwald/2020/04/24/reasons-andrew-cuomo-strikes-so-many-as-so-impressive-and-engaging/#1c59a87234ec>.

- (5) Sharing logic and thought processes that led to conclusions and recommendations. Acknowledging difficulties of situation, decision-making, and opposing viewpoints.
- (6) Expresses empathy for diverse groups, their feelings, and situations.
- (7) Tells personable, relatable human and family stories.
- (8) Expresses willingness to accept blame, take stands, and be direct.
- (9) Sets realistic expectations, does not overpromise nor sugarcoat.
- (10) Embraces growth mindset and innovation.
- (11) Displays collaborative thinking and quest for data.
- (12) Offers philosophical and historical perspectives.
- (13) Mindfully and respectfully listens to questions and provides answers.

Cuomo's daily press briefings became broadcast live nationally, must-see television³⁹⁵ because Cuomo exemplified calm, clear, empathetic, honest, science-driven, and transparent leadership communication.³⁹⁶ I discuss five exceptions not to nitpick, but instead to highlight how easy it is for leaders to unintentionally misstep. The first two incidents were in response to reporters'

³⁹⁵ Jen Chaney, *Andrew Cuomo's Daily Press Briefing Is the Most Important Show on TV*, VULTURE (Mar. 26, 2020), <https://www.vulture.com/2020/03/andrew-cuomos-press-briefing-is-great-tv.html>; see also Marla Diamond, *Cuomo's Daily Coronavirus Briefings Have Become a Must-See on National TV*, WCBS NEWS RADIO 880 (Mar. 25, 2020), <https://wcbs880.radio.com/articles/news/cuomos-covid-19-briefings-have-become-a-must-see-on-tv>; Cynthia Littleton, *How the Coronavirus Crisis Turned Governor Andrew Cuomo into a TV Sensation*, VU (Mar. 28, 2020, 01:22 PM), <https://variety.com/2020/tv/news/andrew-cuomo-new-york-governor-coronavirus-donald-trump-1203548123/>; Mike MacAdam, *Cuomo Must-See TV: Who'd a Think It?*, DAILY GAZETTE (Mar. 24, 2020), <https://dailygazette.com/article/2020/03/24/macadam-cuomo-must-see-tv-who-d-a-think-it>; Mark Weiner, *Digital Views for Cuomo's Daily Coronavirus Briefings Set Records*, SYRACUSE.COM (Mar. 31, 2020), <https://www.syracuse.com/coronavirus/2020/03/digital-views-for-cuomos-daily-coronavirus-briefings-near-1m-a-day.html>.

³⁹⁶ Carmine Gallo, *How New York Governor Andrew Cuomo Balances Calm with the Need for 'Drastic Measures' in COVID-19 Updates*, FORBES (Mar. 19, 2020, 04:30 AM), <https://www.forbes.com/sites/carminegallo/2020/03/19/how-new-york-governor-andrew-cuomo-balances-calm-with-the-need-for-drastic-measures-in-covid-19-updates/#47dbaf745bcc>; see also Dan Gardner, *Hate Him or Love Him—New York Gov. Andrew Cuomo Can Teach Us a Lot About How to Speak During a Pandemic*, CNBC MAKE IT (Apr. 7, 2020, 11:13 AM), <https://www.cnbc.com/2020/04/06/what-new-york-governor-andrew-cuomo-teaches-us-about-how-to-speak-lead-in-coronavirus-pandemic.html>; Steve Herz, *What Leaders Can Learn from Governor Cuomo About How to Communicate During a Crisis*, ENTREPRENEUR (Apr. 9, 2020), <https://www.entrepreneur.com/article/348833>; Jesse McKinley & Shane Goldmacher, *How Cuomo, Once on Sidelines, Became the Politician of the Moment*, N.Y. TIMES, (Apr. 9, 2020), <https://www.nytimes.com/2020/03/24/nyregion/governor-andrew-cuomo-coronavirus.html>; Alejandro Romero & Gerard Guiu, *Communicating in a Pandemic: New York Governor Andrew Cuomo's Keys to Success*, IDEAS LLYC (Mar. 28, 2020), https://ideasen.llorenteycuencia.com/wp-content/uploads/sites/6/2020/03/200327_IDEAS_comunicacionenunapandemia_ENG-2.pdf; Alex Shephard, *How Andrew Cuomo Became a Media Darling*, NEW REPUBLIC (Mar. 26, 2020), <https://newrepublic.com/article/157063/andrew-cuomo-became-media-darling>.

questions and happened in the heat of the moment,³⁹⁷ during contentious, provocative exchanges between reporters and Cuomo. The remaining three are likely the result of Cuomo's understandable unfamiliarity with psychology, neuroscience, and the history and philosophy of science.

First, in an April 7, 2020, COVID-19 briefing,³⁹⁸ a reporter named Jesse asked him, "governor, on a more kind of psychological, philosophical issue, 730 people died, these numbers keep rolling out, but it's easy it would seem to get numb to these sorts of stats. How do you counter that?"³⁹⁹ Cuomo replied,

You know Jesse, I hear the point. I guess one could get numb to the numbers, that's why I said remember every number is a human being behind that and a family. For myself, I can tell you, the last thing I do is get numb. I can tell you for the hospital staff that goes through this, they're not getting numb. For the families who are suffering, they're not getting numb. The pain is increasing. The grief is increasing.⁴⁰⁰

Cuomo's reply, while completely understandable, was not science-based on psychological research about psychic numbing,⁴⁰¹ psychophysical numbing,⁴⁰² and economic research, finding that charitable donations after natural disasters dropped off quickly.⁴⁰³ It is possible that Cuomo had not expected the question and probably did not know the above research.

Second, during his April 22, 2020, COVID-19 briefing,⁴⁰⁴ a reporter had an extended exchange with Cuomo during which she asked Cuomo:

³⁹⁷ Leonard L. Riskin & Rachel Wohl, *Mindfulness in the Heat of Conflict: Taking Stock*, 20 HARV. NEGOT. L. REV. 121, 121 (2015).

³⁹⁸ Rev Transcripts, *Andrew Cuomo New York COVID-19 Briefing April 7*, REV (Apr. 7, 2020), <https://www.rev.com/blog/transcripts/gov-andrew-cuomo-new-york-covid-19-briefing-april-7>.

³⁹⁹ *Id.* at 37:30.

⁴⁰⁰ *Id.* at 37:51.

⁴⁰¹ See generally Paul Slovic, *If I Look at the Mass I Will Never Act: Psychic Numbing and Genocide*, 2 JUDGMENT & DECISION MAKING 79 (2007).

⁴⁰² See generally David Fetherstonhaugh, Paul Slovic, Stephen M. Johnson & James Friedrich, *Insensitivity to the Value of Human Life: A Study of Psychophysical Numbing*, 4 J. RISK & UNCERTAINTY 283 (1997); see also Paul Slovic, *When (In)Action Speaks Louder than Words: Confronting the Collapse of Humanitarian Values in Foreign Policy Decisions*, 1 ILL. L. REV. SLIP OPINIONS 24 (2015); Deborah Small, George Loewenstein & Paul Slovic, *Sympathy and Callousness: The Impact of Deliberative Thought on Donations to Identifiable and Statistical Victims*, 102 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 143 (2007).

⁴⁰³ See generally Philip H. Brown & Jessica H. Minty, *Media Coverage and Charitable Giving After the 2004 Tsunami*, 75 S. ECON. J. 9 (2008); Kimberly Scharf, Sarah Smith & Mark Wilhelm, *Do Disaster Appeals Reduce Other Donations? Evidence from the U.K.* (Dec. 2015) (unpublished manuscript) (on file with author).

⁴⁰⁴ Rev Transcripts, *Andrew Cuomo New York COVID-19 Briefing April 22*, REV (Apr. 22, 2020), <https://www.rev.com/blog/transcripts/andrew-cuomo-new-york-covid-19-briefing-transcript-april-22>.

I don't know if you can hear, but there are protesters outside right now honking their horns and raising signs. . . They're saying that "Is there a fundamental right to work if the government can't get me the money when I need it?" Is there a fundamental right to go to work?"⁴⁰⁵

Cuomo replied,

By the way, do you want to go to work? Go take the job as an essential worker. Do it tomorrow.⁴⁰⁶ . . . There are people hiring. You can get a job as an essential worker, so now you can go to work, and you can be an essential worker and you're not going to kill anyone.⁴⁰⁷

I cringed as soon as Cuomo said that even though Cuomo was correct in that some essential businesses, such as local supermarket chains, were hiring, and the protestors would be risking their lives and those of others if they returned to their so-called non-essential jobs. Unsurprisingly, the very next morning, in an interview on the television show, *Fox & Friends*, University of Tennessee law professor Glenn Reynolds⁴⁰⁸ criticized Cuomo's remarks: "That's super insensitive and stupid. I mean, 'let them eat essential jobs,' right? That's basically his line."⁴⁰⁹

Lawyer and senior fellow at a politically conservative non-profit think tank, Discovery Institute's Center on Human Exceptionalism, Wesley J. Smith also criticized Cuomo's lack of empathy.⁴¹⁰ Cuomo's non-empathetic communication in that moment perhaps was because he lost patience with the reporter's repeated questions over the same point or the protesters not behaving in a socially responsible way.⁴¹¹ Some form of Universal Basic Income could have provided the protesters financial relief from economic hardships and related anxieties.

⁴⁰⁵ *Id.* at 59:20.

⁴⁰⁶ *Id.* at 59:29.

⁴⁰⁷ *Id.* at 59:47.

⁴⁰⁸ Glenn Reynolds, UNIV. OF TENN., <https://law.utk.edu/directory/glenn-reynolds/> (last visited Feb. 17, 2021).

⁴⁰⁹ Julia Musto, *Tennessee Law Professor Slams Gov. Cuomo's 'Out of Touch' Comments on Jobless New Yorkers*, FOX NEWS (Apr. 23, 2020), <https://www.foxnews.com/media/law-professor-slams-cuomos-out-of-touch-comments>.

⁴¹⁰ Wesley J. Smith, *Governor Cuomo Is No Governor Compassionate*, NAT'L REV. (Apr. 23, 2020, 06:23 PM), <https://www.nationalreview.com/corner/new-york-governor-andrew-cuomo-should-show-more-empathy/>.

⁴¹¹ Denis Slattery, *'You Want to Go to Work? Go Take a Job as an Essential Worker': Cuomo Pushes Back on Coronavirus Protesters*, N.Y. DAILY NEWS (Apr. 22, 2020, 06:16 PM), <https://www.nydailynews.com/coronavirus/ny-coronavirus-cuomo-offers-advice-to-shutdown-protesters-job-20200422-3sbv26zfg5a4dm7i3rw6swhd6q-story.html>.

Third, Cuomo raised at several of his daily briefings the controversial issue of the value of a human life. Cuomo said “that if the strict lockdown measures he has imposed in New York saved a single life, he would consider them worth it. His calculus may be the more aspirational but not the most realistic.”⁴¹² Cuomo’s expressed view is an understandable one that many people also claim to share. Greg Lukianoff, attorney and President and CEO of the Foundation for Individual Rights in Education (FIRE),⁴¹³ and Jonathan Haidt, social psychologist and Thomas Cooley, Professor of Ethical Leadership at New York University’s Stern School of Business,⁴¹⁴ defined safetyism as “the cult of safety—an obsession with eliminating threats (both real and imagined) to the point at which people become unwilling to make reasonable trade-offs demanded by other practical and moral concerns.”⁴¹⁵ Safetyism privileges safety to be a sacred value⁴¹⁶ that is absolute, inviolable, and takes priority above any and all other values.⁴¹⁷ Economists have long pointed out that people’s revealed preference from their behavior is that human lives are not infinitely valued and instead are commensurable with finite amounts of money.⁴¹⁸ The federal government routinely uses Cost-Benefit Analysis (CBA) that places a finite dollar amount on the “the value of a statistical life” to promulgate, justify, or repeal regulations.⁴¹⁹ Nonetheless, CBA remains controversial⁴²⁰ and has been parodied.⁴²¹

While it seems and indeed it is callous to place a finite price on human life, corporations also routinely do so in their decision-making about product design or safety recalls.⁴²² For example, Ford conducted CBA in the

⁴¹² Michael Tackett, *As Nation Reopens, a Historic Referendum on Risk Begins*, U.S. NEWS & WORLD REP. (May 21, 2020, 10:48 AM), <https://www.usnews.com/news/us/articles/2020-05-21/as-nation-reopens-a-historic-referendum-on-risk-begins>.

⁴¹³ Greg Lukianoff, FIRE, <https://www.thefire.org/author/greglukianoff/> (last visited Feb. 17, 2021).

⁴¹⁴ Jonathan Haidt, NYU, <https://www.stern.nyu.edu/faculty/bio/jonathan-haidt> (last visited Feb. 17, 2021).

⁴¹⁵ Philip E. Tetlock, *Thinking the Unthinkable: Sacred Values and Taboo Cognitions*, 7 TRENDS IN COGNITIVE SCI. 320, 320 (2003).

⁴¹⁶ GREG LUKIANOFF & JONATHAN HAITT, *THE CODDLING OF THE AMERICAN MIND: HOW GOOD INTENTIONS AND BAD IDEAS ARE SETTING UP A GENERATION FOR FAILURE* 32 (2018).

⁴¹⁷ Pamela Paresky & Bradley Campbell, *Safetyism Isn’t the Problem*, N.Y. TIMES (June 1, 2020), <https://www.nytimes.com/2020/06/01/opinion/safetyism-coronavirus-reopening.html>.

⁴¹⁸ Peter H. Huang, *Dangers of Monetary Commensurability: A Psychological Game Model of Contagion*, 146 U. PA. L. REV. 1701, 1713 (1998).

⁴¹⁹ Tackett, *supra* note 412.

⁴²⁰ Robert H. Frank, *Why Is Cost-Benefit Analysis So Controversial?*, 29 J. LEGAL STUD. 913, 928–929 (2000).

⁴²¹ Michel Nassif, *Homer Simpson Buys a Gun*, YOUTUBE (Apr. 13, 2014), <https://www.youtube.com/watch?v=hI51uKAbQDc&t=1s>.

⁴²² Frank Partnoy, *Corporations and Human Life*, 40 SEATTLE U. L. REV. 399, 403 (2017).

scandalous exploding Pinto case,⁴²³ involving an alleged infamous internal memo,⁴²⁴ that came to the inhumane conclusion: “It’s cheaper to let them burn!”⁴²⁵ and led to a sarcastic marketing jingle for the Pinto as “the barbecue that seats four.”⁴²⁶ There is a cottage industry of commentary about the Ford Pinto case.⁴²⁷

The routine use of CBA in corporate and regulatory decision-making remains alive and well today.⁴²⁸ At some level, CBA is unavoidable and even sensible in theory perhaps.⁴²⁹ What many people object to about CBA is undervaluing human life by not placing an infinite value on human life. The reason CBA does not value human life infinitely is that doing so makes CBA trivial as nothing exceeds infinity. If we really value human life infinitely, then all costs be darned, and we should spend everything possible to save even just one human life.

If a human life is identified to reveal such information as age and gender, then other humans tend to be particularly sympathetic in response to that information as opposed to the mere identifiability per se.⁴³⁰ Most people are more willing to expend great resources to save an identified individual life. For examples, consider Baby Jessica, who lost much of her \$1.2 million trust fund from 1987 in the 2008 stock market crash;⁴³¹ Mathilda Cuomo, who is Andrew Cuomo’s mother and after whom Andrew Cuomo’s executive order known as Mathilda’s law is named;⁴³² any of the miners who have been

⁴²³ Grimshaw v. Ford Motor Co., 174 Cal. Rptr., 348, 358 (1981).

⁴²⁴ Mark Dowie, *Pinto Madness*, MOTHER JONES (Sept./Oct. 1977), <https://www.motherjones.com/politics/1977/09/pinto-madness/>.

⁴²⁵ *The Pinto Memo: ‘It’s Cheaper to Let Them Burn!’*, THE SPOKESMAN-REVIEW (Oct. 17, 2008), <https://www.spokesman.com/blogs/autos/2008/oct/17/pinto-memo-its-cheaper-let-them-burn/>.

⁴²⁶ *Id.*

⁴²⁷ See, e.g., THE FORD PINTO CASE: A STUDY IN APPLIED ETHICS, BUSINESS, AND TECHNOLOGY (Douglas Birsch & John H. Fielder eds., 1994); Rachel Dardis & Claudia Zent, *The Economics of the Pinto Recall*, 16 J. CONSUMER AFF. 261 (1982); Christoph Lütge, *Ford Pinto: Is Cost-Benefit Analysis Allowed in Ethical Decision Making?*, SAGE BUS. CASES, (2018), <https://sk.sagepub.com/cases/ford-pinto-cost-benefit-analysis-in-ethical-decision-making>; Gary T. Schwartz, *The Myth of the Ford Pinto Case*, 43 RUTGERS L. REV. 1013 (1991); Stuart Strother, *When Making Money Is More Important than Saving Lives: Revisiting the Ford Pinto Case*, 5 J. INT’L & INTERDISC. BUS. RES. 166 (2018).

⁴²⁸ Rob Larson, *Gambling with Your Life*, JACOBIN (Mar. 29, 2019), <https://www.jacobinmag.com/2019/03/ethiopian-airlines-crash-ivey-memo-capitalism>.

⁴²⁹ Peter H. Huang, *How Do Securities Laws Influence Affect, Happiness, and Trust?*, 3 J. BUS. & TECH. L. 257, 282–85 (2008).

⁴³⁰ George Loewenstein, Deborah A. Small & Jeff Strnad, *Statistical, Identifiable, and Iconic Victims*, in BEHAVIORAL PUBLIC FINANCE 32 (Edward J. McCaffery & Joel Slemrod eds., 2006).

⁴³¹ Diana Bruk, *Here’s What Life for “Baby Jessica” Is Like Today*, GOOD HOUSEKEEPING (Mar. 8, 2017), <https://www.goodhousekeeping.com/life/news/a43223/baby-jessica-today/>.

⁴³² Andrew Cuomo (@NYGovCuomo), TWITTER (Mar. 20, 2020, 11:56 AM), <https://twitter.com/nygovcuomo/status/1241030744597725186?lang=en>.

rescued after being trapped underground in cave-ins, nine in Peru in 2012,⁴³³ and 33 in Chile in 2010;⁴³⁴ any of the Apollo 13 astronauts, Fred Haise, Jim Lovell, and Jack Swigert;⁴³⁵ or even the fictional astronaut Mark Watney, a character Matt Damon plays in the movie, *The Martian*.⁴³⁶ Most people are much less willing to expend a lot, if anything, to save unidentified, abstract, statistical, and perhaps yet unborn future human lives. People behave as if they do not value any human life infinitely and place different values on the lives of different humans. These are inconvenient facts, though contentious ones involving personal and idiosyncratic value judgments about which even reasonable people may disagree.

Fourth, Cuomo said at his April 28, 2020 press briefing: “Emotions can’t drive a reopening process . . . we have to act as our logical selves here.”⁴³⁷ The view that emotions stand in opposition to logic is an outdated and false dichotomy about feelings versus reasons. “The law is reason from passion” as immortal words that Aristotle spoke are written on a blackboard in a scene of the first day of a 1L civil procedure class⁴³⁸ in the movie *Legally Blonde*.⁴³⁹ Modern neuroscience views emotions as information that is an important and necessary component of human reasoning.⁴⁴⁰ The duality of cognition and emotion are central to human information processing and effective decision-making.⁴⁴¹ Reportedly, Cuomo’s delay in pausing economic activity in New York was in part motivated by a concern that doing so would lead to panic and undue alarm.⁴⁴² Ironically, Cuomo also said, “he stood with the protesters,” thus empathizing with many people feeling anger,

⁴³³ CNN Wire Staff, *Peru: Nine Miners Rescued After Six Days Underground*, CNN (Apr. 11, 2012), <https://www.cnn.com/2012/04/11/world/americas/peru-miners/index.html>.

⁴³⁴ CNN Editorial Research, *2010 Chilean Mine Rescue Fast Facts*, CNN (last updated Feb. 26, 2020), <https://www.cnn.com/2013/07/13/world/americas/chilean-mine-rescue/index.html>.

⁴³⁵ Jamie Carter, *Apollo 13: A ‘Successful Failure’ or a Triumph for Science? Why You Need to Think Again*, FORBES (Apr. 10, 2020, 10:00 AM), <https://www.forbes.com/sites/jamiecartereurope/2020/04/10/apollo-13-a-successful-failure-or-a-triumph-for-science-why-you-need-to-think-again/#6e058ba87728>.

⁴³⁶ *THE MARTIAN* (Twentieth Century Fox 2015).

⁴³⁷ *Governor Cuomo Says Emotion Will Not Drive Decision on When to Reopen Economy*, C-SPAN (Apr. 28, 2020), <https://www.c-span.org/video/?c4872430/governor-cuomo-emotion-drive-decision-reopen-economy>.

⁴³⁸ Phillygan, *Legally Blonde - Great Clip*, YOUTUBE (Apr. 7, 2008), <https://www.youtube.com/watch?v=iaQbC5bgh2s>.

⁴³⁹ *LEGALLY BLONDE* (Metro-Goldwyn-Mayer 2011).

⁴⁴⁰ Mario Garcés & Lucia Finkel, *Emotional Theory of Rationality*, 13 *FRONTIERS INTEGRATIVE NEUROSCI.* 1, 13 (2019).

⁴⁴¹ Jennifer S. Lerner, Ye Li, Piercarlo Valdesolo & Karim S. Kassam, *Emotion and Decision Making*, 66 *ANNU. REV. PSYCHOL.* 799, 802 (2015).

⁴⁴² J. David Goodman, *How Delays and Unheeded Warnings Hindered New York’s Virus Fight*, N.Y. TIMES (Apr. 9, 2020), <https://www.nytimes.com/2020/04/08/nyregion/new-york-coronavirus-response-delays.html>.

frustration, and righteous indignation over George Floyd's murder being understandably motivated to take to the streets marching against police brutality and violence.⁴⁴³

Fifth, on June 6, 2020, Cuomo said that with COVID-19, "you learn something new every week. Sometimes what you learn is different than what they told you in the first place. Who is the 'they'? The they in this case are the global health experts. The information has changed."⁴⁴⁴ While Cuomo is correct in what he said, he seemed to imply that somehow COVID-19 differs from other pandemics or science in general. The nature of scientific inquiry is typically non-linear. Discovery of scientific knowledge is often serendipitous. Scientists change their minds and update their prior beliefs as they learn information. Unlike politicians, scientists routinely will revise their positions in light of new data or unexpected evidence. To do otherwise is to be stubborn, unreasonable, and unscientific. Politicians and voters often view consistency and maintenance over time of positions as proof of devotion or loyalty to ideologies or dogma instead of a demonstration of intransigence and obstinacy. Thomas S. Kuhn, Laurence Rockefeller professor emeritus of linguistics and philosophy at the Massachusetts Institute of Technology,⁴⁴⁵ famously introduced the phrase *paradigm shift* in his landmark book, *The Structure of Scientific Revolutions*,⁴⁴⁶ to explain how scientific progress develops in a series of episodic phases involving fits and starts, instead of a gradual accumulation of accepted facts and theories.

E. Governor Cuomo Quotes

Cuomo has been at perhaps his best in explaining the facts and science about COVID-19 accompanied by visualizations in the form of charts, graphs, and tables.⁴⁴⁷ Cuomo also has provided wisdom and a welcome sense of humor in his (parental) life advice,⁴⁴⁸ including these memorable quotes:

⁴⁴³ CBS2News At 5, *Gov. Andrew Cuomo: 'I Stand with the Protesters'*, CBS N.Y. (May 29, 2020), <https://newyork.cbslocal.com/video/4570661-gov-andrew-cuomo-i-stand-with-the-protesters/>.

⁴⁴⁴ *Video, Audio, Photos & Rush Transcript: Governor Cuomo Announces Lowest Number of Hospitalizations and Deaths Since the Beginning of COVID-19 Pandemic*, N.Y STATE (June 6, 2020), <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-cuomo-announces-lowest-number-hospitalizations-and>.

⁴⁴⁵ *Prof. Thomas S. Kuhn of MIT, Noted Historian of Science, Dead at 73*, MIT NEWS (June 18, 1996), <http://news.mit.edu/1996/kuhn>.

⁴⁴⁶ See generally THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (4th ed. 2012).

⁴⁴⁷ Giorgia Lupi et al., *Visualizing Covid-19: Re-Imagining Governor Cuomo's Daily Charts*, PENTAGRAM (Apr. 29, 2020), <https://drive.google.com/file/d/1tS-BDRzQTiZAGjWJqrCrvjx8bqtfTtO/view>.

⁴⁴⁸ Carmine Gallo, *New York Governor Andrew Cuomo Just Gave a Valuable Lesson in Crisis Leadership*, INC. (Mar. 27, 2020), <https://www.inc.com/carmine-gallo/new-york-governor-andrew-cuomo-just-gave-a-valuable-lesson-in-crisis-leadership.html>.

- (1) “Life is options.”⁴⁴⁹
- (2) “We grow too soon old, too late smart . . . risk, reward.”⁴⁵⁰
- (3) “These decisions are being made as a matter of math. It’s numbers, it’s math. That’s all it is at the end of the day.”⁴⁵¹
- (4) It’s math, and there’s a liberation in that. At a time of such division and politics and elections and all this garbage, this is an exercise in science and math, and it’s data that we can all share and we can all participate in. I encourage people to go look at the data and look at what’s happening in your region, because that’s how we’re going to get through this, on the numbers, on the math, on the facts.⁴⁵²
- (5) It is a formula. It is math, and that is that both, at the same time, it’s liberating, because it takes the politics out of it, it takes a personal opinion out of it, but it’s also something you can measure and track and you will know exactly what’s going to happen because it’s a function of what we’re doing. It’s up to us. It’s up to you. It’s the collective. We’re going to decide the future that starts today.⁴⁵³
- (6) “Nobody can tell you when you’ll be ready for that but the answer is follow. . . . The answer is everybody will know, because if you follow the numbers and you follow the math, you will watch that infection rate and you will see the trajectory of progress. It’s that simple.”⁴⁵⁴
- (7) “This is just a mathematical calibration, and I want to keep it there because I want to keep it out of politics.”⁴⁵⁵
- (8) “Suppose they gave a war and nobody came . . . sometimes it’s better to walk away from a fight than engage it. Sometimes it takes more strength, frankly, to walk away from a fight than engage it.”⁴⁵⁶

⁴⁴⁹ Rev Transcripts, *Andrew Cuomo New York COVID-19 Briefing April 24*, REV (Apr. 24, 2020), <https://www.rev.com/blog/transcripts/andrew-cuomo-new-york-covid-19-briefing-transcript-april-24>.

⁴⁵⁰ Cuomo “*Risk Reward*,” C-SPAN (Mar. 19, 2020), <https://www.c-span.org/video/?c4862170/user-clip-cuomo-risk-reward>.

⁴⁵¹ Rev Transcripts, *Andrew Cuomo New York May 18 COVID-19 Press Conference Transcript*, REV (May 18, 2020), <https://www.rev.com/blog/transcripts/andrew-cuomo-new-york-may-18-covid-19-press-conference-transcript>.

⁴⁵² *Id.*

⁴⁵³ *Id.*

⁴⁵⁴ *Id.*

⁴⁵⁵ *Id.*

⁴⁵⁶ Luis Diaz, *NY Governor Andrew Cuomo: “Suppose They Gave a War and Nobody Came”*, NEW YORKLED (Apr. 14, 2020), <https://www.newyorkled.com/ny-governor-andrew-cuomo-suppose-they-gave-a-war-and-nobody-came/>.

- (9) “[D]on’t get cocky, don’t get arrogant.”⁴⁵⁷
- (10) “NDS is Natural Defiance Syndrome. It’s not documented. But it is a psychological condition where if you say as a father, ‘I don’t like him,’ Natural Defiance Syndrome kicks in.”⁴⁵⁸
- (11) “The idea of family, mutuality, the sharing of benefits and burdens for the good of all, feeling one another’s pain, sharing one another’s blessings — reasonably, honestly, fairly, without respect to race or sex or geography or political affiliation.” (Quoting Andrew Cuomo’s dad, Mario Cuomo).⁴⁵⁹
- (12) “It is a time of high anxiety. I understand that and a lot of pressure all across the country but even more at times of high anxiety, it’s important that we stay with the facts and the truth.”⁴⁶⁰
- (13) “Yeah, look, you’re right. High anxiety. Emotions are high. Unfortunately, often, when emotion is high, logic is low, right?”⁴⁶¹
- (14) “[D]on’t pass the buck without passing bucks.”⁴⁶²
- (15) “I’m trying to get better . . . I’m a work in progress. We’re all a work in progress.”⁴⁶³
- (16) This is not a sprint, my friends, this is a marathon. You have to gauge yourself. You have to understand that this is going to be a long-term situation, and even though it’s so disruptive, and so abrupt, and so shocking, it’s also long-term. And each of us has to do our own part to adjust to it. It is a new reality. It’s a shocking new reality. There is no easy answer. We’re all working our way through it, and we all have to figure out a way to get through it.⁴⁶⁴

⁴⁵⁷ Rev Transcripts, *Andrew Cuomo New York COVID-19 Briefing Transcript April 17: “Don’t Pass the Buck Without Passing Bucks”*, REV (Apr. 17, 2020), <https://www.rev.com/blog/transcripts/andrew-cuomo-new-york-covid-19-briefing-transcript-april-17>.

⁴⁵⁸ Teri Weaver, *Amid Updates on Coronavirus, Cuomo Gives Fatherly Advice About Daughters and Boyfriends*, SYRACUSE.COM (Apr. 19, 2020), <https://www.syracuse.com/coronavirus/2020/04/amid-updates-on-coronavirus-cuomo-gives-fatherly-advice-about-daughters-and-boyfriends.html>.

⁴⁵⁹ Maureen Dowd, *Let’s ‘Kick Coronavirus’s Ass,’* N.Y. TIMES (Mar. 27, 2020), <https://www.nytimes.com/2020/03/27/opinion/sunday/cuomo-new-york-coronavirus.html>.

⁴⁶⁰ Rev Transcripts, *Andrew Cuomo New York COVID-19 Press Conference Transcript May 7*, REV (May 7, 2020), <https://www.rev.com/blog/transcripts/andrew-cuomo-new-york-coronavirus-briefing-transcript-may-7>.

⁴⁶¹ *Id.*

⁴⁶² Rev Transcripts, *Andrew Cuomo New York COVID-19 Briefing Transcript April 17: “Don’t Pass the Buck without Passing Bucks”*, REV (Apr. 17, 2020), <https://www.rev.com/blog/transcripts/andrew-cuomo-new-york-covid-19-briefing-transcript-april-17>.

⁴⁶³ Seth Arenstein, *How Mariah Kennedy-Cuomo Masked Her Dad’s Poor Communication Skills*, PR NEWS (May 5, 2020), <https://www.prnewsonline.com/cuomo-daughter-coronavirus-contest/>.

⁴⁶⁴ *Video, Audio, Photos & Rush Transcript: Amid Ongoing COVID-19 Pandemic, Governor Cuomo Issues Executive Order Moving New York Presidential Primary Election to June 23rd*, N.Y. STATE

- (17) Nobody can predict what the situation is going to be three weeks or four weeks from now, so we are trying to stage decisions at intervals that give us information, but also enough time for people to make preparations they need to make. . . . You have anxiety, depression, insomnia, loneliness, that feeling of isolation. . . . If you are feeling these issues, you are not alone. As a matter of fact, half of all Americans have said that their mental health has been negatively impacted. Don't underestimate the stress of the situation, and it happens on a lot of levels. Three out of four say that their sleep has been affected. . . . Last point, personal opinion, . . . when life knocks you on your rear, learn and grow, and we will collectively learn and grow. We are going to learn many difficult lessons from this situation. . . . There will be a lot to learn from this, which we will learn, and we will be the better for. I believe that. That's part of life. In the meantime, we have to go day to day, and we try to make the best of a bad situation. You try to find that silver lining through the dark clouds. . . . You try to stay positive. . . . Because we are New York tough, which means tough, smart, united, disciplined, and loving.⁴⁶⁵
- (18) My last point is practice humanity. We don't talk about practicing humanity, but now if ever there is a time to practice humanity the time is now. The time is now to show some kindness, to show some compassion to people, show some gentility. . . . We have a problem. Yes, we will deal with it. Yes, we will overcome it. But let's find our better selves in doing it.⁴⁶⁶

Journalist and author Chris Smith⁴⁶⁷ wrote, "Reaching a final judgment on the governor's competence in the face of a deadly pandemic will prove as complicated as the man himself. What's clear is that he has provided crucial

(Mar. 28, 2020), <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-amid-ongoing-covid-19-pandemic-governor-cuomo-issues>.

⁴⁶⁵ *Video, Audio, Photos & Rush Transcript: Amid Ongoing COVID-19 Pandemic, Governor Cuomo Announces Schools and College Facilities Statewide Will Remain Closed for the Rest of the Academic Year*, N.Y. STATE (May 1, 2020), <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-amid-ongoing-covid-19-pandemic-governor-cuomo-announces-16>.

⁴⁶⁶ *Video, Audio, Photos & Rush Transcript: Governor Cuomo Urges New Yorkers to Practice Humanity in the Face of COVID-19 Pandemic*, N.Y. STATE (Mar. 21, 2020), <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-cuomo-urges-new-yorkers-practice-humanity-face>.

⁴⁶⁷ Pop Culture Confidential, *Epi172 Writer Chris Smith on Trump's Press Briefings, Claims 'Total Authority' + the Rise of Gov. Cuomo*, PLAYER FM (Apr. 15, 2020), <https://player.fm/series/series-1250578/epi172-writer-chris-smith-on-trumps-press-briefingsclaims-total-authority-the-rise-of-gov-cuomo>.

emotional and practical leadership reaching well beyond New York's borders."⁴⁶⁸

IV. CONCLUSION

A salient lesson of COVID-19 is to put more women in charge. This Article offers an interdisciplinary and multidisciplinary analysis of this and related lessons. This Article analyzes what leaders who have been successful during COVID-19 did and said. This Article also examines explanations for and theories about why some of the more successful leaders during COVID-19 have been female. This Article finally profiles in some depth these three exemplars of leadership during COVID-19: prime minister of New Zealand Jacinda Ardern, Secretary to the Governor of New York Melissa DeRosa, and New York state governor Andrew Cuomo.

COVID-19 is an urgent wake-up call for humanity on so many levels. COVID-19 presents humanity with many common obstacles for us to individually and jointly overcome. Austrian-American actor, filmmaker, businessman, author, former Mr. Universe, seven-time Mr. Olympia, and former California Governor Arnold Schwarzenegger told graduates during an entertaining, heartwarming 2020 Snapchat commencement address that life is about having a clear vision to climb over and around a series of obstacles, which make us better and stronger.⁴⁶⁹

COVID-19 places our lives into new perspectives and has caused some to reorder their life priorities.⁴⁷⁰ It is just not preordained that humanity will survive forever. Much like individuals do not like to contemplate their own mortality, humanity as a species is reluctant to see itself as being only temporary stewards of this fragile "pale blue dot"⁴⁷¹ of a planet. Famed Cornell University astronomer Carl Sagan coined the memorable phrase "pale blue dot" thirty years ago for the iconic photograph of our planet Earth that spacecraft Voyager took on February 14, 1990, at a distance of 3.7 billion

⁴⁶⁸ Chris Smith, "I'm a Chief Executive Who Has to Get Stuff Done": How Andrew Cuomo Became the Coronavirus Trump Antidote, *VANITY FAIR* (Apr. 30, 2020), <https://www.vanityfair.com/news/2020/04/cover-story-how-andrew-cuomo-became-the-coronavirus-trump-antidote>.

⁴⁶⁹ Arnold Schwarzenegger, *Arnold Schwarzenegger's 2020 Snapchat Commencement Address on Overcoming Obstacles*, *YOUTUBE* (May 17, 2020), <https://www.youtube.com/watch?v=k9qgaiAR4sc&feature=youtu.be>.

⁴⁷⁰ Jennifer Altmann, *Married but Living Far Apart*, *N.Y. TIMES* (May 16, 2020), <https://www.nytimes.com/2020/05/16/fashion/weddings/coronavirus-some-couples-reconsider-living-apart.html>.

⁴⁷¹ Marina Koren, *The Power of the 'Pale Blue Dot' Three Decades Later*, *ATLANTIC* (Feb. 14, 2020), <https://www.theatlantic.com/science/archive/2020/02/nasa-pale-blue-dot-voyager/606529/>.

miles from us.⁴⁷² The image of Earth as just a delicate, mere pale blue dot in the vastness of space is an inspirational metaphor and, for some, a perspective-shifting epiphany.⁴⁷³ People are fellow space travelers who share a spaceship, which we may destroy or be better off without us. To survive and flourish, humanity requires congressive leadership and thoughtful leadership.

As of this Article's writing, the world remains in the first wave of COVID-19. Many scientists believe there is at least a second wave of COVID-19.⁴⁷⁴ Leading epidemiologists, economists, and futurists believe that America is unprepared medically, economically, and emotionally.⁴⁷⁵ A noted Chinese novelist wrote in her diary that she "wants Chinese culture to change, for people to be more willing to admit error, to stand up and take blame."⁴⁷⁶ Admitting and learning from our mistakes is difficult and necessary for us to improve and grow into better selves. I conclude this Article with the sincere hope that humanity and its various leaders can learn to become better, more congressive, and more thoughtful versions of ourselves. Eugenia Cheng discusses applying congressive ideas to education⁴⁷⁷ and parenting.⁴⁷⁸ Thoughtful leadership in the form of Chris Guthrie's five principles also applies to parenting⁴⁷⁹ and teaching,⁴⁸⁰ because

⁴⁷² Blaine Friedlander, *Iconic 'Pale Blue Dot' Photo – Carl Sagan's Idea – Turns 30*, CORNELL CHRON. (Feb. 13, 2020), <https://news.cornell.edu/stories/2020/02/iconic-pale-blue-dot-photo-carl-sagans-idea-turns-30>.

⁴⁷³ See generally CARL SAGAN, *PALE BLUE DOT: A VISION OF THE HUMAN FUTURE IN SPACE* (1994).

⁴⁷⁴ Donald G. McNeil Jr., *As States Rush to Reopen, Scientists Fear a Coronavirus Comeback*, N.Y. TIMES (May 11, 2020), <https://www.nytimes.com/2020/05/11/health/coronavirus-second-wave-infections.html>; Len Strazewski, *Harvard Epidemiologist: Beware COVID-19's Second Wave this Fall*, AMA (May 8, 2020), <https://www.ama-assn.org/delivering-care/public-health/harvard-epidemiologist-beware-covid-19-s-second-wave-fall>.

⁴⁷⁵ Dennis Wagner, *Aftershock: If Coronavirus Swells in a Second Wave Later This Year, Will the Nation Be Ready?*, USA TODAY (May 17, 2020, 03:37 AM), <https://www.usatoday.com/story/news/2020/05/17/coronavirus-peak-america-ready-second-wave-fall/3096338001/>.

⁴⁷⁶ Dwight Garner, *'Wuhan Diary' Offers an Angry and Eerie View from Inside Quarantine*, N.Y. TIMES (May 15, 2020), <https://www.nytimes.com/2020/05/15/books/review-wuhan-diary-fang-fang.html>.

⁴⁷⁷ CHENG, X + Y, *supra* note 95, at 226–30.

⁴⁷⁸ *Id.*; see also Robyn Wilder, *Philippa Perry: 'Listen Carefully, Parents - and Don't Despair*, GUARDIAN (Mar. 10, 2019, 03:00 PM), <https://www.theguardian.com/lifeandstyle/2019/mar/10/philippa-perry-interview-listen-carefully-parents-and-dont-despair> (interviewing psychologist Philippa Perry). See generally PHILIPPA PERRY, *THE BOOK YOU WISH YOUR PARENTS HAD READ: (AND YOUR CHILDREN WILL BE GLAD THAT YOU DID)* (2020).

⁴⁷⁹ Peter H. Huang, *Tiger Cub Strikes Back: Memoirs of an Ex-Child Prodigy About Legal Education and Parenting*, 1 BRIT. J. AM. LEGAL STUD. 297, 303 (2012).

⁴⁸⁰ Peter H. Huang, *Adventures in Higher Education, Happiness, and Mindfulness*, 7 BRIT. J. AM. LEGAL STUD. 425, 429 (2018).

teachers and parents often must lead without any effectively exercisable “power” over their students⁴⁸¹ and children.⁴⁸²

Postscript: This Article was completed before Melissa DeRosa admitted New York state deliberately undercounted nursing home COVID-19 deaths in July 2020.⁴⁸³ Subsequently, two female New York state employees and former aides of Andrew Cuomo made allegations of sexual harassment against him.⁴⁸⁴ Since then, a third woman also made allegations against Andrew Cuomo of unwanted kissing and touching during a wedding reception in September 2019.⁴⁸⁵ A former press aide of Andrew Cuomo made allegations of inappropriate behavior by him when he was the U.S. Secretary for the Department of Housing and Urban Development.⁴⁸⁶ A third former aide of Andrew Cuomo made allegations of inappropriate behavior against him.⁴⁸⁷ As of the writing of this postscript, the nursing scandal⁴⁸⁸ and the sexual harassment scandal⁴⁸⁹ both continue to be ongoing. Regardless of the outcome of the investigations into these allegations, Melissa DeRosa and Andrew Cuomo have tarnished already their legacies, reputations, and political fortunes. Quantitative data about Cuomo’s governance during COVID-19 is “fairly inconclusive.”⁴⁹⁰ Perhaps, the same personality traits

⁴⁸¹ Peter H. Huang & Corie Rosen Felder, *The Zombie Lawyer Apocalypse*, 42 PEPP. L. REV. 727, 758 (2015).

⁴⁸² Peter H. Huang, *From Tiger Mom to Panda Parent*, 17 ASIAN PAC. AM. L.J. 40, 41 (2012).

⁴⁸³ Yaron Steinbuch, *Melissa DeRosa’s Admission on Nursing Home Coverup Sparks Calls for Probe—and Cuomo’s Prosecution*, N.Y. POST (Feb. 12, 2021), <https://nypost.com/2021/02/12/cuomo-aides-admission-on-nursing-home-coverup-sparks-calls-for-probe/>.

⁴⁸⁴ Lindsey Boylan, *My Story of Working with Governor Cuomo*, MEDIUM (Feb. 24, 2021), <https://medium.com/@lindseyboylan4NY/my-story-of-working-with-governor-cuomo-e664d4814b4e>; Jesse McKinley, *Cuomo Is Accused of Sexual Harassment by a 2nd Former Aide*, N.Y. TIMES (Feb. 27, 2021), <https://www.nytimes.com/2021/02/27/nyregion/cuomo-charlotte-bennett-sexual-harassment.html>.

⁴⁸⁵ Matt Flegenheimer & Jesse McKinley, *Cuomo Accused of Unwanted Advance at a Wedding: ‘Can I Kiss You?’*, N.Y. TIMES (Mar. 1, 2021), <https://www.nytimes.com/2021/03/01/nyregion/cuomo-harassment-anna-ruch.html>.

⁴⁸⁶ Amy Brittain, Josh Dawsey, Hannah Knowles & Tracy Jan, *Cuomo’s Behavior Created ‘Hostile, Toxic’ Workplace Culture for Decades, Former Aides Say*, WASH. POST (Mar. 6, 2021, 01:25 PM), https://www.washingtonpost.com/politics/cuomo-toxic-workplace/2021/03/06/717c5b9c-7dd3-11eb-b3d1-9e5aa3d5220c_story.html.

⁴⁸⁷ Jimmy Vielkind, Deanna Paul & Khadeeja Safdar, *Cuomo Faces New Accusations of Inappropriate Behavior from Third Former Aide*, WALL ST. J. (Mar. 6, 2021, 09:26 PM), <https://www.wsj.com/articles/third-former-andrew-cuomo-aide-describes-inappropriate-workplace-treatment-11615081956?st=4fyt87sfzazafui>.

⁴⁸⁸ Michael Gold & Ed Shanahan, *What We Know About Cuomo’s Nursing Home Scandal*, N.Y. TIMES (Apr. 13, 2021), <https://www.nytimes.com/article/andrew-cuomo-nursing-home-deaths.html>.

⁴⁸⁹ Luis Ferré-Sadurní & Mihir Zaveri, *Sexual Harassment Claims Against Cuomo: What We Know So Far*, N.Y. TIMES (Mar. 19, 2021), <https://www.nytimes.com/article/cuomo-sexual-harassment-nursing-homes-covid-19.html>.

⁴⁹⁰ Lisa Lerer, *DeSantis Is Ascendant and Cuomo Is Faltering*, N.Y. TIMES (Mar. 6, 2021), <https://www.nytimes.com/2021/03/06/us/politics/desantis-cuomo-political-future.html>.

that helped DeRosa and Cuomo appear to be exemplary leaders during COVID-19 are responsible for their subsequent downfall.