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Populism versus Democracy during a Pandemic: Some Preliminary Considerations

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Plenty of observers have rushed to predict that the COVID-19 pandemic will seriously harm the political fortunes of populists, or even make populism the outbreak's first 'ideological casualty', as one Indian commentator put it.¹ Populists, these observers assert, by definition vilify experts; now we are all learning that the price of not listening to experts may well be our own life. Populists, it is often said, are the great simplifiers;² during the pandemic, we clearly needed experienced bureaucrats and leaders who could deal with a complex challenge (Francis Fukuyama, for instance, argued prominently – and reasonably enough – that a successful response to COVID-19 required state capacity, social trust, and leadership).³

Yet this valiant attempt to see a silver lining in this political moment is itself highly simplistic. Populism, I argue in this chapter, is not primarily characterised by hostility to scientists or experts more broadly – even if there is indeed, as I also show, a particular suspicion of professionals which populists tend to share with neoliberals. Populists in power might benefit from a rally-around-the-flag dynamic in the face of the pandemic; more importantly, they can still deploy their key strategy of claiming that they are the uniquely legitimate representatives of the people, and of dividing citizens against each other (and de facto blame minorities, as well as a supposedly illegitimate political opposition, for all sorts of problems, including the pandemic). Still, there are limits to this approach: as figures like Trump and Bolsonaro demonstrated conclusively, a virus cannot be defeated by

*I draw here extensively on my *What is Populism?* (Penguin, 2017) and *Democracy Rules* (Penguin, 2021), as well as the article 'How Populists Will Leverage the Coronavirus Pandemic' (2020) *World Politics Review*.

¹ www.dailypioneer.com/2020/columnists/populism-the-first-ideological-casualty-.html.

² R Dahrendorf, 'Acht Anmerkungen zum Populismus' (2003) 25 *Transit: Europäische Revue* 156–63.

³ F Fukuyama, 'Pandemic and Political Order' (*Foreign Affairs*, 9 June 2020), www.foreignaffairs.com/articles/world/2020-06-09/pandemic-and-political-order.

populist culture war; and in many instances, attempts to associate the pandemic with particular groups (or entire nations, for that matter) have not proven very successful. It's true that the virus drove and kept people apart – but the divisions that followed from the pandemic were not the kinds of divisions from which populists obviously profit.

This leaves the question what democratic politics in the face of a pandemic should look like. State responses cannot be dictated comprehensively by science as such; questions about priorities (Who gets a vaccine first?), distribution, both material (Who is being helped? Who is left to die as an industry?), and in terms of rights (rights restrictions for those refusing to be vaccinated?) need to be resolved through proper democratic processes. Neither parliamentary opposition nor broader societal contestation become illegitimate because of the challenges posed by the pandemic, contrary to what those lauding autocratic responses to COVID-19 might say.

In this chapter, I shall first outline my understanding of populism, which breaks with the conventional wisdom that populism is primarily a matter of opposing experts and advocating simplistic policies. Rather, I argue, populists put forward a claim to a monopoly of representing what populist leaders often refer to as 'the real people' or also 'the silent majority'; what matters (and is dangerous about them) is not 'anti-elitism' or an 'anti-science stance' but a fundamental political anti-pluralism. I shall also say a few words about the complicated relationship between populism and professionals, against whom populists do occasionally deploy supposed folk wisdom and common sense. In a second step, I shall then examine how populists have responded to the pandemic. It turns out that not all of them have tried to wage culture war in the name of the 'real people', and there are reasons to believe that the pandemic just isn't the kind of crisis that is favourable to populist political strategies (be it ones adopted by governments or by parties in opposition that clamour for freedom). In a last step, I ask how issues around the pandemic – to do with basic questions of justice, for instance – can be properly politicised (in contrast with a technocratic stance according to which there is a uniquely rational stance in dealing with the virus). In other words, how are we to imagine a democratic politics of the pandemic?⁴ After all, that question is not simply answered by rejecting populist or authoritarian strategies.

I. Populism versus Professionalism?

Conventional wisdom has it that populism is about opposition to elites. But that understanding is superficial; it is also normatively problematic: after all, keeping a close eye on the powerful can just as well be a sign of good, vigilant citizenship.

⁴ On this question, see also P Kahn and MP Maduro (eds), *Democracy in Times of Pandemic* (CUP, 2020).

Now, it is true that populist politicians, when in opposition, criticise governments (and other political parties). But they also do something else: they claim that they, and *only they*, represent what populists frequently call ‘the real people’ or also ‘the silent majority’. This might not sound so bad; it is not immediately the same as, for instance, racism or a hatred of global institutions like the WHO, or, for that matter, an irrational suspicion of science. And yet such a claim to a monopoly of properly representing the people has two detrimental consequences for democracy: for one thing, populists declare all other contenders for power to be fundamentally illegitimate. This is never just a matter of differences over policies or even values; rather, other politicians are simply vilified as corrupt characters. What Trump said about his rival in the 2016 presidential election (and more or less repeated in 2020) was extreme, but it was not exceptional: all populists try to convince electorates that other politicians are ‘crooked’.

Less obviously, populists also claim that all those citizens who do not support their vision of the ‘real people’ – and therefore tend not to opt for populists at the ballot box – might not properly belong to the people at all. For the most part, Trump did not reject criticisms with arguments; he simply labelled the critics ‘Unamerican’. Erdoğan says about himself and his party: ‘We are the people’ and then turns to his critics with the question ‘Who are you?’ Viktor Orbán claimed that ‘the nation’ – equated with his own political party – cannot be in opposition; and Jarosław Kaczyński rails against Poles who he says have treason in their genes (because they happen to disagree with his politics). In short, populists claim a monopoly of legitimately representing the people, with the latter understood as a homogeneous entity with a unified will which the populist leader will simply implement. This explains why populists in power – when they have *enough* power – tend to take their countries in an authoritarian direction. That is not to equate populism and authoritarianism: populists attribute legitimacy to the will of the people, and hold that the people are a source of wisdom; other authoritarians – think of military-bureaucratic authoritarianism – can be thoroughly technocratic and be dismissive of the people as irrational or irresponsible).

Populists frequently invoke the unity of the people. But it is always unity on their terms. And these terms are political and, in the case of right-wing populists, distinctly cultural, if not outright ethnic. Already vulnerable minorities and opposition voices get vilified, as they do not conform to the symbolic construction of the people which populists put forward. Thus, dividing the people is the political business model of populists; culture war is not incidental, but an essential part of their strategy: whenever they can, they will try to reduce policy questions to questions of who really belongs to the people and who does not. Hence elections for them also ideally turn into an existential battle of *us versus them*; and this kind of polarisation can bring citizens to vote for populists even when they realise that such figures are engaged in damaging democracy.⁵

⁵ MW Svolik, ‘Polarization versus Democracy’ (2019) 30 *Journal of Democracy* 20–32. As Svolik puts it, ‘the political acumen of Chávez, Orbán, or Erdoğan lay in their ability to draw political battle

Note the implications of this analysis: populism is not a matter of policy content. If you tell me what you think about the Eurocrisis, about refugees, or about vaccines, for that matter, I cannot tell whether you are a populist or not (though I might be able to say whether you are a Eurosceptic, a nativist, or possibly a conspiracy theorist). What matters is the actual talk of leaders – for they themselves tell us whether they are populists or not; they either invoke a monopoly of representing the people and de facto rule out something like legitimate opposition to them, or they don't.⁶ If they don't, plenty of terms characterising particular ideological stances might still apply to them: they might be nationalists, or nativists, without being populists; or they might criticise representative democracy as being captured by particular elites and advocate more participation in political decision-making by ordinary people – again, without thereby becoming populists in any analytically meaningful sense of the term.

Still, one might wonder if there is not at least somewhat of a link – something like an elective affinity, if you like – between populism and other more substantive political positions. After all, populists cannot just invoke 'the people' in the abstract – they must say something about who exactly the 'real people' are. For instance, it might not be entirely an accident that virtually all right-wing populists today are effectively ethnic nationalists (and, in the EU context, deep Eurosceptics, if not outright Euro-rejectionists).

In the same vein, one might wonder about an elective affinity between populism and a basic hostility to professional expertise or to really anyone who claims authority on the basis of education and licensing as a result of specialised training – think lawyers, doctors, and professors. Such figures tend to be maligned by right-wing culture warriors as 'condescending' – after all, they tell other people what to do, because they claim to know better. According to Nigel Farage, for instance, the World Health Organization is just another club of 'clever people' who want to 'bully us'; his practical advice has been to 'ignore' their advice on smoking.⁷

It is true that populist often extoll the folk wisdom of ordinary citizens and attribute a healthy 'common sense' to the people as such. But it's important to realise that this does not allow us to equate populism with 'anti-elitism' after all; it is

lines along societal cleavages that were only simmering when these leaders were first elected. Once they succeeded, elections confronted their supporters with the choice between their partisan interests on the one hand and democratic principles on the other'. For detailed evidence on whether voters are willing to act as a check on undemocratic behaviour by politicians from the party with which they identify, see MH Graham and MW Svobik, 'Democracy in America? Partisanship, Polarization, and the Robustness of Support for Democracy in the United States' (2020) 114 *American Political Science Review* 392–409. The authors observe that 'voters are about 50% more lenient toward violations of democratic principles by candidates from their own party'.

⁶ Assessments of 'talk' are not subjective, as in: I cherry-pick a few quotes from leaders I dislike and thereby prove that they are dangerous populists. Studies by scholars such as K Hawkins and S Stokes have shown that populist leaders really do talk differently than 'normal' democratic politicians.

⁷ twitter.com/Nigel_Farage/status/928730704510320640?ref_src=twsrc%5Etfw%7Ctwcamp%5Etfw%7Ctwterm%5E928730704510320640%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.thelondoneconomic.com%2Fpolitics%2Fflashback-to-when-nigel-farage-said-the-experts-have-got-it-wrong-on-smoking%2F02%2F11%2F

indeed professionals in particular who become the target of populist rhetoric. And it's equally important to realise that the way for a systematic hostility to professionalism was paved by – for lack of a better term – neoliberalism. Let me explain.

Neoliberalism and populism can share a suspicion that professionals – be it academics, lawyers, doctors, or, even journalists – run a kind of closed shop through requiring specialised education and training.⁸ Once inside their self-created system, professionals supposedly can relax; unlike those engaged in business, who are mercilessly exposed to the punishments meted out by objective market mechanisms, they are able to get away with a lax attitude towards their own 'products'. Margaret Thatcher evidently assumed that most professors (other than in the hard sciences) were just wasting taxpayers' money by sitting around drinking tea and spouting leftist nonsense. The turn toward simulating markets inside universities and the National Health Service – through a 'tyranny of metrics' (which resulted in the metric becoming the target), and a relentless 'audit culture' which would have given central planners in the Soviet Union the pleasure of instant recognition – was to make professionals compete, work properly, and, above all, become accountable to society at large, ie taxpayers.⁹ The latter were assumed to think that the whole game of professionalism was probably always rigged, that 'liberal elites' simply reproduce themselves in a world where in fact there are no real standards.

When Donald Trump revealed his cabinet appointments, some observers pointed with glee to what they thought was an obvious contradiction: how could a supposed 'populist' surround himself with corporate bosses and Wall Street figures with a combined worth of 4.3 billion dollars – all epitomising the elite, after all? What such critics failed to see was precisely that these exceptional human beings, for the most part, weren't professionals: their success (and 'hard work') could be measured objectively, in dollars;¹⁰ they were obviously competent and capable of implementing the real people's will – unlike professionals who would always end up distorting it, while lecturing everyone on how they simply knew better because, after all, they had more education.¹¹

The point bears repeating: populists are not 'anti-elite' tout court; they target a particular education-based professional elite (including journalists who are accused of being unfair and unbalanced). With Trump, this was always obvious; but there are more subtle ways of denigrating professionals (and sending a message that there's nothing special about them): during the pandemic, Boris Johnson, shifting to a more and more presidential style of press conferences, insisted on

⁸ I am not denying that there are plenty of elements of today's professional cultures and meritocracies that should be criticised; I am just denying that critique by populists is the right one. See for instance D Markovits, *The Meritocracy Trap: How America's Foundational Myth Feeds Inequality, Dismantles the Middle Class, and Devours the Elite* (Penguin Press, 2019).

⁹ JZ Muller, *The Tyranny of Metrics* (Princeton University Press, 2018).

¹⁰ As Trump put it at a rally in Iowa in June 2017: 'I love all people, rich or poor, but in those particular positions, I just don't want a poor person. Does that make sense?'

¹¹ See also JC Williams, 'What So Many People Don't Get About the US Working Class', hbr.org/2016/11/what-so-many-people-dont-get-about-the-u-s-working-class.

first taking a question from ‘Michelle in Cornwall’, making it plain that any citizen would be as capable as journalists to ask the important questions (the question Michelle, a hotel owner, ended up asking was ‘Please can we ask how tourism within the UK will be managed in the coming weeks?’).¹²

Thus, there is indeed an elective affinity between populism and a suspicion of a particular kind of expertise against which supposed folk wisdom can be deployed. But such a strategy is not inevitable, and by no means all populists used it during the pandemic. It’s a mistake to take figures like Trump and Bolsonaro as representative in this regard.

II. Populists in the Face of COVID-19

It is tempting to generalise about populists’ response to the pandemic. But ultimately, there are too many variables in play to make generalisations plausible.¹³ Much depended on whether populists were in government or opposition when the public health crisis started; much also depended on whether populist leaders had extensive government experience and hence could deploy state resources effectively or not; and also what larger political worldview they generally tended to offer to their supporters (remember that populism is not as such a comprehensive ideology);¹⁴ less obviously, trends also varied during the first and the second wave.

Now, it’s true that a number of populists used to dominating the news cycle were initially sidelined by the COVID-19 crisis. For instance, in spring 2020, little was heard from (or at least about) Matteo Salvini, the once supposedly inevitable next Prime Minister of Italy. As one perceptive Italian analyst, Teresa Coratella, put it at the time, ‘Salvini is neither a minister nor someone the media would ask to explain Italy’s strategy on Covid-19. His political megaphone has been confiscated by the Civil Protection Agency, the regional authorities, and the government.’¹⁵ The German far-right party AfD declined in the polls, consumed by infighting instead of capitalising on any discontent with Germany’s grand coalition government; its contributions to national debate consisted of things like one of its

¹² And the answer? ‘You will come back, Michelle, we are going to make sure that the UK bounces back as strongly and as fast as we possibly can’.

¹³ See also the empirical evidence by J Wondreys and C Mudde presented in ‘Victims of the Pandemic? European Far-Right Parties and Covid-19’, www.cambridge.org/core/services/aop-cambridge-core/content/view/638E1BEA8CF82CA068DBC46149BE9F42/S0090599220000938a.pdf/victims-of-the-pandemic-european-far-right-parties-and-covid-19.pdf, as well as G Katsambekis and Y Stavrakakis, ‘Populism and the Pandemic: A Collaborative Report’, populismus.gr/wp-content/uploads/2020/06/interventions-7-populism-pandemic-UPLOAD.pdf.

¹⁴ On the notion of populism as a ‘thin-centered ideology’ see C Mudde and C R Kaltwasser, *Populism: A Very Short Introduction* (OUP, 2017).

¹⁵ T Coratella, ‘Whatever It Takes: Italy and the Covid-19 Crisis’, March 2020, ecfr.eu/article/commentary_whatever_it_takes_italy_and_covid_19_crisis/.

deputies tweeting that Merkel in self-quarantine was a good start, but that she really should be locked up.¹⁶ Not unreasonably, some observers began to ask the question whether all the policy issues which far-right populists appear to 'own' are not in fact luxury problems when statesmen and stateswomen focused on life-and-death decisions are needed in politics. Who has time to worry about a few dozen people wearing or not wearing burkas and niqabs, when all of us are ordered to put on face masks in public?

Less obviously, far-right populists in particular were often caught in a dilemma as the pandemic dragged on: initially, they had celebrated border closures and assertions of national sovereignty, along the lines of 'we always told you this is necessary and possible' (to keep out migrants) Orbán not only took advantage of COVID-19 to implement further autocratic measures, as Gábor Halmai demonstrates in his chapter in this volume; he also deployed the usual conspiracy theories according to which criticism of his government is only ever voiced by paid-up members of the George Soros International. But, less noted, he also expelled a group of Iranian students, and made a point of saying that his government is focused 'on saving the lives of the Hungarian people'; by contrast, the president of his neighbouring country, in a televised speech, addressed himself to 'Austrians' and 'those who live here'.¹⁷ The Hungarian Prime Minister also strained to equate the virus and migrants: 'We are fighting a two-front war. One front is called migration, and the other one belongs to the coronavirus. There is a logical connection between the two, as both spread with movement.'¹⁸ Meanwhile, Trump and his right-wing enablers were super-spreading a vicious language in which 'Chinese virus' and 'Wuhan virus' became obligatory terms (and a sign of loyalty to the boss). As on previous occasions, the rhetoric at the very top has had effects on the ground, as Asian-Americans were being assaulted ever more frequently. What the philosopher Kate Manne has called 'trickle-down aggression' is likely to be a lasting effect of the populist portrayal of COVID-19.¹⁹

Yet the emphasis on putting one's nation first eventually sat uneasily with the claim that the virus was in fact less dangerous than professionals (and 'liberal elites' more broadly) made it out to be. If the virus was a hoax, how could restrictions (including border closures) really be justified? In other words, what at least in some countries appeared as a more or less bottom-up libertarianism, often advocated in a polity's foundational constitutional commitments (US militias brandishing

¹⁶The relative decline of the AfD is all the more astonishing in light of the fact that it is the party that has consistently opposed lockdowns and the only party that is not in government at any level; hence also the one that bears no responsibility for the multiple failures of Germany since dealing rather successfully with the first wave.

¹⁷www.bundespraesident.at/aktuelles/detail/neues-miteinander.

¹⁸D Rohac, 'Hungary's prime minister is using the virus to make an authoritarian power grab' (*Washington Post*, 25 March 2020) www.washingtonpost.com/opinions/2020/03/25/hungarys-prime-minister-is-using-virus-make-an-authoritarian-power-grab/.

¹⁹K Manne, 'The Logic of Misogyny', bostonreview.net/forum/kate-manne-logic-misogyny.

the constitution; German *Querdenker* invoking the Basic Law) sat uneasily with a protectionism and statism long associated with far-right populists trying to push forms of welfare chauvinism.²⁰ To be sure, not all those clamouring for ‘freedom’ were populists – but plenty did also present themselves as the ‘real people’ and denounced governing elites as corrupt.

It is important – yet again – to resist the temptation of equating populism with either statism or libertarianism, just because at particular points leaders one might plausibly identify as populists are associated with such views. Populists can change their views on social and economic policy (who remembers today that Jean Marie Le Pen and Haider’s Freedom party were pro-market and pro-EEC in the 1980s?). What they cannot change their mind about is the primacy of the will of the people; but that does not translate into a uniquely correct prescription for the size of the state. What’s more, according to theorists like Carl Schmitt, there is a difference between the strong state and the large state. The latter is captured by special interests; the former remains autonomous and above social pluralism. The strong state can also take decisive action in an emergency and assert a primacy of the political – putting the political will of the people as such ahead of particular economic imperatives, for instance.²¹

This notion of a primacy of politics is not exclusive to populists. As Sheri Berman has argued, it also characterised Social Democrats and fascists in the twentieth century; both rejected the subordination of politics to economics (be it in the form of orthodox Marxism or neoclassical economics).²² The more Social Democrats, as well the centre-right, aligned themselves with neoliberalism in the past decades, the easier it became for populists to present themselves as the only actors who retained some faith in politics. At least in theory, populists could also use the pandemic to demonstrate not just ‘our nation first!’ but also: *politique d’abord!* (to invoke a signature phrase of Charles Maurras, the leader of the proto-fascist Action Française).

Arguably, a figure like Orbán tried this route; as did Boris Johnson, putting a venture capitalist in charge of procuring vaccines and adopting an ostentatious whatever-it-takes-economic-constraints-be-damned attitude (of course, like the US, he also ended up with a my-people-first stance, prohibiting the export of vaccines produced in the UK).²³ Others took a different path, however, shying

²⁰ See also O Nachtwey et al, ‘Politische Soziologie der Corona-Proteste’ (on file with author) The study finds that the protest movement against restrictions is very heterogeneous; a large number of protestors also clearly do not fit the profile often attributed to the electorate of far-right populist parties (at least German *Querdenker* have high levels of education, many are self-employed, many do not share views often associated with right-wing authoritarian dispositions; the situation is significantly different in Switzerland and Austria).

²¹ See also EA Posner, ‘The Executive Unbound, Pandemic Edition’ (*LAWFARE*, 23 March 2020) www.lawfareblog.com/executive-unbound-pandemic-edition.

²² S Berman, *The Primacy of Politics* (CUP, 2006).

²³ D Keating, ‘How the EU’s Naivete led to its Vaccine Debacle’ (*New Statesman*, 24 March 2021) www.newstatesman.com/world/europe/2021/03/how-eu-s-naivete-led-its-vaccine-debacle.

away from strong state action, instead combining forms of libertarianism with populist culture war. Trump culturally re-coded wearing a mask as 'Unamerican', liberal, elitist, etc; those opposing his policies (or lack thereof) were deemed to be fearful, weak characters. Fox News and Rush Limbaugh framed the pandemic as a liberal conspiracy; Trump himself at one point called it a new hoax by the Democrats to damage him. He tweeted that the real people want to get back to work ASAP', whereas the 'LameStream Media' allegedly wanted to keep the country closed as long as possible in order to sabotage the re-election to which the reality TV President felt entitled.

The fact that both Trump and Bolsonaro appeared to survive the virus personally without any obvious major consequences for their health made it all the easier for them to present the pandemic as a matter of having a strong, non-corruptible character (and belonging to the real people), as opposed to medical knowledge or conduct oriented towards some sense of solidarity.²⁴ One might even say that their individual resurrection – produced Riefenstahl-like by Trump's team for TV – helped their strategy to turn COVID-19 into a national cultural drama disconnected from the more abstract truths of a rising number of deaths and devastating effects on the economy. The truth of the pandemic was revealed by the exemplary overcoming of all perils by the leader – not the statistics invoked by the Anthony Faucis of this world.

Analysts picked up not just on the prominent culture war antics of Trump and Bolsonaro; they also pointed out another, much more surprising commonality. These leaders precisely seemed not to do what diagnosticians of impending authoritarianism in the US and Brazil would have predicted: take advantage of a crisis to grab powers and solidify their rule. If COVID-19 was the Reichstag fire, it seemed that Trump just sat there, Nero-like, and let it all burn without realising the golden opportunity for his own set of enabling laws. The result, according to legal scholars, was the opposite of the executive over-reach observed in other parts of the world: it was passivity and 'executive under-reach'.²⁵

This is an intriguing interpretation. But it suffers from two problems: for one thing, Trump did display plenty of his authoritarian instincts; he simply had no plan and, at least on this occasion, not enough help from figures like Bill Barr who, otherwise, were willing to bend or even entirely reshape basic legal norms. Moreover, it's not quite true that the Trump administration did nothing; rather, it continued what it had been doing from day one: de-regulate and, in particular, try to reverse as many of Obama's executive orders as possible. Under the pretext of

²⁴ Of course, for Bolsonaro (whose middle name happens to be Messias), it was already the third coming; after all, he had survived a stabbing during the 2018 presidential campaign. A Netflix series producer who made up this story might have a hard time selling it.

²⁵ DE Pozen and KL Scheppele, 'Executive Underreach, in *Pandemics and Otherwise*' (2020) 114 *American Journal of International Law* 608–17, www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/executive-underreach-in-pandemics-and-otherwise/1C63F8876530002D489CB8E434BA4FA5#.

helping the economy, the US government allowed companies to pollute the country even more. Something similar happened in Brazil: Bolsonaro – hailed upon his election as a boon for business by the *Wall Street Journal* – made sure that even more of the Amazon rainforest could be devastated.

It would be satisfying, of course, if we had a simple answer to the question: was the pandemic good or bad for populists? But, as I've tried to show, the picture is much messier than many analysts initially expected.²⁶ Moreover – and this a more meaningful observation than the always available 'it's complicated': the pandemic did not ultimately lend itself so easily to the strategies of cultural division which populists practice. One could not clearly associate particular ethnic groups with the virus, even if the likes of Orbán and Modi tried (and even Trump to some degree: 'liberal cosmopolitan' states like California and New York were particularly blamed for the pandemic).²⁷ In short, one could not plausibly portray scientists as a homogeneous liberal elite bent on betraying the people, because in many countries scientists also disagreed (even if none agreed with Trump's recommendation that injecting disinfectant might be the answer to COVID-19).

III. Democratic, Non-Populist Politics for a Pandemic and a Post-Pandemic World

A pandemic is an emergency, but an emergency is not automatically an exception during which all democratic politics must stop. There are good reasons why an opposition should come on board with emergency measures, but, given how contestable policies also are (who gets a vaccine first? Who pays? How do we understand basic rights during a pandemic etc), it would be entirely unjustified if dissent became delegitimated in the name of some form of 'national unity', or if one pretended that only conspiracy theorists found it worthwhile to debate threats to the rule of law during an emergency.²⁸ On the contrary: a watchful opposition is likely to make a response to a pandemic go better (as opposed to autocracies where mistakes are hushed up). And citizens are more likely to accept policies when they have a sense that dissent could be properly articulated (and then still be rejected by a majority in a representative assembly); as always, when opposition can be represented within a political system, people are less likely to oppose the system as such.

²⁶ P Manow, 'COVID-19, Europa und der Populismus', paper on file with author. See also T Hale, N Angrist, B Kira, A Petherick, T Phillips and S Webster, 'Variation in Government Responses to COVID-19' (Blavatnik School of Government Working Paper 2020/032 Version 6.0, May 2020), www.bsg.ox.ac.uk/sites/default/files/2020-05/BSG-WP-2020-032-v6.0.pdf.

²⁷ Supposed mainstream politicians also tried, of course. Sebastian Kurz attempted to blame the second wave in Austria on people with Balkan roots; later on he put his faith into anti-Brussels rhetoric, when he blamed the EU's supposed 'vaccine bazaar' for under-supplying his compatriots with jabs.

²⁸ See also HM Heinig et al, 'Why Constitution Matters' (2020) 75 *Juristenzeitung* 861–72.

From this point of view, it is concerning that in many democracies, parliaments have effectively been sidelined. Sometimes, this has come down to procedural changes: for instance, time allotted for debate was drastically limited (as sitting days for parliament were cancelled in Australia, as one example);²⁹ on some occasions, effective dissent was articulated primarily by different executives, rather than on a national parliamentary stage (individual governors and premiers in federal systems such as Brazil and Germany, also often sidelining individual state parliaments).³⁰

How dissent is articulated of course crucially depends on leaders of parties; after all, no conflict explains itself, no opposition is obvious; every political battle needs to be staged consciously (and responsibly).³¹ Clearly, competence versus incompetence is one possible battle line, but it is not itself enough to generate a democratic form of politics, for, again, the problem of such a framing is an effective denial of the fact that there are always choices. ‘Science’ does not choose for us; ‘competence’ does not prescribe uniquely correct solutions; it will at best narrow the range of possible choices, but those responsible for collective choices still have to make them – and admit to them. The premier of Saxony claimed at one point that the government’s policies were not unjust; instead, ‘the virus is unjust’. But that is a form of obfuscation; every form of politics operates on the basis of an underlying theory of justice; what matters is the content of that theory and politician’s willingness to avow it (and defend it against an opposition).

An opposition should offer alternatives, and, above all, hold a government strictly to account. It is often forgotten just how crucial it is for democracies properly to institutionalise the role of a loyal opposition (which means: loyal to the democratic system and its basic principles, not loyal to government policies). Concrete ways of doing this vary: a procedure whereby opposition leaders can reply immediately to ministers’ speeches, giving the opposition a chance to dramatise differences and demonstrate an alternative; low thresholds for establishing committees of inquiry; opposition days, where the losers of an election set the agenda of parliament’s business; even installing opposition figures as the chairs of important committees (where much of the real work of parliaments gets done). A government is authorised to have its way, but, at all stages, an opposition must have its say.³²

²⁹ M Rizzi and T Tulich, ‘The Australian Response to COVID-19: A Year in Review’ (*VerfBlog*, 22 February 2021) verfassungsblog.de/the-australian-response-to-covid-19-a-year-in-review/.

³⁰ E Peluso N Meyer and T Bustamante, ‘COVID-19 in Brazil: A Sick Constitutional Democracy’ (*VerfBlog*, 22 February 2021) verfassungsblog.de/covid-19-in-brazil-a-sick-constitutional-democracy/, DOI: 10.17176/20210222-153853-0.

³¹ The political theorist Nancy Rosenblum observes that conflicts ‘do not spontaneously assume a form amenable to democratic debate and decision ... someone must create the lines of division over social aims, security, and justice. Party rivalry is constitutive. It “stages the battle”’.

³² I am riffing here on the nice formula ‘the minority should have its say, and the majority should have its way’ in the Venice Commission’s Opinion On the Relationship between the Parliamentary Majority and the Opposition in a Democracy: A Checklist (2019), [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)015-e).

Take a concrete example: New Zealand leader Jacinda Ardern proposed a plausible solution in the face of the country's lockdown and the temporary suspension of parliament: rather than having a grand coalition paper over all legitimate disagreement with the rhetoric of unconditional 'national unity', she suggested a select committee chaired by the leader of the opposition, which can hold the government to account.³³

To prevent emergency measures from becoming permanent – especially once public attention has shifted elsewhere – Bruce Ackerman has argued for the ingenious mechanism of a 'super-majoritarian escalator': laws and decrees can be renewed periodically, but only if ever larger majorities agree to do so.³⁴ This would focus political debate on the question whether a return from the new to the old normal is possible. In particular, it would put the spotlight on basic rights protection (such as the attempt by the Trump administration and the Johnson government to claim powers to hold citizens in detention).

And professionalism? The COVID-19 crisis might lead us to a clear-eyed view of the value of professionalism (including professionals in politics like, say, Hillary Clinton). But it's also important to keep professionalism in its place. Professional advice should meaningfully constrain political choices, not determine them. Proper professionals, unlike a certain type of technocrat, do not promise that they know the uniquely correct solution to all policy problems.

The assumption that there is only one right way is perversely shared by populists and technocrats: populists claim that there is only one authentic popular will (to build a Wall, get Brexit done, or what have you), and that they are the only ones who know it -- and the only ones who can implement it. The technocratic stance – widely on display on the continent during the Eurocrisis – holds that there is only one rational answer to policy challenges, and that only technocrats can identify it. If you disagree with a populist, you are declared a traitor to the people; if you disagree with a technocrat, you'll be told politely that you are not smart enough.

The lesson is not that professionalism should replace democratic politics, or, for that matter, wide-spread participation by citizens – a conclusion drawn by unashamedly elitist liberals who have sought to reinstate professional gatekeepers everywhere. Citizens still know best what their problems are; professionals – in perfectly non-condescending ways – play a crucial role in addressing them. Or, as John Dewey put it, 'no government by experts in which the masses do not have the chance to inform the experts as to their needs can be anything but an oligarchy managed in the interests of the few'.

Then again, 'the masses informing the experts' and democratic contestation do not happen all by themselves – at least not in a structured way. It's true that the pandemic was like an X-ray: it exposed structural vulnerabilities (in public health, in protections for essential workers, etc) which had hardly been unknown,

³³ 'Special committee set-up as parliament is adjourned', www.rnz.co.nz/news/political/412520/special-committee-set-up-as-parliament-is-adjourned.

³⁴ B Ackerman, *Before the Next Attack* (Yale University Press, 2007).

but which arguably had never been so clearly visible. But seeing structural vulnerabilities does not always translate into fighting for change, and even cataclysmic experiences do not open 'new ages' in any obvious way (as Brecht observed in his poem about new ages, written during one of the watershed periods of the twentieth century, World War II). It will take political mobilisation for progressive interpretations to prevail (just think back to how the Tea Party managed to push a deeply inegalitarian framing of the financial crisis, while Obama's grass-roots movement demobilised at the same time). It will matter whether the left, which in theory could benefit from a new emphasis on state capacities, can find an institutional form to mobilise citizens. After 2008, it experimented with different movements and parties based on digital platforms which would have made it easier to participate in politics (Podemos and France Insoumise are the obvious examples).³⁵ These had lasting influence in Southern Europe, but never managed in the end to reverse austerity policies.

It is largely forgotten that not only the financial crisis, but also 9/11 initially unleashed an inflationary rhetoric of 'shared sacrifice', collective purpose, and an age of state responsibility replacing a frivolous period of individual hedonism.³⁶ Yet in the end those who benefited most were private contractors; instead of a collective purpose sustained by the citizenry, particular state tasks were outsourced to the likes of Blackwater.

Such a future of individual contracting (or, for that matter, individual nation-states contracting, strictly putting their people first) instead of anything like collective purpose is also entirely possible as a legacy of the present crisis. The very real suffering caused by COVID-19, rather than inspiring structural reform, might become part of the narratives circulating in a right-wing culture of grievances, carefully tended by populists who push polarisation and make majorities feel like minorities under siege.

³⁵ P Gerbaudo, *The Digital Party* (Pluto, 2020).

³⁶ DT Rodgers, *Age of Fracture* (Harvard University Press, 2011).