

## Dr Stephen Rainey – Written Evidence (LBC0005)

### “Following the Science: to emergency governance, and back again”

#### Summary

Governance under pandemic conditions ought to be carried out by an *ad hoc* emergency committee. This is especially important as governance during the emergency must be largely science led, requiring scientific knowledge to be transformed into governance injunctions. Following the pandemic, governance should return to its *status quo ante*. This is important in terms of political legitimacy. Inclusion of emergency committees will also become practically more pressing as ecological incursions into ‘normal’ life can be expected to increase in frequency and severity (e.g. novel viruses, climate change events, anti-microbial resistance). Politics will need to change in recognition of a closer confrontation between human life and the hostilities of nature.

#### Background

The individuals and groups that constitute societies in contemporary democratic states do not spontaneously coordinate their actions. The conditions that mediate their coordination include law, rights, and their respective sources in government. How government legitimately makes law can be taken to reflect a somewhat idealized social discourse which itself contains elements broadly consented to by a mass of the public. The conversion of this social discourse into political power happens in the making of laws.<sup>1</sup> This is a means of making legitimate law, whose content and genesis can produce widespread social motivation to observe. Scientific discourse in general can be seen as narrower, in that it seeks centrally to establish truth conditions for propositions about an objective reality. Methodological questions, including experimental design, mainly constrain judgements of ‘good science.’<sup>2</sup> In producing policy during emergency that aims to *follow the science*, part of the task at hand is to amalgamate scientific discourse into social discourse such that it can provide a basis for socially coordinated action. Because its sources are generally not those associated with social discourse in general, this presents challenges. Its claims of the world are truth claims that, besides scrutiny in terms of veracity, are also open to interpretation from a variety of value perspectives.<sup>3</sup>

The legitimacy of a scientifically-informed policy does not come solely from its basis in science, but because it is somehow more generally *good* by those who must change their behaviour in response to the policy. The formulation, processes, and communication of policy are thus vital, raising questions in terms of legitimacy, alongside its effectiveness.<sup>4</sup> This can be achieved through

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<sup>1</sup> Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Studies in Contemporary German Social Thought. Cambridge, Mass: MIT Press, 1996.

<sup>2</sup> Cf, e.g. Popper, Karl. *Popper: The logic of scientific discovery*. New York, NY: Routledge Classics, 2002.

<sup>3</sup> Cf, e.g. Kuhn, Thomas S. *The structure of scientific revolutions*. University of Chicago press, 2012

<sup>4</sup> Fischer, Frank, and John Forester. *Confronting values in policy analysis: The politics of criteria*.

reflection upon the manner in which normative injunctions are contextualised for (at least) policymakers and citizens.<sup>5</sup> This minimally involves accounting for and communicating the different justifications for norm changes (the content of policy), and for the acceptance of norms (the context of policy reception). This amounts to an ethical reconstruction of the different conditions of justification at work.

In the context of a novel viral pandemic, it becomes an essential task to steer social discourse highly efficiently. This is necessary because the realisation of all social goods becomes contingent upon effective pandemic response for the duration of the emergency. Not only is each citizen at risk of becoming a victim of the virus in a pandemic emergency, but each citizen also represents a risk to every other, in being a potential virus spreader. Essential to counteracting these socially destructive outcomes is a response to the pandemic that revolves around scientific insight with respect to the virus. But this can only be *effective* where social discourse is considered, meaning the legitimacy and ethical import of governance injunctions as sufficient motivation for citizens.

Following the emergency, a return to *status quo ante* is necessary. In terms of legitimacy, this requires a return to the mode of government pre-pandemic, as if frozen at the moment viral response measures began. Even if certain changes in the emergency state are considered desirable also in a post-emergency situation (e.g. universal basic income), they need to be enacted specifically by the political means in place prior to the emergency. The emergency can *cause the desire* for change, but cannot justifiably *be the mechanism* of delivering the change. That would undermine the legitimacy of the change, in using a fracture in discourse to begin another discourse. An interruption is not in itself a discursive contribution, it's a circumstance constraining such contributions. As such, it cannot itself ground a discursively warranted move, so it cannot be a politically legitimate force.

In a future of more frequent and deeper crises, however, oscillation between emergency states and 'normality' will become unsustainable. Emergency response must become embedded as part of standard governance in order that crises can be dealt with through providing executive and legislative input in real time, to emerging circumstances. Just as the civil service facilitates governance, in a future of multiplying ecological threats, a *crisis service* will come to play a similarly ubiquitous role.

## **Proposal**

In Covid-like situations, emergency governance ought to be provided by a bespoke, *ad hoc*, emergency-specific committee. An emergency power committee is necessary to guarantee that state action during pandemic is aimed

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Newbury Park, CA: Sage, 1987; Rhodes, Rod AW. Understanding governance: Policy networks, governance, reflexivity and accountability. Open University, 1997; Bovens, Mark, Thomas Schillemans, and Robert E. Goodin. "Public accountability." The Oxford handbook of public accountability 1 (2014): 1-20.

<sup>5</sup> Weick, Karl E. "Enacted sensemaking in crisis situations [1]." Journal of management studies 25, no. 4 (1988): 305-317.

at confronting the emergency, then re-establishing the conditions of legitimacy of government action that ecological factors (a virus) have temporarily suspended.

The coordination of citizens through governance injunctions based in *science* require scientific results to be curated and converted into action-guiding propositions. Legitimate, ethical governance provides motivation for citizens to abide by it, hence is more effective governance.<sup>6</sup> As emergencies become more common – viral, natural disaster, or other – crisis committees ought to be constituted as an integral part of governance. ‘Normal’ political platforms and practices will have to operate in dialogue with such committees, whose activities will characterise the possible action-space for politics in an increasingly emergency-stricken context.

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<sup>6</sup> Legitimacy can vary as between e.g. appropriateness of structural accountability, versus individual agency, cf. Ayres, Sarah, Mark Sandford, and Tessa Coombes. ‘Policy-Making “Front” and “Back” Stage: Assessing the Implications for Effectiveness and Democracy’. *The British Journal of Politics and International Relations* 19, no. 4 (November 2017): 861–76. <https://doi.org/10.1177/1369148117721842>.