A Plague on Politics?
The Covid Crisis and the Future of Legitimation

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Abstract: Modern welfare regimes have transformed the public sphere's relationship to state policy. This is especially true in liberal democracies, but it is true of some authoritarian regimes as well. Governments need ever more planning and expertise to manage the complexities of the administrative state. But technocratic encroachment on civil society's prerogatives provokes populist backlashes against that expertise. This unhealthy cycle, in turn, leads to creeping legitimation crises as neither approach solves the core problem: the need for normative steering from civil society in the face of the ever greater reach and complexity of the administrative state. Surprisingly, by throwing both the need for and limits of expertise into sharp relief, the Covid crisis suggests the possibility of another, more modest but more positive, structural transformation of the public sphere. Experts and civil society may be able to cooperate more effectively, relieving some of the pressure accumulating toward legitimation crises.

"We must act in the explicit knowledge of our lack of knowledge. [During the pandemic] all citizens are learning how their governments must make decisions, with a clear awareness of the limits of the knowledge of the [experts] who advise them. The scene, in which political action is plunged into uncertainty, has rarely been so brightly lit. Perhaps this very unusual experience will leave its mark on public consciousness."　　　　– Jürgen Habermas, 10 April 2020. Le Monde[1]

Long before the Covid-19 crisis began sweeping across the globe, many countries – both democratic and authoritarian – were already building toward a crisis of a different sort. A society experiences a *legitimation* crisis when public confidence in core political institutions, leaders, and administrative capacities falls so low that the regime's ability to maintain itself comes into question. The citizenry does not invest governing institutions and those who lead them with enough legitimacy to sustain social or system integration. Political observers have long debated whether established liberal democracies have been inching toward a legitimation crisis. Critics from both the left (e.g., Fraser 2015) and the right (e.g., Deneen 2018) argue that they have, agreeing that liberal democratic capitalism has been failing and may soon collapse (even if they do not agree on why and what should come next).

It is true, for example, that citizens in the United States continue to express declining rates of trust in the competence and integrity of their leaders and institutions (Grimmelikhuijsen and Knies 2017). Citizens in authoritarian regimes do not generally have the same opportunities to openly express distrust in the competence and integrity of their core institutions and leaders. But such regimes are exquisitely sensitive to any indications that belief in their authority might be wavering. China, for example, monitors society closely for such dissent, and usually cracks

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[1] Habermas (2020); translation our own.

down hard on those perceived as fomenting it. Though they take somewhat different forms, both democracies and authoritarian regimes are vulnerable to crises of legitimation.

It is easy to see how the nature and scale of the Covid-19 pandemic could greatly aggravate such incipient crisis tendencies. If a regime botches its response citizens may lay blame for the unnecessary death and excess economic damage at the feet of their leadership. Prosperity and especially safety stand as core criteria for deciding whether to invest legitimacy in a regime. For that reason, it is also easy to see how a strong response to the public health crisis could temporarily alleviate some of the crisis tendencies. When people fear for their basic safety, they are apt to give wide leeway to those who can deliver it for them. Some might consider such quiescence worrisome, but the pattern across time and culture is robust (Lenard and Macdonald 2019). In either case, the paths forward seem clear and simple: perform well and you will reap rewards in perceived legitimacy; perform poorly and you will deepen any underlying crisis tendencies.

In our epigraph, the German social theorist Jürgen Habermas, however, suggests a third possibility that goes beyond just appropriately balancing the mass public's reaction to their government's handling of the crisis. Instead, Habermas points toward a rare opportunity to disrupt one of the central causes of legitimation crises (a term he coined in his 1975 book of the same name). He has argued that legitimation crises in the western democracies stem in part from the complexity of modern governance. This complexity requires extensive technical expertise to inform policy and guide the administrative state. To that extent, however, average citizens become estranged from the process of governance and thin out the normative steering of civil society. Governing elites, for their own part, generally misunderstand the problem created by this

disconnection, and try to assert ever more technocratic control over policy. This process sets off cycles leading to a legitimation crisis, which, in turn, tends to cause lurches toward two possible reactions among citizens: quiescent withdrawal into private life— a kind of despair that cedes the field to experts and elected officials, leaving the public sphere emptied out; or, a corrosive cynicism that can lead to support for populists who deny the need for expertise entirely.

So the possible outcomes seem to be either a deficit or an excess of people's sense of their political efficacy relative to the demands of modern governance. The public's inability to understand the role of technical expertise in modern governance, and thus to inform it lightly but effectively, underwrites this cycling dilemma. In a surprising turn, though, the Covid crisis, Habermas suggests, might actually be able to help. He points out that "all citizens are learning how their governments must make decisions, with a clear awareness of the limits of the knowledge of the [experts] who advise them." This uncertainty — "so brightly lit" — simultaneously highlights modern governance's ineliminable dependence on technical expertise *and* upends the idea that experts deserve deference about the value trade-offs implicated in policy choices. If this uniquely vivid experience were to "leave its mark on public consciousness," civil society and the administrative state might be able to develop a healthier relationship that interrupts the cycle without merely acceding to technocracy. We could avoid both the Luddite hubris of populist reactionaries and the frightened acquiescence of technocratic subjects, moving instead toward the clear-eyed cooperation of democratic citizens.

Perhaps surprisingly, authoritarian regimes face a parallel set of possibilities. Following the Cold War, authoritarian regimes increasingly came to mimic the institutional forms and rhetorical stylings of liberal democracies. Elections became common, albeit often tilted so

severely in favor of incumbents that few confused them for being free and fair. Technocratic presentations and justifications for policy decisions also became commonplace, especially in Singapore and China. However, in addition to technocratic uncertainty, authoritarian regimes also face what Schedler termed "triple ignorance" — factual, conceptual, and causal uncertainties — much more acutely than democratic regimes (Schedler 2013). With tamed oppositions and managed information environments, authoritarians could be content with an acquiescent population. But elite conflicts can topple dictators, especially when perceptions of popular discontent are high. Authoritarians stay in power through coercion, cooptation, and convincing their populations of their right to rule. They use material and ideational efforts to generate compliance, with repressive force pressing citizens to acquiesce, with side-payments co-opting them, and with justifications convincing them. Repressive regimes focus on stamping out citizens' sense of efficacy by inculcating pervasive fear, while technocratic variants attempt to hit policy targets set by the top of the regime.

While Habermas's concerns focused on Western liberal democracies, authoritarian regimes face potential legitimation cycles as well. Dictators reconfigure their regime maintenance efforts as circumstances evolve. Personalized and repressive regimes are more likely to produce poor policy outcomes for the populace compared with more technocratic systems where the best and brightest debate, whether in public or private, and ultimately agree to serve in the regime. However, as in the democratic context, technocratic governance under authoritarianism lacks the normative steering of citizen participation leading to policy drifting from the wants and needs of the population. Passive illegitimacy will lead people to seek alternatives to participating in the regime: the wealthy may abscond to other jurisdictions with

4

their capital, most others will acquiesce, but some will become activated to agitate toward political change.

Implicitly acknowledging the threat of a legitimation crisis induced from exclusively technocratic governance, the Chinese Communist Party has called for citizen participation, and dubbed itself a "socialist consultative democracy." As President Xi put it at the 19th Party Congress, "On matters that concern the people's interests, deliberations should be held with the people. Without deliberation or with insufficient deliberation, it is difficult to handle these matters well…[T]he more numerous and in-depth, the better." While such consultation with citizens would likely improve normative steering, the dominating nature of authoritarian rule and the shadow of repression strain the benign potential of consultocracy. As with the liberal democracies, then, vivid experience among the masses of both the necessity and limitations of expertise arising from the Covid crisis could alter patterns of legitimation in a progressive direction.

Below we review how responses to the pandemic have played out by comparing China, an authoritarian regime where the pandemic originated, and the U.S., a liberal democracy experiencing the world's largest outbreak. We then assess public reactions to those responses to evaluate the prospects for the Covid crisis -- or less devastating opportunities like it -- leaving a salutary "mark on public consciousness." Such a mark could transform the public sphere's relationship to the administrative state, lessening the crisis tendencies endemic to modern governance. In doing so we suggest paths for future research -- over a longer time horizon and among a broader set of cases -- addressing this important possibility.

Legitimation Crisis Tendencies Before and After Covid

The Chinese Case: Despite Xi Jinping's call for consultation, most see post-2012 Chinese governance as increasingly personalized and repressive. The country's decades of robust economic growth came under a decentralized practice where Beijing focused its vision on a limited set of quantified metrics, namely GDP, fiscal revenue, and investment, with local leaders competing for promotions. Over time, corruption, pollution, and hidden debts accumulated in the system's blind spots. Xi's "new normal" of centralization, consultation, and anti-corruption proffers a fix and a hedge to the technocratic mode. Perhaps an anti-corruption crusade could fix slowing growth rates, and, if not, adjusting the regime's justification strategy away from GDP supremacy towards displays of foreign and domestic strength represented a strong hedge.

The Chinese regime's initial bungling of the coronavirus outbreak in Wuhan highlighted the weaknesses of this neo-political turn. However, draconian measures quickly crushed the virus's first wave in China, and international failures--most notably that of the United States--reoriented many to the regime's relative triumph. The consequences of this mixed package for public consciousness remain an open question: while perhaps the overall regime narrative may be one of ultimate success, will that translate into mass support for the existing leadership and its current more coercive course? Will it suggest that there is more blood left in the technocratic onion, or will citizens and elites converge on a more consultative governance strategy? Time will tell, but events so far suggest some ability to discriminate the likelihood between different scenarios.

In December 2019, a wave of atypical pneumonia hit Wuhan. When Wuhan Central Hospital's Dr. Li Wenliang described the novel coronavirus as "SARS-like" on WeChat, it went

viral. Local authorities interrogated Dr. Li, along with seven other doctors, and punished them for spreading rumors about the outbreak. The National Health and Welfare Commission told hospitals to avoid reporting on illnesses and instructed private labs to destroy virus specimens. The regime ignored accumulating evidence of human-to-human transmission as more and more health care workers, including Dr. Li, fell ill. Finally, on 14 January, the head of the National Health Commission held a teleconference with provincial health officials explicitly acknowledging that "clustered cases suggest that human-to-human transmission is possible." However, officials offered no public statements about the grave situation facing the country and the world as the virus spread exponentially, infecting thousands and seeding the global pandemic to come.

Only on 20 January was human-to-human transmission confirmed in an interview with the eminent Dr. Zhong Nanshan, referred to as the "SARS hero" due to his speaking out amongst a sea of silence about that earlier outbreak. Throughout the Covid crisis, Dr. Zhong served as the regime's expert face, disseminating information about the viral threat, potential treatments, and quarantine measures. After the disastrously delayed public announcement, officials imposed restrictions rapidly. On 23 January, greater Wuhan shut down, and the national government extended the New Year holiday economic closure. The vast majority of the country would remain locked down until April.

Confirmed infections skyrocketed into the thousands, emergency hospitals were erected, and deaths accumulated. Fury peaked on 6 February with Dr. Li Wenliang's death, as the silenced whistleblower succumbed to the virus. Xu Zhangrun lambasted the "systemic impotence" of Xi's neo-political turn, an "organizational discombobulation" manned by

"slavishly obeying Party hacks" that "rendered hollow" the system's "ethical core" (Xu 2020). Millions of posts flooded the Chinese internet, echoing these sentiments and demanding freedom of speech. While the government tried to claim him as a self-sacrificing worker hero, Li became a martyr for those incensed at the regime for concealing this threat. Dr. Zhong's legitimacy allowed him to serve as a useful conduit for public grief, when Zhong tearfully said of Dr. Li, "I'm so proud of him. He told people the truth" (Feng 2020).

Severe restrictions on movement, enforced social distancing, universal masking, and widespread testing allowed China's other cities to escape community spread while inside of Hubei, coercive quarantine enforcement isolated the infected and their contacts. By March 22 Wuhan had seen zero new local cases for four days in a row. A month later, China's death count barely registered amidst the pandemic's global toll. However, rather than use this relative calm to reflect on the failures of over-centralization, censorship, and opacity, Xi doubled down on repression, most notably in Hong Kong, where its autonomous legal status was undercut by a National Security Law making Hong Kongers subject to the PRC's imperious policing.

As Habermas suggested, Covid illuminated weaknesses in the governance of China, but rather than opening up to move closer to "consultative socialist democracy," the regime has reacted with coercion justifying the crackdown through nationalist appeals.

The American Case: The American case is shrouded in uncertainty because: 1) the Covid crisis is less far along in its developmental path; 2) federalism fragments accountability; and 3) the Presidential election will both serve as a referendum and perhaps an occasion for changes in policy. Nevertheless, we can still discern some likely scenarios.

Some observers of the American (and more broadly liberal democratic) scene express

skepticism that the west in general and the U.S. in particular really has been showing signs of heading toward a legitimation crisis. They argue that there is a difference between trust in the particular incumbent government and trust in the basic democratic institutions themselves. In the U.S., since the Watergate scandal Americans have exhibited lower levels of specific trust, but skeptics argue that people's faith in core democratic institutions has not faltered (Norris 2011).

This position has become less defensible over time. In 2019—*before* the Covid crisis, the economic crisis, and the reckoning triggered by the murder of George Floyd—only 17% of people said that they "trust the government in Washington to do what is right" all or most of the time. This number is down from 77% in 1964 (Pew Time Series). The picture does not get any rosier when we break that confidence out by specific institutions of American democracy. By 2018 only 16% expressed a great deal of confidence in the Courts, 19% in the presidency, and an abysmal 8% in the Congress (News Hour/Marist Poll, Jul.. 2018).

Moreover, nearly half of Americans—46%—said that they have lost (or never had) faith in U.S. democracy (Axios/Survey Monkey, Oct. 2018). Nor is this bereftness driven by an ageing population lamenting the loss of their glory days. Quite the opposite: 72% of Americans born before 1940 still say it is essential "to live in a country that is governed democratically." This number plummets to 32% for those born after 1980 (Foa and Mounk 2016). Thus, if public opinion is any indicator, the creeping legitimation crisis is only likely to gain momentum as older generations die off, and the effects of the viral, economic, and racial crises of 2020 set in.

Officials confirmed the first case of Covid in the U.S. on January 20th and eleven days later the Trump administration blocked most foreign nationals who had recently been to China from entering the country. Public health authorities reported the first death in the U.S. on

February 29th, and two weeks later the president declared a national emergency, triggering

school and business closings. Two weeks later the U.S. became the country with the largest

number of recorded infections and deaths. The next day President Trump signed the first

stimulus bill responding to the economic fallout of the crisis. All the while mask mandates,

shelter orders, and other policies designed to slow the spread of the virus varied widely between

states. By mid-April such policies had become heavily politicized, with President Trump

tweeting out support for protests against state level policies imposed by Democratic governors.

At the federal level the Trump administration has clearly governed from a less

technocratic and more populist position. Earlier in his presidency Trump consistently expressed

distrust and even hostility toward the administrative state, going so far as to suggest a conspiracy

against his administration by the forces of the "deep state." That said, President Trump's hostility

to the administrative state should not be read as concern about the scope of executive power

more broadly. Indeed, he has expressed extreme views in the opposite direction. So it might be

more accurate to say that he is hostile toward career bureaucrats, especially technocrats, rather

than the administrative state per se.

Though not perhaps as vehement as his attacks against other agencies, Trump has

criticized and resisted the advice of his public health experts regarding the Covid pandemic as

well. Early indications, however, suggest that his approach has not played well with the public.

Only 32% of people approve of his handling of the pandemic, a number that appears to be

hurting his chances for re-election (AP-NORC 2020). Moreover, there is some evidence to

suggest that on the margin Americans might be developing a new-found openness to some

aspects of the administrative state in light of the crisis. About 75% of the public expressed trust

in the CDC to manage the crisis, compared to 42% for the Trump administration (Axios/SurveyMonkey 2020).

Dr. Anthony Fauci, a long-serving career bureaucrat, emerged as the face of the federal government's response to the crisis, and has generally received high marks from the public, if not from the president and his most ardent supporters. Of particular interest in the present context is that critics have not gained much traction against Dr. Fauci by citing some of his early statements and advice that were later reversed. People appear to accept and to some extent understand that science is an ongoing process that requires self-correction -- that early policy was "plunged into uncertainty" and that we had to act despite a "clear awareness of the limits of the knowledge of" experts.

Assessing the overall effects of the pandemic on public perceptions of administrative state is complicated by the federal structure of the U.S. response to Covid. Unlike most other countries, the Trump administration did not choose to centralize the response to the crisis at the federal level, devolving quite a bit to the states. Early on, many governors received much higher levels of approval for their handling of the crisis, though there was enormous variation. In particular, governors who appeared to break from partisan expectations to act aggressively saw widespread support, even across party lines. It remains to be seen whether such patterns will persist over time, though a large-scale research initiative is underway to track those dynamics (Baum et. al 2020). Previous epidemics have left "political scars" in the sense of driving lower levels of legitimation even in the long run among younger people (18-25) who lived through a crisis, especially if it was managed poorly (Askoy, Eichengreen, and Saka 2020). Previous research, however, does not cover the potential for comparative judgment of governmental

responses in the context of a worldwide pandemic and in federated systems. So the plausibility of Habermas's conjecture remains a live possibility.

Conclusion

Modern welfare regimes have blurred the distinction between state and society in a way that has also transformed the role of the public sphere and public opinion vis-à-vis influencing state policy (Habermas 1991). This is especially true in contemporary liberal democracies, but as we have argued, it is also true of some authoritarian regimes as well. Increasing needs for expertise to manage the complexities of modern governance have set off cycles between technocratic encroachment on civil society's prerogatives and populist backlashes against that expertise. This unhealthy dialectic, in turns, leads to creeping legitimation crises as neither approach solves the core problem of the need for normative steering from civil society in the face of ever greater reach and complexity for the administrative state.

Habermas's observation about citizens' vivid experience of the Covid crisis suggests the possibility of another, more modest but more positive, structural transformation of the public sphere that could dampen those cycles and alleviate some of the pressure accumulating toward legitimation crises. Our analysis here suggests that – so far – neither the U.S. nor China appear to be building on this opportunity even if there is still time to do so. If trust in science were paired with increases in system responsiveness then perhaps we would see progress. In countries that have more successfully managed the pandemic, for example South Korea and Habermas's native Germany (both led by former scientists), Covid may leave a more salutary "mark on public consciousness" rather than "political scars" that further erode the trust and sense of legitimacy so

crucial to regime stability. The Covid crisis presents a rare opportunity to disrupt the evolutionary dynamics of the public sphere driving legitimation crises. Our analysis here starts to clear paths for future comparative research over a longer time-scale to better illuminate routes of escape from these looming threats to modern governance.

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