

Food for Thought about the Impact of the COVID-19 Virus Upon the Institutions and Practices of ‘Real-Existing’ Democracy¹

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Ab initio, what most has impressed me is the political ambiguity embedded in the COVID-19 crisis and, hence, the uncertainty of its outcome. The core of this ambiguity seems to me to lie in the radical distance between what it could and should do to ‘real-existing’ democracy (RED) **in principle** and what it is more likely to do **in practice**, i.e. between what might be done and what probably will be done in terms of public policy and institutional reform.

The Chinese expression for “crisis” (危机; *wei ji*) combines two characters, the first for “danger” (危险; *wei xian*) and the second for “opportunity” (机会; *ji hui*).² While this does not tell us whether – in this particular instance – the opportunity will be used to improve or undermine the existing political regime, it does suggest that the outcome will not be due only to the nature of danger, but also whether and how well politicians seize the opportunity in responding to it.

One thing is indisputable (to me), namely, that RED – regardless of its many variants – will not remain the same. This is an affirmation based both on the history of the previous impact of such large-scale plagues upon pre-existing political regimes,³ and on the fact that contemporary REDs were already in a crisis of fundamentals before the virus appeared.⁴

Let us begin with a specification of the fundamental principles that are presumed to be embodied in the institutions and guiding the behavior of these REDs. It seems useful to me to differentiate between those principles that are generically democratic and those that have been brought about by its various subsequent compromises with liberal ideology and capitalist reality. What we call democracy today is a practical synthesis of these (often conflicting) principles that permitted the original version of democracy to escape from its city-state-*cum*-cantonal territorial limits and to adapt to the emerging national state and capitalist economy.

¹ Inadvertently, the crisis caught me and has confined me to San Francisco, hence, my thoughts may reflect more than usual the impact of COVID 19 upon the peculiar version of RED that governs the United States of America ... and does so under an even more peculiar president.

² I am grateful to Marc Blecher for this clarification.

³ I remember vaguely the book by my former colleague in the History Department of the University of Chicago, William McNeil, *Plagues and People*. I gather that many others have subsequently written on this theme, but I have not read their works.

⁴ For a discussion of this, see my “Democracy and its Discontents,” (attached).

I. Democratic Principles

1. **Freedom** to act collectively ...
2. **Equality** for the exercise of citizenship ...
3. **Participation** in decision-making ...
4. **Accountability** of rulers ...
5. **Public Decision-making** by majority vote or acclamation ...

II. Liberal (Political) Principles:

- 1 **Freedom** from tyrannical rulers ...
- 2 **Competition** between political representatives ...
- 3 **Rights** for the protection of private property ...
- 4 **Checks and Balances** between governing institutions ...
- 5 **Rule of law** and Supremacy of constitutional courts ...

For each of these principles, I will suggest as succinctly as possible some of the probable opportunities and possible obstacles – hopefully, just enough to open discussion and eventual research.

Democratic Principles:

- 1 **Freedom** to act (and react) collectively: In principle, the virus is “ultra-democratic” in that it can infect anyone in a given territory regardless of age, gender, class, status, official position, religion, taxes paid, nation of birth – ail conditions used in the past to limit access to citizenship.⁵ Moreover, it probably will force REDs into taking enduring policies that will enhance the role of public institutions and, hence, the potentially greater role for eventual citizen contributions and reactions. In practice, however, its effect has proven to be systemically unequal by disproportionately killing those who, due to their discriminant treatment under the ancient regime, either had worse preconditions of health, living conditions or capacity to afford isolation, or who have had less access to systems of public health and welfare during the epidemic. Will this revelation subsequently lead to greater policy attention to economic and social inequalities?
- 2 **Equality** for the exercise of citizenship:⁶ In principle, once the immediate health crisis has passed, there would seem to be no intrinsic reason why the exercise of voting between political parties, joining interest associations, and/or demonstrating through social movements would be diminished. It might even be enhanced as the intense and dramatic experience of sharing a common fate with fellow citizens (and surviving it) could create new or renewed feelings of an overriding group identity and public responsibility. In practice, however, incumbents may take advantage of the crisis, especially of its tendency to enhance centralized decision-making, to pass, suspend and

⁵ Cynically, one might even call it a “corrective measure” in that its death rate differentially affects two groups that have been systematically privileged in most REDs since their foundation: the elderly and males – presumably enhancing the future role of two underprivileged groups: youth and women.

⁶ As innumerable theorists (most notably, de Tocqueville) have observed, citizens once they enjoy the status of political equals tend to extend its implications to cover other forms of social, economic and cultural inequality present in a given territory. This has led to quite extraordinary (and growing) differences among contemporary REDs – and might have a significant impact upon the impact of COVID-19.

subsequently retain limitations of various of these channels for the expression of citizenship.

- 3 Participation** in decision-making: In principle, the measures of social/physical isolation that have been imposed by public authorities in order to contain the epidemic have dramatically (and negatively) affected “face-à-face” political participation at virtually all levels, except for greater (and more secretive) communication among a very restricted governing elite. This, however, has led to a virtual explosion of new forms of internet-based communication among citizens, many of which may survive and prosper once the crisis is over. Moreover, these restrictions are supposed to constitute a “régime d’exception” that will be eliminated once the crisis is over. In practice, again, it may prove sufficiently appealing to those in power (especially, if glorified for their successful intervention) to retain some of them or all of them (*vide* Hungary). And, there is a serious impediment involving in transforming virtual networks of communication/participation into enduring organizations that can effectively influence decision-making and even determine the outcome of elections (*vide* Egypt’s “April Spring”).
- 4 Accountability** of rulers: In principle, and *ex post*, the rulers’ suspension of accountability during the crisis will be temporary and, most obviously, they will be held accountable for their performance in combatting the epidemic. Obviously, there will be a substantial range of variation in their performances – but citizens either through the ballot box or other channels of protest will have the opportunity to evaluate this and to vote or act accordingly. Given its unexpected nature and the improvised response by most REDs, there is reason to suppose that many incumbents will suffer and new “reform-mongering” representatives will take over – which could be a boon to the eventual survival of RED, given its previous crisis condition. In practice, it may prove tempting for incumbents (especially if viewed as successful) to retain their suspension of these accountability mechanism, perhaps, on the grounds that the struggle is not yet over.⁷
- 5 Public Decision-making** by majority vote or acclamation: In principle, the COVID crisis should have only a temporary effect upon formal decision-making rules. Granted that it has dramatically (and consensually) shifted responsibility to small groups of experts and their political allies who decide on the basis of consensus generated by the “epistemic community” they presumably form. Obviously, the longer-term credibility and legitimacy of their decisions depends not only on their ability to reach such a consensus, but also upon its effectiveness in dealing with the epidemic. The record so far, especially in the USA, suggests major differences of opinion (and eventual effect) which should provide ample material for citizen concern and group conflict afterwards. In practice, this presumes that citizens will have open and equal access to information about these decisions and that ‘real-existing’ political parties will offer alternative evaluations of their consequences. If, however, in the interest of “national unity” (and/or their own perpetuation in power), they collude to keep such differences off the electoral agenda, then, the opportunity will have been missed.

⁷ Hence, the alarming references to the crisis as a form of “warfare” – despite obvious differences in the nature of the opponents. Most saliently, viruses do not surrender or collapse at some victorious moment. They are likely to persist and require permanent attention – and, hence, provide an excuse for the continuation of exceptional powers by rulers. (Although the war in Afghanistan could be called “a self-perpetuating armed virus”).

Liberal Principles

- 6 Freedom** from tyrannical rulers: In principle, freedom or liberty is defined in negative terms by liberal ideology. The regime is primarily designed to prevent arbitrary and autocratic rule by rulers and that frequently is translated into opposition to the use of political authority to accomplish collective goals. In practice, elected officials and public agencies in REDs have been compelled to use a vast expansion of “legitimate coercion” in order to combat COVID-19. Moreover, the initial and manifest incapacity of market institutions – especially where health is largely a capitalist industry – may have severely undermined the credibility of the more extreme forms of neo-liberalism. Whether citizens learn from this and subsequently demand more state regulation and even ownership at a preventive measure against future epidemics is likely to depend on how successful these extraordinary interventions prove to be.
- 7 Competition** between political representatives: In principle, elections between party candidates from territorial constituencies constitutes the principal channel of representation, although gradually (and often reluctantly) liberals came to accept and accord status and freedom to interest associations and social movements. The crisis has almost completely suspended this activity (except vicariously by media or internet), as well as many of the parliaments that ensued from it. Again, in practice, a great deal depends on whether (and under what conditions) central authorities allow these competitive activities to restart. This was the epicenter of the on-going generic crisis in REDs, especially with regard to centrist political parties and their centripetal form of competition. Unfortunately, such a crisis tends to privilege the role of individual “heroic” leaders and this could have an enduring negative effect upon pre-existing parties.
- 8 Rights** for the protection of private property: In principle, liberals advocate a wide range of political rights placing certain substantive issues beyond the reach of eventual citizen majorities or opportunist party-alliances. Among these, by far the most important (for them) is the right to private property and the current epidemic is encroaching upon it by asserting the existence of a public purpose that justifies unprecedented restrictions of private behavior and on the regulation and distribution of hitherto private goods. In practice, these necessary measures seem to be acceptable to most citizens and may prove crucial in resolving the crisis. It is just possible that, once it is over, these same citizens will demand a significant expansion in public regulation and even distribution – especially in the policy arenas of health, insurance and basic income. Or, if the experience proves fallible, they may instinctively revert to their usual privatistic individualism.
- 9 Checks and Balances** between governing institutions: In principle, this is liberalism’s major line of defense against “the tyranny of the majority.” The COVID-19 crisis has radically transformed this arrangement (which, truth be told, was an especially US construction -- *pace* the Latin American and other constitutions that formally copied it). In practice, the centralization of power upon executive institutions (as well as their allegedly independent “guardian institutions”) has been a manifest necessity and been accepted as such by most. The legislative and judiciary branches of government have been suspended (or marginalized) and it is only the mass media and, indirectly, social media communication among individuals that is presenting any check upon political authority. For many parliamentary REDs this concentration of power is hardly a

novelty (although often only a temporary one given the usual reliance on multi-party coalitions), but for the others it could represent an enduring transformation.

- 10 Rule of law and Supremacy of Constitutional Courts:** In principle, all publicly binding decisions by RED governments should conform to previously established and formally ratified laws -- constitutional or otherwise. Given the unprecedented nature of CONVID-19, it has proven necessary to improvise solutions and act in novel ways – which, so far, seem acceptable to the higher courts and the general public (although in the USA there are significant dissenting voices in right-wing circles and bizarre decisions coming from a Supreme Court dominated by a single party). Strangely, in Western and Eastern Europe, the recently emerging “populist” movements have been silent or ineffective in reacting to this issue. What are the longer-term implications for this power of *Diktat* by higher courts? Will they eventually re-assert their sovereignty? Or conform to “*les faits accomplis*” for pragmatic reasons?

Implicit Principles

Both democracy and liberalism rely on certain prior assumptions and these could also be at risk or in transformation as the crisis works itself out. I propose to concentrate on two of these, although there could well be others.

- 1 Stateness:** For a liberal democracy to persist, it must be embedded in a political unit that has an effective monopoly over the exercise of violence within a defined territory (*grazie a Max Weber*). While this is almost never complete, it must be substantial enough so that most of its citizens recognize (and fear) the government of this territory and obey even commands that they have not supported, but nevertheless consider justifiable. What are the longer-term implications of the blatant fact that no existing state alone can effectively control the emergence and diffusion of COVID-19? In principle, this calls for concerted action by some supra-state institution, a sort of anti-viral functionalist empire. In practice, the only effective candidate for doing this is the European Union and it seems paralyzed by internal conflicts. No other world region has a similar potential, although bi-lateral cooperative arrangements could play some role.
- 2 Nationhood:** In order for policies to be acceptable, especially those that involve some differential fiscal contribution or re-distribution of public goods, liberal democracies presume that their citizens share some common, overarching identity that permits them to justify making the necessary inter-personal sacrifices. The present crisis will unavoidably have a very significant and differential impact on social groups and territories. Will this result in a strengthening of national identities or their fragmentation into subgroups each scapegoating different inside and outside “foreigners” for their responsibility in creating or exacerbating the crisis?

Instead of a Theory

If this were a theory instead of just a “food for thought,” it should offer a set of working hypotheses that would specify the intervening conditions that might eventually determine the outcome of this unprecedented crisis. I have neither the background nor the imagination to accomplish this.

Following the suggestion embedded in the Chinese expression for “crisis,” however, I suggest beginning with the nature of the “danger” and then focusing on the “opportunistic” political

behavior of those who respond to it. I would also exclude one possibility from the outset as very unlikely, namely, that REDs will be able to return to the *status quo ante* without making major changes in their institutions and practices. Whether they are “ratcheted up” toward greater democracy, or “ratcheted down” toward greater autocracy is what is at stake.

All I can suggest at this point is six “clusters” of factors that seem to me to be most likely to make a difference – none of which is yet observable and all of which may be eventually relevant.

- 1 The nature of the COVID-19 virus itself: its resilience, its mutability, its sensitivity to climatic and environmental differences, *e così via*.
- 2 The policy measures by which COVID-19 is either vanquished or domesticated: timing; extent; distribution; cost; reliance on foreign allies; *e così via*.
- 3 The public reaction to these policy measures: “heroic effort” or “egregious incompetence;” distribution across social classes, economic sectors, internal regions; political parties; comparison with performance of other REDs; *e così via*.
- 4 The nature of the previous crisis in RED: decline in trust in politicians; less identification with traditional centrist parties; rejection of centripetal competition between them; emergence of fringe ‘populist’ alternative parties; *e così via*.
- 5 The prospect of an enhanced dependence upon security forces: extent of reliance upon internal surveillance; resort to direct military intervention; rivalry and competition between services and units; *e così via*.
- 6 The change in the political unit itself: potential breakup into sub-national regions; formation of supra-national alliances and regional polities (or their breakup); *e così via*.

Sin más nada, except to thank you for your attention to this hurried and incomplete effort.

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