
Surveillance, Security, & Liberal Democracy in the Post-COVID World

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Abstract To what extent has the COVID-19 outbreak and the augmented use of health surveillance technology that has resulted from it altered international conceptions of civil liberties, privacy, and democracy? This article examines how global patterns of liberal democracy have been and could be affected by the pandemic. In China, the outbreak has strengthened a pre-existing techno-authoritarian project aimed at prevention and control of threats to both public health and public order. Certain features of the international system such as China's major power status, its global economic role, and its leadership in international organizations suggest that China's model of illiberal pandemic response could diffuse worldwide. Other factors, however—such as the incomparability of China's political system to many other countries in the contemporary international system—suggest more limited diffusion potential. To date, the pandemic has largely augmented existing trends, meaning that autocracies have been likely to respond in ways that infringe upon citizen rights, and weak democracies have exhibited some risk of democratic erosion and pandemic-associated autocratization. In these cases, however, factors other than surveillance have been central to processes of democratic decay. Conversely, a large number of consolidated democracies have employed surveillance, but have managed to navigate the initial stages of crisis without significantly compromising democratic standards. In these cases, surveillance technology has been fenced in by democratic institutions and rule of law, and norms, institutions, and public opinion have worked together to facilitate pandemic responses that are (on balance) proportional, limited in time and scope, and subject to democratic oversight. This suggests that international relations may need to separate the pandemic's effects on democracy from its effects on liberalism, and that care must be taken to identify the precise mechanisms that link pandemic response to various components of liberal democracy.

Will the outbreak of COVID-19 mark a sea change in countries' approaches to surveillance, civil liberties, and policies at the intersection of public health and public security? If so, how will these changes affect governance in democratic and authoritarian political systems worldwide, and what international standards and norms will emerge?

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45 Less than a year into the pandemic, COVID-19 has already reshaped many govern-
46 ments' approaches to health surveillance, the privacy of health data, and the use of
47 technological monitoring tools to enforce policies aimed at the preservation and pro-
48 tection of public health, safety, and social stability. Its impact includes the United
49 States: according to one survey, by April 2020 a majority of Americans viewed infec-
50 tious disease as a greater threat to the United States than terrorism, nuclear weapons
51 proliferation, or the rise of China,¹ sparking calls to treat health security as a more
52 urgent priority alongside more conventional security threats. Indeed, 2020 has seen
53 global debate over whether the pandemic will be an inflection point in world politics
54 or whether international relations will largely return to business as usual.² One
55 important aspect of this debate is how much the pandemic is likely to change patterns
56 of liberal and illiberal governance, and the global balance of democracy and
57 dictatorship.

58 In the months following the outbreak in Wuhan, more than eighty countries
59 adopted emergency policies to address the coronavirus, with widely varying effects
60 on citizen liberties and political participation.³ Some countries instituted strict lock-
61 downs, confining citizens to their homes or sharply limiting assembly and travel.
62 Others adopted fewer of these restrictions, but employed intensive monitoring and
63 “test and trace” approaches. Still others pursued combinations of the two approaches.
64 And although democracies have, on average, been less likely to violate democratic
65 standards and infringe upon citizen rights, their responses have been heterogeneous:
66 some have expanded executive emergency powers, some have delayed elections, and
67 some have employed intensive monitoring. Policy responses from hybrid regimes
68 and non-democracies produce an even wider variety of reactions. Cumulatively,
69 these variations reinforce the need to examine how the pandemic might impact
70 global liberalism and democracy.

71 Because the pandemic started in China—the world's largest autocracy—the
72 People's Republic of China (PRC) has had a head start in crafting its model of
73 pandemic response and promoting that model around the world, meaning that the
74 first-mover role is held by an autocracy. It is also a decidedly illiberal autocracy that
75 was—prior to the coronavirus outbreak—already actively pursuing a techno-surveillance
76 state of remarkable ambition at home, exporting those technologies around the world,
77 and pursuing a position of nascent dominance in global standard-setting and regula-
78 tion of emerging surveillance technologies.⁴ Pre-existing concern about these steps
79 in the PRC, combined with the expanded use of surveillance as a global component
80 of pandemic response, and Beijing's willingness to advertise itself as a model of
81 pandemic response for other countries have raised alarms among policymakers and
82 pundits about the future of civil liberties and democracy.⁵

85 1. Center for Public Integrity 2020; see also Elbe 2010.

86 2. Finnemore et al. 2020.

87 3. International Center for Non-Profit Law 2020.

88 4. See Greitens 2019, 2020.

5. See Wright 2020; Cordero and Fontaine 2020; Frederick 2020.

89 This article suggests that some of these concerns are warranted. China's position in
90 the international system makes it more likely that illiberal approaches to governance
91 will spread, and the pandemic has contributed to violations of democratic standards
92 and human rights in a number of countries. Conversely, however, other factors in the
93 international system—such as the fact that many aspects of China's governance struc-
94 ture are not replicated elsewhere—will likely act to limit the transferability and dif-
95 fusion of China's model. Moreover, it is important to note that surveillance is not
96 synonymous with autocracy: where surveillance has been employed but subjected
97 to rule of law and liberal institutions, its impact on democracy has been relatively
98 limited. The pandemic's impact, therefore, is likely to be cross-cutting and multi-
99 faceted, and patterns of change in liberal versus illiberal politics may not be as
100 cleanly aligned with changes to global democracy and autocracy as one might
101 initially think.⁶

102 This article proceeds in five sections. I first trace the development of the “prevention
103 and control” model that China has employed in response to COVID -19, showing
104 that it relies heavily on an interweaving of public health with authoritarian tools of
105 surveillance, policing, and securitization. Second, I review what scholarship on inter-
106 national diffusion predicts for the spread of China's model, showing that it identifies
107 both prospective patterns and significant limits on any potential diffusion process. In
108 the third section I examine the pandemic's initial effect on democracy, showing that it
109 has primarily accelerated existing trends; that threats to democratic erosion often
110 come from mechanisms other than surveillance; and that consolidated democracies
111 have experienced relatively minimal levels of democratic violation, while risks are
112 greater in autocracies and weakly democratic or hybrid regimes. In the fourth
113 section I analyze the use of surveillance in democracies, showing that democratic
114 societies have used heterogenous technological solutions, but where they have
115 adhered to principles of proportionality, temporal and scope limitation, and demo-
116 cratic review, the effect has been democracy-protective: norms, institutions, and
117 public opinion have all worked in tandem to insulate democracies from pandemic-
118 related erosion. I conclude with reflections on policy and suggestions for future
119 research.
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122 **China's Illiberal Model: Fusing Public Health, Surveillance, and** 123 **Security** 124

125 As the epicenter of the outbreak, China provided the first model of pandemic
126 response for COVID-19, and one that was explicitly illiberal and autocratic. Public
127 health, surveillance, and state police power have been intertwined from the first
128 days of the crisis.⁷ The Chinese term for the PRC's approach to the coronavirus is
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131 6. On this point, see Hyde and Saunders 2020.

132 7. Parts of this section draw on Greitens and Gewirtz 2020.

“prevention and control” (*fangkong*, 防控), a term that appears in the full name of the Chinese CDC, was used in previous infectious disease outbreaks,⁸ and has been used frequently by Xi Jinping and other senior leaders to describe China’s approach.⁹

As a concept, however, *fangkong* actually originated from the realm of policing and social stability maintenance. PRC Minister of Public Security Tao Siju, among others, used the term to refer to internal security in the mid-1990s, and it became increasingly common in the early 2000s, as the Chinese Communist Party (CCP) leadership pursued “prevention and control systems” to manage fast-moving, networked threats in Chinese society. One 2020 article retroactively linked *fangkong* to Xi Jinping’s experience with SARS in Zhejiang, describing how Xi’s effective management of provincial prevention and control efforts prompted him to “think more deeply about non-traditional security.”¹⁰ Under Xi Jinping’s leadership, *fangkong* has emerged as a central concept in the CCP’s approach to social control and regime security, a shift away from the Hu-Wen discourse of “stability maintenance” (*weiwen*) that Xi-era leaders perceived as too reactive and compared to treating symptoms rather than addressing underlying causes. Today, Chinese leaders describe a vision of a “three-dimensional, information-based system of prevention and control for public security.”¹¹ Xi Jinping’s call in May 2020 for early warning systems and timely and accurate monitoring in public health directly parallels previous calls for bolstering those capacities in China’s public security intelligence apparatus, which monitors society with the goal of preventing instability and social unrest.

This discursive overlap signals the ways China’s illiberal authoritarian approach to governance was employed in pandemic response. With the outbreak of the novel coronavirus in Wuhan in late 2019, a surveillance and social control system that had been overhauled and strengthened by Xi Jinping since 2013 swung into action.¹² Public security officials worked with private technology companies like Alibaba and Tencent to develop a health code app that gathered data on individuals’ movements, contacts, and biometric data such as body temperature.¹³ That information

8. Gewirtz 2020.

9. See for example, Xi 2020; “Shisan jie quanquo renda sancu huiyi zaijing bimou,” *Xinhua*, 28 May 2020, retrieved from <http://www.gov.cn/xinwen/2020-05/28/content_5515768.htm>; “Xi Orders Fortifying Public Health Protection Network,” *Xinhua*, 25 May 2020, retrieved from <<http://en.people.cn/n3/2020/0525/c90000-9693925.html>>; and the 15 June 2020 announcement that the State Council press briefing was cancelled due to “COVID-19 prevention and control,” Anna Fifield, Twitter post, 14 June 2020, 5:17PM, retrieved from <<https://twitter.com/annafifield/status/1272276952204730368?s=20>>.

10. “Ba renmin shengming anquan he shenti jiankang fang zai xinli - Xi Jinping tongzhi 2003 nian lingdao Zhejiang sheng kangji feidian douzheng jishi [Keep the people’s lives and health in one’s heart: Xi Jinping led Zhejiang province to fight against SARS in 2003],” *Renmin Ribao* 15 June 2020, <http://politics.people.com.cn/n1/2020/0615/c1024-31746189.html>

11. “Xi Jinping: Tigao fangkong nengli zhuoli fangfan huajie zhongda fengxian baochi jingji chixu jiankang fazhan shehui daju wending [Improve prevention and control abilities, focus on preventing and disolving major risks, and maintain sustained, healthy economic development and overall social stability],” *Xinhua*, 21 January 2019, retrieved from <http://www.qstheory.cn/yaowen/2019-01/21/c_1124021825.htm>.

12. See Greitens 2019; Y. Huang, “China’s Public Health Response,” 2020.

13. Tan 2020.

was used to generate color codes that determined citizens' access to public spaces and ability to move; it was also shared with police and other local authorities, who merged it with existing databases and then mobilized thousands of personnel at the grassroots level to enforce local lockdowns.¹⁴ The Central National Security Commission, China's top national security body, met in April 2020—only its third meeting since the body was established—to discuss how best to monitor the pandemic's impact on internal stability.¹⁵ By the late spring of 2020, the Ministry of Public Security openly framed COVID-19 as not only a “test of China's governance system,” but as a test of the public security organs themselves, affirming their central (and in this rhetoric, successful) role in implementing prevention and control.¹⁶ Subnational jurisdictions of China have since proposed making permanent some tools used to combat coronavirus, such as permanent health tracking via smartphone.¹⁷ Technological surveillance, therefore, has merged public health into China's existing architecture of social control: it has allowed citizens to regain mobility and resume daily activities, but at the cost of embedding them further into the CCP's intensive and open-ended surveillance regime.¹⁸

Other dynamics that emerged in China's response are also characteristics associated with illiberal governance (and to a lesser extent, the lack of competitive electoral processes in China's single-party regime). Local unwillingness to communicate information upwards in a transparent fashion slowed down China's response both domestically and in terms of its communication with the WHO and international community, as did the coercive silencing of whistleblowers.¹⁹ Although the CCP replaced some low- and mid-level officials it said had mishandled the initial response (the most

14. See Cate Cadell, “China's Coronavirus Campaign Offers Glimpse into Surveillance System,” *Reuters*, 26 May 2020, retrieved from <<https://www.reuters.com/article/us-health-coronavirus-china-surveillance/chinas-coronavirus-campaign-offers-glimpse-into-surveillance-system-idUSKBN2320LZ>>; Raymond Zhong and Paul Mozur, “To Tame Coronavirus, Mao-Style Social Controls Blanket China,” *New York Times*, 15 February 2020, retrieved from <<https://www.nytimes.com/2020/02/15/business/china-coronavirus-lockdown.html>>; Yasheng Huang, “No, Autocracies Aren't Better for public health,” *Boston Review*, 14 April 2020, retrieved from <<http://bostonreview.net/politics-global-justice/yasheng-huang-no-autocracies-arent-better-public-health>>.

15. See Matt Ho, Holly Chik, and Echo Xie, “China's National Security Commission Met in Secret Amid Coronavirus Pandemic,” *South China Morning Post*, 29 June 2020, retrieved from <<https://www.scmp.com/news/china/politics/article/3091101/chinas-national-security-commission-met-secret-amid-coronavirus>>.

16. Ministry of Public Security of the People's Republic of China, “Zhao Kezhi zhuchi zhaokai gong'anbu dangwei (kuoda) huiyi,” 28 May 2020, retrieved from <<https://www.mps.gov.cn/n2255053/n5147059/c7212369/content.html>>.

17. Liza Lin, “China's Plan to Make Permanent Health Tracking on Smartphones Stirs Concerns,” *Wall Street Journal*, 25 May 2020, retrieved from <<https://www.wsj.com/articles/chinas-plan-to-make-permanent-health-tracking-on-smartphones-stirs-concern-11590422497>>.

18. This tradeoff was apparent even within China during the early days of pandemic response: in Wuhan, mobility was nonexistent but citizens had privacy in confinement, while residents of Hangzhou were allowed some mobility but made significant compromises in terms of privacy.

19. Jeremy Page and Lingling Wei, “China's CDC, Built to Stop Pandemics, Stumbled When It Mattered Most,” *Wall Street Journal*, 17 August 2020, retrieved from <<https://www.wsj.com/articles/chinas-cdc-built-to-stop-pandemics-stumbled-when-it-mattered-most-11597675108>>.

senior of whom were the party secretaries in the city of Wuhan and Hubei province), it has not publicly investigated or held accountable any of China's central leadership, and is unlikely to do so absent a system of checks and balances that often produces high-level scrutiny in democracies.²⁰ Finally, the melding of public health and public security does not just securitize public health, but also medicalizes public security in ways that have been used in China to justify intensely intrusive and repressive policies—most notably, likening collective detention and forced re-education camps in Xinjiang to “political immunization” against disloyalty.²¹

The PRC has developed a model of pandemic response, therefore, which envisions a significant role for state surveillance and is deeply entwined with China's own illiberal governance. Many of the basic features of that model pre-dated the pandemic, but some of its key characteristics have been enhanced and potentially legitimated by China's coronavirus experience.

Will China's Model Diffuse Abroad? Lessons from IR Theory

The CCP has not just developed a model of pandemic response: it has been willing to spread that model, and in some cases has actively facilitated its adoption abroad. The regime has promoted its approach to coronavirus management using tools ranging from government-to-government outreach and export of Personal Protective Equipment (PPE)²² to foreign aid²³ to propaganda and disinformation.²⁴ These tools serve a number of purposes: they help to control global narratives about

20. See Chun Han Wong, “China Rescinds Penalty for Late Doctor Who Warned About Coronavirus,” *Wall Street Journal*, 19 March 2020, retrieved from <<https://www.wsj.com/articles/china-rescinds-penalty-for-late-doctor-who-warned-about-coronavirus-11584637545>>; William Zheng, “Beijing purges Communist Party Heads in Hubei Over ‘Botched’ Outbreak Response in Provincial Capital of Wuhan,” *South China Morning Post*, 13 February 2020, retrieved from <<https://www.scmp.com/news/china/politics/article/3050372/coronavirus-beijings-purge-over-virus-takes-down-top-communist>>; see also “Xinhua Headlines: China Penalizes Derelict Officials in Coronavirus Flight,” *Xinhua*, 5 February 2020, retrieved from <http://www.xinhuanet.com/english/2020-02/05/c_138755872.htm>.

21. PRC internal security chief Meng Jianzhu, for example, likened disorder to a disease, saying, “for harmful infectious diseases, we must strike early to preventively immunize and strengthen immunity.” In Xinjiang, the Communist Youth League explicitly called for treating people who “have not committed any crimes [but] are already infected by the disease.” See Meng 2015; Millward 2019; Greitens and Gewirtz 2020;

Chris Buckley, “China is Detaining Muslims in Vast Numbers. The Goal: Transformation,” *New York Times*, 8 September 2019, retrieved from <<https://www.nytimes.com/2018/09/08/world/asia/china-uyghur-muslim-detention-camp.html>>.

22. Amanda Lee, “China Promises not to Restrict Exports of Medical Supplies,” *South China Morning Post*, 6 April 2020, retrieved from <<https://www.scmp.com/news/china/diplomacy/article/3078526/coronavirus-china-promises-not-restrict-exports-medical>>.

23. Steven Lee Myers and Alissa J. Rubin, “With Coronavirus Cases Dwindling, China Turns Focus Outward,” *New York Times*, 18 March 2020, retrieved from <<https://www.nytimes.com/2020/03/18/world/asia/coronavirus-china-aid.html>>.

24. See Li Yuan, “With Coronavirus Coverage, China Builds a Culture of Hate,” *New York Times*, 22 April 2020, retrieved from <<https://www.nytimes.com/2020/04/22/business/china-coronavirus-propaganda.html>>; Kate Conger, “Twitter Removes Chinese Disinformation Campaign,” *New York Times*, 11

spread and management of the virus; they deflect blame over its origins and early transmission; and they promote positive images of China's leadership role in pandemic response. The State Council's June 2020 White Paper, for example, explicitly argues that China is "sharing its experience for the world to defeat the global pandemic." The announcement particularly lauds the effectiveness of the "tight prevention and control system involving all sectors of society," which it credits with enabling China to "win its all-out people's war against the coronavirus."²⁵

But will China's model in fact spread and be adopted worldwide? If so, how and where? Much of the writing in the early months of the pandemic warned that coronavirus could usher in an expansion of digital surveillance.²⁶ Applying insights from what we already know about diffusion processes in global politics, however, suggests that diffusion is not a foregone conclusion, and that any diffusion that might occur will almost certainly not be uniform. Instead, it is likely to vary according to geographic proximity to China, regime type and sub-type, and levels of pre-existing interaction or partnership with the PRC.²⁷ Countries that already have close ties to China and share a similar regime type are theoretically more likely to adopt features of Beijing's approach.

Some of what we have observed in global pandemic response is *clustering* rather than diffusion: countries that experience a common exogenous shock (pandemic onset) have adopted similar policy responses simply because they have similar resources to confront similar public health challenges. Typically, political scientists have distinguished clustering—similarity of response across independent observations due to similar underlying conditions—from diffusion, which involves interdependent observations and argues that the occurrence of some event or policy innovation in Country A (in this case a particular pandemic response in China) increases the probability of a similar outcome or policy innovation in Country B (or C, D, E, etc).²⁸ Arguing that China's model has diffused is a step beyond simply noticing clustering of similar pandemic responses; it requires observers to identify and demonstrate how developments in or actions taken by the PRC have raised the probability of similar steps being adopted in other countries.

In the contemporary international environment, we have observed some evidence of diffusion via *learning* mechanisms, particularly learning that is facilitated by global epistemic communities in medicine and public health.²⁹ Scientists around

June 2020, retrieved from <<https://www.nytimes.com/2020/06/11/technology/twitter-chinese-misinformation.html>>; Molter 2020.

25. "China Publishes White Paper on COVID-19 Fight," *Xinhua*, 7 June 2020, retrieved from <http://www.xinhuanet.com/english/2020-06/07/c_139121660.htm>. It is also important to note, however, that slogans are not foreign policy: a myriad of other factors—from resource constraints to bureaucratic politics to elite discord to public opinion—commonly affect how China's foreign policy concepts and slogans are actually transformed into policy. The same is likely to be true over time of COVID.

26. See, for example, Wright 2020; Cordero and Fontaine 2020; Frederick 2020.

27. Zhukov and Stewart 2013.

28. See Elkins and Simmons 2005; Houle, Kayser, and Xiang 2016.

29. See King 2005; Adler and Hass 1992.

309 the world have looked to colleagues in other countries to identify best practices in
310 virus response (from social distancing to mask-wearing) and assess how to adapt
311 these practices to local contexts. At the inter-governmental level, learning has also
312 occurred: the United States held weekly meetings in the early months of the pandemic
313 with counterparts in (mostly) democratic countries in Asia (India, Japan, South
314 Korea, Australia, New Zealand, and Vietnam), which shared information on the
315 virus and discussed best practices in treatment as well as steps to address a “disinfor-
316 mation campaign that was being launched, in particular, from China.”³⁰ We also see
317 some evidence of *emulation*, another diffusion mechanism, as successful democra-
318 cies have served as models for others. Israel, for example, announced that it was mod-
319 elling its approach to surveillance on that of Taiwan, and leaders of several countries
320 called South Korean President Moon Jae-in to learn about South Korea’s approach.³¹

321 Thus far, however, the most obvious diffusion processes observed have not eman-
322 ated specifically from China. Masks, for example, are widely used throughout East
323 Asia, so the global adoption of mask-wearing cannot be credited to diffusion from
324 China. As yet, the hallmarks of China’s political response to the pandemic—intensive
325 tech surveillance coupled with mass mobilization at the grassroots/local level to
326 ensure short periods of near-total lockdown—are not the features of pandemic
327 response policy that have diffused most widely.

328 Indeed, scholarship on global diffusion highlights not just the potential for a China-
329 based diffusion process, but also its likely limits. Recent work, for example, demon-
330 strates that political phenomena are more likely to diffuse to regimes that share
331 similar features,³² but the underlying institutions used in China’s pandemic response
332 are not especially common outside the PRC. As noted above, China had pursued
333 intensive tech-based surveillance and securitization to an unusual degree prior to
334 the coronavirus outbreak, and its approach to the pandemic relied not only on
335 merging public health data into existing surveillance infrastructure, but on grassroots
336 organization and mobilization of a kind that does not exist in many other regimes,
337 even those with relatively permissive authoritarian conditions. Still other factors
338 that are present to varying degrees around the world but are not features of the
339 Chinese political system—such as federalism, partisan polarization, and tolerance
340 for individual non-compliance—could further limit the transmissibility of China’s
341 approach.³³ This suggests that even regimes that try to emulate the PRC’s response
342 are unlikely to be able to replicate it wholesale, limiting the extent and depth of global
343 diffusion.

344 Although wholesale emulation seems theoretically unlikely, other elements of
345 China’s approach could spread through market mechanisms. China’s tech companies
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348 30. U.S. Department of State, “Deputy Secretary Biegun: Remarks at the US-India Strategic Partnership
349 Forum,” 31 August 2020, retrieved from <[https://www.state.gov/deputy-secretary-biegun-remarks-at-the-
350 u-s-india-strategic-partnership-forum/](https://www.state.gov/deputy-secretary-biegun-remarks-at-the-u-s-india-strategic-partnership-forum/)>.

351 31. Aspinwall 2020.

352 32. See Beissinger 2007; Goldring and Greitens 2020.

353 33. See Stasavage 2020.

353 already export surveillance technologies of various types to at least eighty countries,
354 including consolidated democracies, hybrid regimes, and full autocracies.³⁴ These
355 companies already had a first-mover advantage in experimenting with, testing, and
356 fine-tuning specific health surveillance technologies. Countries that struggle to
357 control the coronavirus, therefore, may find themselves turning to Chinese vendors
358 both for lack of a competitive alternative and because some of them already have
359 supplier-client relationships with PRC-based surveillance technology companies
360 that were established pre-pandemic. The Chinese party-state's foreign policy priorities
361 could play a role in this kind of diffusion process, but firms' market incentives
362 are likely to play a role as well, meaning that the effect would be a somewhat different
363 global pattern and distribution of China-originating surveillance technologies. Which
364 mechanism drives any global diffusion process, and to what extent, is a promising
365 topic for future inquiry.

366 China's model will also be more likely to spread if international organizations
367 (IOs) facilitate a global environment conducive to China's model—for example,
368 by disseminating standards that tilt the global marketplace and regulatory environ-
369 ment in favor of China or Chinese companies. China has already, arguably, moved
370 from being a “norm-taker” to a “norm-maker” in this domain; it had, for some
371 time prior to COVID, been actively shaping global norms and regulations governing
372 the development and use of surveillance technologies.³⁵ On this issue, the PRC has
373 pursued a highly strategic approach, organizing domestic actors to develop Chinese
374 domestic standards and then actively promoting the proposed standards in inter-
375 national fora.³⁶ On the eve of the pandemic, China had already begun to outpace
376 the US and other countries in setting global standards for emerging surveillance tech-
377 nologies: as of late 2019, Chinese tech companies had made the only submissions on
378 facial recognition to the UN's International Telecommunications Union (ITU), half of
379 which had been approved.³⁷ Active leadership at the ITU and other technology stand-
380 ard-setting bodies has helped the PRC quietly and quickly shape the global regulatory
381 environment, and COVID has provided a further opportunity to use these bodies to
382 highlight the effectiveness of China's approach.³⁸ Going forward, leadership in
383 terms of global regulation could help maintain or increase Chinese companies'
384 market access; this in turn is likely to facilitate bottom-up acceptance of Chinese stan-
385 dards in an increasing number of countries and make it harder for the international
386 community to sanction China for development and export of technologies used to
387 violate human rights.³⁹ In that sense, China's IO engagement could facilitate
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390 34. Greitens 2020.

391 35. Ibid.

392 36. Kania 2018.

393 37. Anna Gross and Madhumita Murgia, “China Shows its Dominance in Surveillance Technology,”
394 *Financial Times*, 26 December 2019, retrieved from <<https://www.ft.com/content/b34d8ff8-21b4-11ea-92da-f0c92e957a96>>.

395 38. See International Telecommunications Union 2020.

396 39. David Kaye, the UN's Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, recently sounded an alarm on the unregulated use of “technology that is causing

397 development of a strand of global order that is decidedly illiberal, and market and pol-
398 itical mechanisms of diffusion may ultimately reinforce each other in that process.⁴⁰

399 A final factor that will shape this discussion is the structure of the international
400 system and the presence or absence of any potential democratic alternative that
401 could compete with or offset diffusion originating from China. At present, though
402 some democracies have experienced notable success in controlling the coronavirus
403 and have shared these lessons with others, there is not a single democratic model
404 spreading alongside Beijing's attempts to publicize the Chinese approach, and espe-
405 cially not one whose country of origin has the major power status of the PRC.⁴¹
406 Previous literature suggests that the autocratic or democratic identity of global hege-
407 mons and major powers can affect worldwide prevalence of democracy; the future
408 structure of the international system may therefore also favor the spread of a
409 Chinese model (with the caveats and constraints described above) unless another
410 major power can offer an alternative.⁴²

412 **Beyond Diffusion: Democratic Erosion & Democratic Insulation**

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415 Even if China's model of illiberal authoritarian response to COVID-19 does not
416 diffuse, the pandemic could have negative effects on global patterns of democracy
417 via other pathways. During the early months of 2020, media and policy analysis
418 expressed concern that the pandemic would undermine global democracy and
419 reinforce the powers of repressive governments worldwide.⁴³ They highlighted
420 cases like China's where tools of authoritarian governance were being repurposed
421 to enforce lockdowns, strengthening the regime's surveillance and coercive capacity
422 in the process.⁴⁴ In democracies and semi-democratic countries, analysts highlighted
423 events such as the cancellation of elections (Bolivia); application of curfews, censor-
424 ship, and media constraints (Thailand and India); rapid expansion of surveillance
425 (Israel); and passage of emergency decrees and expanded executive powers, some

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428 immediate and regular harm to individuals and organizations that are essential to democratic life," and
429 called for development of global standards and publicly-owned mechanisms to limit both the domestic
430 use and international export of private surveillance technology; see United Nations 2019.

431 40. As Johnston 2019 notes, the concept of "international order" actually encompasses multiple, domain-
432 specific, overlapping but distinguishable networks.

433 41. ROK Foreign Minister Kang Kyung-hwa did present South Korea's approach to the UN's
434 International Telecommunication Union as a positive case study in coronavirus management. See "FM
435 Kang Explains S. Korea's Quarantine Efforts during UN-ITU Videoconference," *Yonhap*, 14 May 2020,
436 retrieved from <<https://en.yna.co.kr/view/AEN20200514001200325?section=news>>.

437 42. Boix 2011.

438 43. See Brown, Brechenmacher, and Carothers 2020; Smith and Cheeseman 2020; Kleinfeld 2020.

439 44. See Smith and Cheeseman 2020; Wright 2020; Anthony Nguyen, "Vietnam's Government Is Using
440 COVID-19 to Crack Down on Freedom of Expression," *Slate*, 8 May 2020, retrieved from <<https://slate.com/technology/2020/05/vietnam-coronavirus-fake-news-law-social-media.html>>; "Vietnam Introduces
441 'Fake News' Fines for Coronavirus Misinformation," *Reuters*, 15 April 2020, retrieved from <<https://www.reuters.com/article/us-health-coronavirus-vietnam-security/vietnam-introduces-fake-news-fines-for-coronavirus-misinformation-idUSKCN21X0EB>>.

used to silence critics (Hungary, the Philippines,⁴⁵ and countries in eastern and southern Africa).⁴⁶ Domestic use of the military to enforce lockdowns (as in Central & South America) also raised the specter of civil-military dysfunction and military intervention in domestic or civilian political life.⁴⁷ Overlaying all this was the concern, based on evidence about the stickiness of emergency powers and security measures adopted under crisis in the past, that restrictions intended to be temporary would in practice be difficult to roll back or contain (a dynamic explored in more detail in David Stasavage's excellent contribution to this special issue).⁴⁸

Just as civil liberties are an important component of democracy, but not its only defining attribute,⁴⁹ health surveillance encroachment on civil liberties is not the only mechanism by which the pandemic could produce democratic erosion or autocratization. Other pathways include limits on media reporting and/or censorship of information; military intervention in civilian politics; repression and abuse by police or other security forces during lockdown enforcement; and discrimination against sick individuals or particular groups as a result of pandemic politics. The pandemic could also contribute to the rise or consolidation of power by populist leaders who use moments of health and economic crisis to strengthen personal rule through manipulation of standard democratic constraints and electoral processes, or who use emergency degrees to aggrandize executive power that outlasts pandemic conditions.⁵⁰

45. See Amnesty International 2020; "Major Philippines Broadcaster Regularly Criticized by President Duterte Forced Off Air," *CNN*, 6 May 2020, retrieved from <<https://edition.cnn.com/2020/05/06/media/philippines-duterte-abs-cbn-closure-intl-hnk/index.html>>; Republic of the Philippines, "Proclamation No. 922 s. 2020," *Official Gazette*, 8 March 2020, retrieved from <<https://www.officialgazette.gov.ph/2020/03/08/proclamation-no-922-s-2020/>>.

46. See Selam Gebrekidan, "For Autocrats and Others, Coronavirus is a Chance to Grab More Power," *New York Times*, 30 March 2020, retrieved from <<https://www.nytimes.com/2020/03/30/world/europe/coronavirus-governments-power.html>>; Shenga 2020.

47. The irregularity and infrequency of coups makes it difficult to ascertain at the time of writing whether these fears will prove warranted. For examples, see Farnaz Fassihi, "Power Struggle Hampers Iran's Coronavirus Response," *New York Times*, 17 March 2020, retrieved from <<https://www.nytimes.com/2020/03/17/world/middleeast/coronavirus-iran-rouhani.html>>; Joe Parkinson and Nicholas Bariyo, "In Africa, Fierce Enforcement of Coronavirus Lockdowns is Stirring Resentment," *Wall Street Journal*, 2 April 2020, retrieved from <<https://www.wsj.com/articles/in-africa-fierce-enforcement-of-coronavirus-lockdowns-is-stirring-resentment-11585825403>>; Ayesha Siddiqi, "Coronavirus Crisis Makes it Clear who is Calling the Shots in Pakistan/--/Military, of Course," *The Print*, 27 March 2020, retrieved from <<https://theprint.in/opinion/coronavirus-crisis-makes-it-clear-who-is-calling-the-shots-in-pakistan-military-of-course/389232/>>; Marco Aquino, Daniela Desantis, and Nelson Renteria, "Military Roadblocks, Curfews: Latin America Tightens Coronavirus Controls," *Reuters*, 16 March 2020, retrieved from <<https://www.reuters.com/article/us-health-coronavirus-latam/military-roadblocks-curfews-latin-america-tightens-coronavirus-controls-idUSKBN2133BY>>; Rami Ayyub, "Armed Israeli Troops to Help Enforce Coronavirus Lockdown," *Reuters*, 27 March 2020, retrieved from <<https://www.reuters.com/article/us-health-coronavirus-israel/israel-to-use-military-to-help-enforce-coronavirus-lockdown-idUSKBN21E0WM>>.

48. See Stasavage 2020; see also Donohue 2008; Luhrmann and Rooney, *forthcoming*.

49. Typical conceptions of democracy emphasize at least three conceptual components: participation, competition, and civil liberties. On this issue, see Karl and Schmitter 1991.

50. See Levitsky and Ziblatt 2018; Bermeo 2016; Luhrmann and Rooney *forthcoming*; on economic crisis and regime change see Geddes 1999; Haggard and Kaufman 2016.

485 The presence of multiple pathways that could produce democratic erosion is
486 an important methodological challenge. Not only should these pathways be
487 clearly identified where possible in order to better understand the precise risks
488 the pandemic poses to global democracy, but our analysis must also take into
489 account the fact that a number of global trends toward autocratization pre-
490 dated the outbreak.⁵¹ Not all autocratization in 2020 (or after) will be attributable
491 to the pandemic. Some of the countries and leaders highlighted for problematic
492 responses thus far—such as Orban in Hungary or Duterte in the Philippines—
493 were not impeccably democratic beforehand: they exhibited behavior that
494 raised concerns or even prompted changes in the classification of democracy
495 prior to the discovery and spread of coronavirus. Other concerns that have
496 appeared to be contemporaneous with the pandemic are, upon closer scrutiny,
497 unrelated to it even though they occur in parallel; in South Korea, for
498 example, weakening separation of executive and judicial branches, and crack-
499 downs on the civil liberties of North Korean defectors for reasons to do with
500 President Moon Jae-in’s approach to inter-Korean relations, have both under-
501 mined liberal democratic norms.⁵²

502 Yet the pandemic may also be a reinforcing or permissive factor. It can provide
503 justification for expansion of surveillance in a full authoritarian regime, enhancing
504 its repressive capacity. In a hybrid regime or weak democracy, the pandemic could
505 provide pretext for weakening media laws or distortion of civil-military relations,
506 paving the way toward incumbent takeover.⁵³ In South Korea, for example,
507 already-deepening polarization has been accelerated by the Moon administration’s
508 blame of conservative churches for being major outbreak sites, providing further
509 reason to be concerned about democratic decline.⁵⁴

510 These counterfactuals are tricky. Knowing which trends would have existed
511 without the pandemic, which have been exacerbated by it, and which would not
512 have appeared otherwise and were directly brought into being by the pandemic
513 will be an ongoing intellectual and methodological challenge. In assessing the
514 virus’s impact on democratic corrosion, analysts must think carefully about how
515 pre-existing and parallel-but-separate political trends should be weighted against
516 pandemic-specific policy responses.⁵⁵

517 Although the outbreak raised clear concerns about democratic erosion and autokra-
518 tization, cited above, reality during the first months of pandemic response has been
519 considerably more nuanced. Early data suggests that the pandemic’s main effect
520 has been to deepen existing political trends. The Varieties of Democracy project
521 (V-Dem) has created a Pandemic Democratic Violations Index and a Pandemic
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525 51. See Luhrmann and Lindberg 2019; Hyde 2020; Waldner and Lust 2018.

526 52. Shin 2020.

527 53. Svobik 2015.

528 54. Shin 2020.

529 55. On equifinality, see George and Bennett 2005.

529 Backsliding Index, which measure “the degree to which democratic standards for
530 emergency measures are violated by government responses to Covid-19.”⁵⁶ The
531 project examines six major types of violations of democratic standards, including
532 (1) emergency measures without a time limit; (2) discriminatory measures; (3) *de*
533 *jure* violation of what the International Covenant on Civil and Political Rights
534 (ICCPR) defines as “non-derogable” rights;⁵⁷ (4) restriction of media freedom; (5)
535 disproportionate limits on legislative power; and (6) abusive enforcement.
536 Although the project has identified places where weakly democratic governments
537 appear to be using the pandemic to erode democratic institutions and civil liberties,
538 it also finds that the most severe pandemic-related restrictions have been applied in
539 places that are already fully autocratic; conversely, two-thirds of democracies have
540 implemented emergency measures without significantly compromising or violating
541 their democratic standards.⁵⁸

542 The region where geographically-based diffusion of a China model should be most
543 pronounced is Asia,⁵⁹ but preliminary evidence from the region in fact suggests that
544 geographically-driven diffusion of China’s approach has either not occurred or has
545 not undermined democracy in significant ways. Across the region, there is strong cor-
546 relation between measures of liberal democracy and of pandemic response, suggest-
547 ing that violations have been more severe in the regime types already prone to
548 violations of rights—full or electoral autocracies.

549 Similar trends appear to have played out globally in the pandemic’s first nine
550 months. As Aurel Croissant argues, the highest pandemic-induced risks appear to
551 be either to citizens of autocracies or to those in “democracies with pre-existing con-
552 ditions.”⁶⁰ At the time of writing, consolidated democracies—especially those with
553 substantial pre-existing limits on executive power and robust civil societies—had
554 passed fewer coronavirus-related measures that threatened the quality of democratic
555 institutions or compromised civil liberties.

560 56. The index originally examined nine measures: “expansion of executive power without sunset clause
561 and oversight; discriminatory measures; derogation of non-derogable rights (ICCPR); restrictions of media
562 freedom; punishments for violating these restrictions; limitations of electoral freedom and fairness; dispro-
563 portionate limitations of the role of the legislature; disproportionate limitations of judicial oversight; and
564 arbitrary and abusive enforcement.” See Wilson and Lindberg 2020.

565 57. Non-derogable rights are rights (similar to inalienable rights) that cannot be taken away or compro-
566 mised by the state even in cases of emergency. In customary international law, this includes the right to life,
567 the right to be free from torture or inhumane treatment, the right to be free from slavery, and the right to be
568 free from retroactive application of penal laws.

569 58. Edgell et al. 2020. Similarly, the International Center for Non-Profit Law (ICNPL) identified issues
570 and countries of concern, but also profiled positive cases where states have augmented public health poli-
571 cies compatible with the protection of privacy, civil liberties, and democracy. See International Center for
572 Non-Profit Law 2020.

573 59. For a review of the conventional wisdom that geography is an important driver of democratic diffu-
574 sion and a theoretical and empirical challenge to that conventional wisdom, see Goldring and Greitens
575 2020.

576 60. Croissant 2020.

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COVID-19 Response and Pandemic Backsliding
Have democratic standards been violated?

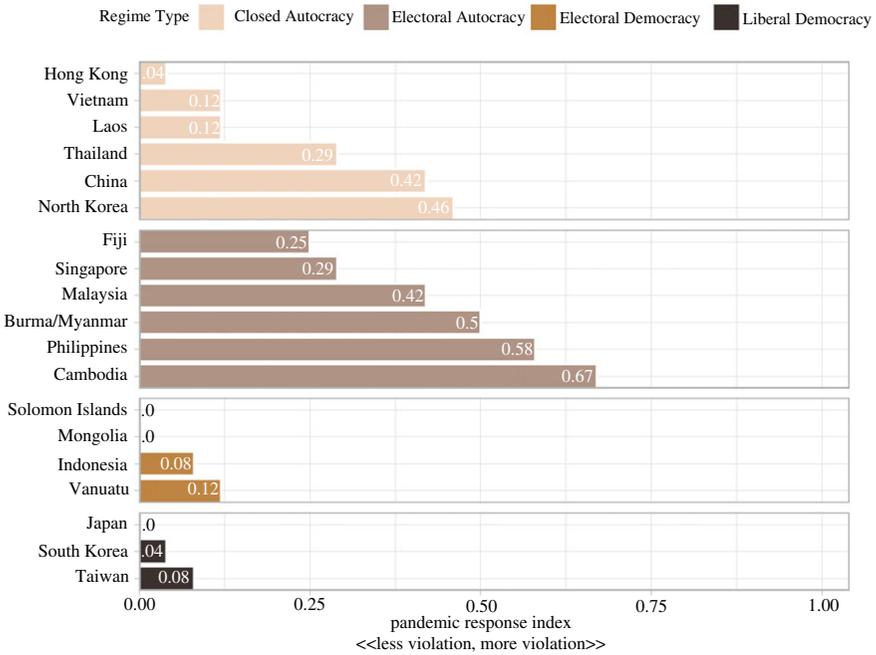


FIGURE 1. COVID-19 response and pandemic backsliding in Asia by country
Source: Figure reprinted with author's permission from Denney 2020.

Surveillance and Democracy: Understanding Democracy-Compatible Pandemic Response

How have consolidated democracies responded to the crisis conditions imposed by the pandemic without compromising the standards and quality of their democracies? The answer is *not* that democracies have eschewed surveillance or avoided tradeoffs and compromises on personal and data privacy. Privacy is a topic of ongoing debate in many contemporary democracies, and faced with COVID-19, most democratic countries employed some tracking or surveillance regimen.⁶¹ Taiwan's response, for example, relied heavily on digital surveillance: data held by the National

61. See Natasha Singer and Choe Sang-Hun, "As Coronavirus Surveillance Escalates, Personal Privacy Plummets," *New York Times*, 23 March 2020, retrieved from <<https://www.nytimes.com/2020/03/23/technology/coronavirus-surveillance-tracking-privacy.html>>; Shui-yin Sharon Yam, "Coronavirus and Surveillance Tech: How Far Will Gov'ts Go and Will They Stay When They Get There?" *Hong Kong Free Press*, 24 March 2020, retrieved from <<https://hongkongfp.com/2020/03/24/coronavirus-surveillance-tech-far-will-govts-go-will-return-freedoms-people/>>.

Health Insurance system was linked to data collected by Immigration/Customs and used to identify potential cases, conduct contact tracing, implement quarantine surveillance, and monitor citizens' mobility patterns using government-issued cell phones.⁶² Health records were also mined retroactively to identify, test, and treat individuals who had reported non-flu respiratory illness in the weeks before the outbreak became public. In South Korea, similar quarantines were maintained by requiring smartphone users to install an app that tracked the user's location—sometimes dozens of times a day—under post-2015 regulations that allowed warrantless remote access.⁶³ Yet both countries score well in terms of having avoided any kind of pandemic-related democratic erosion. How?

Successful democratic responses have generally adhered to three criteria: (1) measures adopted have been necessary and proportional; (2) measures have been temporally limited and limited in scope; and (3) measures have been subject to democratic processes of review and accountability. Moreover, in some democracies surveillance and monitoring are explicitly linked to positive citizen rights, such as the right to testing and treatment. Norms, institutions, and public opinion have jointly contributed to democracy-protective responses.

Policy responses have been *proportional* because surveillance technology has, generally speaking, been used by democracies to identify patients, separate the sick from the healthy, and determine risk levels stratified by subset of the population.⁶⁴ More extended periods of surveillance have been limited to a subset of individuals confirmed to pose a risk to others, with the boundaries of this subset specified in law and implemented with the intent of limiting other rights violations that could be considered equally or more severe, such as violations of citizen rights to mobility, commerce, assembly, and welfare that accompany widespread illness and/or mandatory lockdown. The negative frame is also helpful here: democracies have generally *not* employed surveillance technologies to target, harass, or curtail the freedom of the executive's political opponents in particular.

Access to and use of the data collected by surveillance technology for coronavirus management in democracies has also been *temporally limited* and *limited in scope of access*—in other words, both the time that data can be retained and who can access it are circumscribed. Taiwan, for example, requires personal data to be deleted after the fourteen-day quarantine period ends; the government has announced that that it will erase the whole monitoring system after the pandemic has passed and conduct audits to confirm that no data has been inappropriately retained.⁶⁵ Digital Minister Audrey

62. Martin 2020.

63. These regulations followed the deaths of 39 people in a MERS outbreak in 2015. William Gallo, "South Korea's Coronavirus Plan is Working. Can the World Copy It?" *Voice of America*, 23 March 2020, retrieved from <<https://www.voanews.com/science-health/coronavirus-outbreak/south-koreas-coronavirus-plan-working-can-world-copy-it>>; see also Michael Kim, Twitterp, 9 May 2020, 1:09 AM, retrieved from <<https://twitter.com/michaelvkim/status/1258987354934538248>>.

64. Rapp-Hooper and Sacks 2020.

65. Chang 2020.

661 Tang has argued that this transparency is necessary in order to equalize the power
662 dynamic between citizens and government: as surveillance makes citizens legible
663 to the government, transparency makes government legible to citizens.⁶⁶ South
664 Korea allows for the collection of health-related surveillance data without prior
665 court order during infectious disease outbreaks, but has also placed temporal and bur-
666 eaucratic scope limits on digital data collection and retention. Only a few government
667 officials can access the data integration platform, and their activities on the platform
668 are monitored to avoid misuse. South Korean law also requires the government to
669 delete all personal data collected once “relevant tasks have been completed” (once
670 the pandemic has subsided).⁶⁷

671 Democratic pandemic responses have also been *subject to democratic oversight*
672 *and accountability*. Taiwan’s approach, developed during the 2003 SARS outbreak
673 and subsequently ratified by the Constitutional Court, provides for both judicial
674 review and legislative ratification of policies adopted under emergency health condi-
675 tions.⁶⁸ When pressed publicly about whether Taiwan needed to use emergency
676 powers to cope with COVID-19, President Tsai Ing-wen stressed that Taiwan
677 could and would try to work within the existing legal framework in order to
678 protect democratic processes and institutions. South Korea, too, learned from the
679 MERS outbreak in 2015 to create what one analyst called a “bespoke legal regime
680 tailored to meet the demands of an infectious disease outbreak.”⁶⁹ Although it
681 empowers the government to use warrantless surveillance (as outlined above), the
682 Infectious Disease Control and Prevention Act also places limits on government
683 action and requires the health minister to regularly disclose certain information to
684 the public for purposes of transparency and accountability.⁷⁰ Over the course of
685 2020, as critics expressed mounting concern that adherence to the law was leading
686 to release of personally identifiable data, the National Human Rights Commission
687 issued recommendations amending the scope and type of information made public,
688 and the Korean CDC adopted those recommendations shortly thereafter.⁷¹ These
689 examples illustrate the role that both civil society and institutional checks and bal-
690 ances can play in constraining and tailoring pandemic responses by democracies.

691 In some cases, democracies have pursued not only bottom-up, citizen-based over-
692 sight, but pandemic response through participatory governance; some of these efforts
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695 66. “Biosurveillance in China and Taiwan,” National Bureau of Asian Research event, August 2020,
696 retrieved from <<https://www.nbr.org/event/containing-covid-19-biosurveillance-in-china-and-taiwan/>>.

697 67. “FM Kang Explains S. Korea’s Quarantine Efforts during UN-ITU Videoconference,” *Yonhap*, 14
698 May 2020, retrieved from <<https://en.yna.co.kr/view/AEN20200514001200325?section=news>>; see also
699 Twitter thread by Raphael Rashid, Twitter post, 17 April 2020, 11:15 PM, retrieved from <<https://twitter.com/koryodynasty/status/1251348652070592516>>.

700 68. Republic of China [Taiwan], Communicable Disease Control Act, retrieved from <<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=L0050001>>. See also Wang, Ng, and Brook 2020.

701 69. Kim 2020.

702 70. Republic of Korea, *Infectious Disease Control and Prevention Act*, Act No. 14316 (December
703 2016; effective June 2017), retrieved from <<http://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=188080&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000>>.

704 71. Park, Choi, and Ko 2020.

705 have involved the private sector or public-private partnerships. In Norway, for
706 example, over 1.4 million citizens (out of a total population of 5.5 million) down-
707 loaded to their smartphones a coronavirus tracking app developed by state-owned
708 company Simula: essentially a form of opt-in, voluntary surveillance.⁷² After
709 Amnesty International identified privacy issues with the app, however, the govern-
710 ment suspended its use and deleted the data it had gathered—an example of both vol-
711 untary participation and subsequent civil society oversight at work. In fact, voluntary
712 participation and cooperation with private-sector solutions are characteristic of the
713 approach taken to health monitoring in many democracies: European authorities,
714 for example, have recommended voluntary programs due to privacy concerns, and
715 opt-in citizen participation has therefore been essential to the functioning of the
716 tools employed.⁷³

717 A number of democracies have also linked the expansion of government surveil-
718 lance and authority during the pandemic to corresponding citizen rights. In South
719 Korea, citizens are given the right to certain information (as discussed above), and
720 the government must also notify any persons placed under surveillance that they
721 are being monitored. The government can mandate testing, but the same law also
722 endows citizens with the right to diagnosis and treatment, and requires the govern-
723 ment to pay the costs.⁷⁴ In Taiwan, individuals placed under quarantine are compen-
724 sated, and Foreign Minister Joseph Wu has spoken publicly on the need for
725 government service provision to quarantined individuals.⁷⁵ Other democracies
726 have expanded citizens' rights to specific forms of health care, unemployment
727 benefits, and other welfare assistance. Thus far, however, there has been more atten-
728 tion in public and policy discourse to how democracies can avoid rights violations,
729 and less systematic attention to variations in the positive rights extended to citizens
730 by democracies under pandemic conditions. This reflects discussion in the compar-
731 ative politics literature on the heterogeneous ways democracies conceptualize and
732 implement citizen rights.⁷⁶

733 Within consolidated democracies, a number of factors appear to have combined to
734 facilitate democracy-protective pandemic response. Some countries that have
735 combined effective public health policy with democratic insulation—such as
736 Taiwan and South Korea—have recent authoritarian history, which offers a height-
737 ened awareness of the costs of surveillance and experience with the mechanics of
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741 72. David Nikel, "Norway: 1.4 million people download coronavirus tracking app despite security con-
742 cerns," *Forbes*, 25 April 2020, retrieved from <<https://www.forbes.com/sites/davidnikel/2020/04/25/norway-14-million-people-download-coronavirus-tracking-app-despite-security-concerns/#600db81c7832>>.

743 73. Library of Congress 2020.

744 74. Republic of Korea, *Infectious Disease Control and Prevention Act*, Act No. 14316 (December 2016;
745 effective June 2017), retrieved from <<http://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=188080&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000>>.

746 75. Bardi and Bollyky 2020.

747 76. Marshall 1964 separates rights into civil (right to be protected from arbitrary government); political
748 (right to participate or have a say in one's government); and social (right to receive welfare); on extending
this framework to autocracies, see for example Perry 2008.

749 redesigning processes and institutions previously used for authoritarian surveillance
750 to render them compatible with democracy. Moreover, experience with a major infec-
751 tious disease outbreak allowed these democracies to debate, *prior to the onset of the*
752 *crisis*, the tradeoffs involved in different policy options, and to decide which trade-
753 offs, safeguards, and checks and balances were most appropriate and important.
754 Other democracies, such as those in the European Union, also had strong data
755 privacy regulations in place before the pandemic for different reasons. Worldwide,
756 democracy-compatible responses drew on institutional frameworks (existing laws
757 that could cope with pandemic conditions, checks and balances on emergency
758 response); normative commitments by elites (eschewing the use of emergency
759 powers, relying on existing legislation, welcoming democratic oversight); and
760 public accountability and participation (which can be seen either as an implied elect-
761 oral constraint or as participatory democratic process). A final beneficial factor is that
762 the measures adopted by many of these democracies produced positive results in the
763 first several months of the coronavirus pandemic: low case and fatality numbers
764 meant less pressure on leaders to adopt draconian or undemocratic measures to
765 deal with a mounting crisis. The initial success of some of these approaches, in
766 other words, reinforced democracy-protective effects over time.

767 **Conclusions & Future Research**

770 To what extent has the COVID-19 outbreak and the augmented use of health surveil-
771 lance technology that has resulted from it altered global conceptions of civil liberties,
772 privacy, and democracy? How might longer-term patterns of liberal democracy be
773 affected by the pandemic? In China, the outbreak has strengthened a pre-existing
774 techno-authoritarian project aimed at “prevention and control” of threats to both
775 public health and public order. Certain features of the international system—such
776 as China’s major power status, its global economic role, and its leadership in inter-
777 national organizations—suggest that China’s model of illiberal pandemic response
778 could diffuse worldwide. Other factors, however, such as the incomparability of
779 China’s political system to many other countries in the contemporary international
780 system, suggest much more limited diffusion potential. To date, the pandemic has
781 largely augmented existing trends, meaning that autocracies have been likely to
782 respond in ways that infringe upon citizen rights, and weak democracies exhibit
783 some risk of democratic erosion and pandemic-associated autocratization; surveil-
784 lance, however, has played a limited role in these processes. Conversely, consolidated
785 democracies have managed to navigate the initial stages of the crisis by and large
786 without compromising democratic standards. When they have used surveillance, it
787 has been fenced in by democratic institutions and rule of law, and norms, institutions,
788 and public opinion have worked together to facilitate pandemic responses that are (on
789 balance) proportional, limited in time and scope, and subject to democratic oversight.

790 The initial impact of COVID-19 on privacy, civil liberties, and democracy world-
791 wide suggests several fruitful areas of focus for policy and research. First, if the
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risks of democratic backsliding truly are concentrated in a handful of weak democracies, the United States and the international community could focus their efforts on these countries. Foreign assistance and training could assist these countries in crafting legal and regulatory safeguards around pandemic response—the use of surveillance technology and broader policy responses—so that their efforts prioritize and protect citizen rights and democratic institutions. The United States could also play a key role in more actively shaping global learning processes to share democracy-compatible best practices in coronavirus response, putting the weight of the international system’s most powerful actor behind democracy-compatible diffusion processes. This could take a number of forms, from using international organizations to facilitate transmission of ideas to informally supporting global emulation of democratic, effective pandemic response models. Finally, recent evidence suggests that contemporary autocratization is incremental, but difficult to reverse⁷⁷—implying that the payoff will be greatest if the US and the international community can arrest democratic erosion before it happens, rather than trying to repair erosion after the fact.

As the world continues to assess the impact of the novel coronavirus on global democracy and liberal governance, several questions merit further investigation. What will the actual patterns of diffusion be as they relate to health surveillance technology, particularly the technologies used to combat COVID-19? How many liberal democracies worldwide already have legal frameworks (related to surveillance or more broadly) to respond to infectious disease emergencies, and how many are developing these frameworks now, in response to the challenges posed by the pandemic? What policies, pursued or proposed, are effective at protecting liberalism and democratic institutions, and which ones are ineffective over the medium-to-longer term? How might surveillance interact with other mechanisms of democratic erosion to generate varied scenarios for the distribution and trajectory of democracy worldwide, and how do policy responses differ for each of these scenarios? What are the ideal international fora in which to regulate and develop standards for the use of health surveillance technology, and what foreign policy tools would ensure that liberal rather than illiberal approaches prevail? The answers to these and other questions will help scholars and policymakers alike assess and respond to the pandemic’s ongoing impact on civil liberties and democracy around the world.

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