

DEMOCRACY IN TIMES OF PANDEMIC

Different Futures Imagined

The COVID-19 pandemic has presented an important case study, on a global scale, of how democracy works – and fails to work – today. From leadership to citizenship, from due process to checks and balances, from globalization to misinformation, from solidarity within and across borders to the role of expertise, key democratic concepts both old and new are being put to the test. The future of democracy around the world is at issue as today's governments manage their responses to the pandemic.

Bringing together some of today's most creative thinkers, these essays offer a variety of inquiries into democracy during the global pandemic with a view to imagining post-crisis political conditions. Representing different regions and disciplines, including law, politics, philosophy, religion, and sociology, eighteen voices offer different outlooks – optimistic and pessimistic – on the future.

MIGUEL POIARES MADURO was the founding Director of the School of Transnational Governance of the European University Institute in Florence where he is currently a Professor. He has been Advocate General at the European Court of Justice and a Government Minister in Portugal.

PAUL W. KAHN is Robert W. Winner Professor of Law and the Humanities, and Director of the Orville H. Schell, Jr. Center for International Human Rights at Yale Law School. He is the author of a dozen books in law, political theory, and moral philosophy. His most recent book was *The Origins of Order* (2019).

Cambridge University Press
978-1-108-84536-6 — Democracy in Times of Pandemic
Edited by Miguel Poiares Maduro , Paul W. Kahn
Frontmatter
[More Information](#)

DEMOCRACY IN TIMES
OF PANDEMIC

Different Futures Imagined

Edited by
MIGUEL POIARES MADURO

European University Institute, Florence

PAUL W. KAHN

Yale Law School, Connecticut



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-108-84536-6 — Democracy in Times of Pandemic
Edited by Miguel Poiares Maduro , Paul W. Kahn
Frontmatter
[More Information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.
It furthers the University's mission by disseminating knowledge in the pursuit of
education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781108845366
DOI: 10.1017/9781108955690

© Cambridge University Press 2020

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 2020

A catalogue record for this publication is available from the British Library.

ISBN 978-1-108-84536-6 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of
URLs for external or third-party internet websites referred to in this publication
and does not guarantee that any content on such websites is, or will remain,
accurate or appropriate.

CONTENTS

- List of Contributors* *page vii*
- Introduction: A New Beginning 1
 MIGUEL POIARES MADURO AND PAUL W. KAHN
- PART I: Power 19**
- 1 The Crisis of Democratic Leadership in Times
 of Pandemic 23
 NEIL WALKER
- 2 Executive Overreach and Underreach in the
 Pandemic 38
 KIM LANE SCHEPPELE AND DAVID POZEN
- 3 From Political Accountability to Criminal
 Liability: The Strange Case of French Penal
 Populism 54
 OLIVIER BEAUD
- 4 Democracy and Emergency in Latin America 66
 ROBERTO GARGARELLA
- 5 Apocalyptic Christianity, Democracy,
 and the Pandemic 77
 STANLEY HAUERWAS
- PART II: Knowledge 85**
- 6 The Reckoning: Evaluating Democratic
 Leadership 89
 MICHAEL IGNATIEFF

- 7 The Irrelevance of the Pandemic 104
 SAMUEL MOYN
- 8 Emergency, Democracy, and Public Discourse 115
 MOSHE HALBERTAL
- 9 Understanding, Deciding, and Learning: The Key Political
 Challenges in Times of Pandemic 122
 DANIEL INNERARITY
- PART III: Citizens 137**
- 10 COVID, Europe, and the Self-Asphyxiation of
 Democracy 141
 J. H. H. WEILER
- 11 Corona as Chance: Overcoming the Tyranny of
 Self-Interest 153
 SUSAN NEIMAN
- 12 Reimagined Democracy in Times of Pandemic 168
 KALYPSO NICOLAIDIS
- 13 Redefining Vulnerability and State–Society Relationships
 during the COVID-19 Crisis: The Politics of Social Welfare
 Funds in India and Italy 182
 DEVAL DESAI, SHALINI RANDERIA, AND CHRISTINE
 LUTRINGER
- 14 Democracy and the Obligations of Care: A Demos Worthy
 of Sacrifice 196
 PAUL W. KAHN

CONTRIBUTORS

OLIVIER BEAUD is Professor of Public Law at University Paris 2 Panthéon-Assas and has chaired the Michel-Villey Institute for Legal Culture and the Philosophy of Law since December 2006.

DEVAL DESAI is Lecturer in International Economic Law at the University of Edinburgh, and research fellow at the Albert Hirschman Centre on Democracy, Graduate Institute, Geneva. He studies the administrative state across the global North and South, in legal, political, and social theoretic perspectives.

ROBERTO GARGARELLA is a professor of Constitutional Theory and Political Philosophy at the Universidad de Buenos Aires and at the Universidad Torcuato Di Tella.

MOSHE HALBERTAL is Gruss Professor of Law at NYU School of Law. Halbertal received his PhD from Hebrew University in 1989, and from 1988 to 1992 he was a fellow at the Society of Fellows at Harvard University.

STANLEY HAUERWAS is an American theologian, ethicist, and public intellectual. Hauerwas was a longtime professor at Duke University, serving as the Gilbert T. Rowe Professor of Theological Ethics at Duke Divinity School with a joint appointment at the Duke University School of Law.

MICHAEL IGNATIEFF is Rector and President of Central European University in Vienna and Budapest. He holds a doctorate in history from Harvard University and has held academic posts at Harvard Kennedy School, King's College, Cambridge, the University of Toronto and the University of British Columbia.

DANIEL INNERARITY is Ikerbasque Research Professor for Political Philosophy at the University of Basque Country and visiting professor in the European University Institute of Florence.

PAUL W. KAHN is Robert W. Winner Professor of Law and the Humanities, and Director of the Orville H. Schell, Jr. Center for International Human Rights at Yale Law School. He is the author of a dozen books in law, political theory, and moral philosophy. His most recent book was *The Origins of Order* (2019).

CHRISTINE LUTRINGER is executive director and senior researcher at the Albert Hirschman Centre on Democracy. Trained in political science and international history, she studied in Strasbourg (Institut d'études politiques), Rome (Sapienza University and LUISS) and Geneva at the Graduate Institute where she received her PhD. in international history and politics in 2009.

MIGUEL POIARES MADURO is a professor at Universidade Católica Portuguesa Global School of Law. He was the founding Director of the School of Transnational Governance of the European University Institute in Florence where he currently is a professor. He has been Advocate General at the European Court of Justice and a Government Minister in Portugal.

SAMUEL MOYN is Henry R. Luce Professor of Jurisprudence at Yale Law School and Professor of History at Yale University. His areas of interest in legal scholarship include international law, human rights, the law of war, and legal thought, in both historical and current perspective.

SUSAN NEIMAN is director of the Einstein Forum. Neiman studied philosophy at Harvard and the Free University of Berlin. She was professor of philosophy at Yale University and Tel Aviv University before coming to the Einstein Forum in 2000.

KALYPSO NICOLAIDIS is Professorial Chair at the School of Transnational Governance at EUI, Florence, and formerly professor of international relations at Oxford and Harvard Universities. Her latest book is *Exodus, Reckoning, Sacrifice: Three Meanings of Brexit*.

DAVID POZEN is Vice Dean for Intellectual Life and Charles Keller Beekman Professor of Law at Columbia Law School. He teaches and writes about constitutional law, information law, and nonprofit law, among other topics.

SHALINI RANDEIRA is Rector of the Institute for Human Sciences (IWM), Vienna; and Professor of Social Anthropology and Sociology at the Graduate Institute, Geneva, where she also directs the Albert

LIST OF CONTRIBUTORS

ix

Hirschman Centre on Democracy. Her research focuses on the state, law, and policy under neo-liberal globalization; civil society; multiple modernities; and post-colonial knowledge production.

KIM LANE SCHEPPELE is the Laurance S. Rockefeller Professor of Sociology and International Affairs in the Woodrow Wilson School and the University Center for Human Values at Princeton University. Scheppele's work focuses on the intersection of constitutional and international law, particularly in constitutional systems under stress.

NEIL WALKER has held the Regius Chair of Public Law and the Law of Nature and Nations at the University of Edinburgh since 2008. Previously he taught public law at Edinburgh for ten years (1986–96), was Professor of Legal and Constitutional Theory at the University of Aberdeen (1996–2000), and then Professor of European Law at the European University Institute in Florence (2000–8), where he was also the first Dean of Studies (2002–5).

J. H. H. WEILER is Joseph Strauss Professor of Law at NYU Law School. Weiler studied law (LLB and LLM) in the United Kingdom (Sussex and Cambridge) and at the European University Institute in Florence, Italy (PhD), where he later served as professor of law, head of the Department of Law, and most recently as President.

Cambridge University Press
978-1-108-84536-6 — Democracy in Times of Pandemic
Edited by Miguel Poiares Maduro , Paul W. Kahn
Frontmatter
[More Information](#)
