

THE COMPARATIVE 'COURT POLITICS' OF COVID-19: EXPLAINING GOVERNMENT RESPONSES TO THE PANDEMIC

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Abstract

What has shaped the different responses to COVID-19? The orthodoxy in the crisis management literature holds that the response to events like COVID-19 is primarily shaped by a decentralized group of actors on the ground. In this paper, we argue that a top-down explanation, focused on the actions and intentions of the core executive, is an essential complement to this bottom-up emphasis on a distributed network. Specifically, we advance a 'court politics' understanding of how governing elites have taken advice and made decisions, and sketch out the impact this has had in framing and constraining crisis response efforts. The argument uses an interpretive framework centred on the dilemmas that governing elites face in managing crisis. We illustrate the underlying 'court politics' which has driven responses to COVID-19 in England and Denmark. We show that pathologies and dysfunctions in Johnson's court have filtered through into inertia and indecisiveness, while the centralization of authority in Frederiksen's court has enabled swift and decisive intervention. Our analysis shows that a top-down emphasis on executive government – and the 'court politics' therein – offers a fruitful agenda for understanding and comparing COVID-19 crisis response.

Keywords

COVID-19, core executive, interpretivism, court politics, UK, Denmark

Introduction

How do we explain similarities and differences in government responses to the COVID-19 pandemic? Initial scholarship has reached for dominant institutionalist explanations, attributing different responses to structural factors such as majoritarian versus consensual systems, centralised versus de-centralised bureaucracies, or presidentialist versus prime ministerial executives.¹ But, institutionalist explanations can only take us so far (see Boin et al. 2021). We have seen aggressive ‘precautionary’ responses to the pandemic, via radical lockdowns and border closures, across all these institutional contexts; we have seen timid ‘proportionate’ responses across all these institutional contexts too. There is little institutionalist rhyme or reason to these patterns.

This variation and volatility come as no surprise to scholars of crisis management. These scholars note that any response to a pressing crisis like the COVID-19 pandemic is complex and contingent. They argue that crisis response is distributed across networks of situated actors, encompassing frontline service delivery, local authorities, third and private sector contractors (see Boin et al. 2016). In all cases executive leadership still matters, albeit how it matters is still something of a ‘black box’ for outside observers.

Crisis management is said to require the *professional* craft of planning, coordinating, implementing and evaluating, and the *political* craft of making sense of a crisis, crafting the narrative and steering a course through the blame game (Boin et al. 2021). What is missing is a description of *how* political craft has been practised in this crisis. This article fills this gap. We examine government responses to the COVID-19 pandemic. Our emphasis on the executive as political agents supports the view of crisis management scholars over institutionalist explanations. But it also extends this account via an interpretive analysis of ‘court politics’ in action.

We begin by reviewing the literature on crisis management and the executive. We highlight how an interpretive approach which focuses on actors, their practices and especially dilemmas they confront can show *how* court politics shapes crisis response. The core of the article is a comparative analysis of the COVID-19 response in Denmark and England. The

¹ See, for example, multiple contributions to recent COVID-themed special issues in the *International Review of Administrative Sciences* and *Policy and Society*.

case material highlights the similar dilemmas that each government faced but also the variation in their responses. We argue that neither is reducible to institutionalist explanations. The local ‘court politics’ of the executive inflected the decisive precautionary response in Denmark (that became increasingly muddled as the crisis drew on), and set the tone for a reactive, incoherent response in England from the outset.

The Executive and Crisis

The role of the executive in crisis management has been a topic of considerable debate. Leading crisis management scholars now stress the distributed network of organisations and actors crucial in making decisions and taking actions in crisis contexts (Boin et al. 2016): leadership still matters, albeit it remains something of a ‘black box’. We know leaders have an important public-facing, symbolic role (Stark 2011; cf. Salomonsen and ‘t Hart 2020), that they construct the narrative about the crisis and play a key role in coordination. And, if carefully crafted, leaders are even able to ‘exploit’ a crisis to improve their popularity (Boin et al 2021). There is also an acknowledgement that there is political contest around leadership during a crisis. For example, Boin et al. (2016: 248) reflect on the ‘infighting’, ‘internecine struggles’, ‘groupthink’ that surround crisis leadership; argue that ‘rumour, leaks, silences, and misrepresentations are part and parcel of the process’; and speak of the ‘fierce competition for the leader’s ear and attempts to destroy the credibility of competitors for the leaders’ attention.

This article extends this account by: 1) providing an approach for opening up the black box of crisis leadership; what we call ‘court politics’; and 2) showing how this approach can explain both similarities and differences in the COVID response across institutional contexts. In doing so we show how, contra received wisdom, England’s famously ‘majoritarian’ system (mostly) failed to produce centralised leadership while Denmark’s famously ‘consensual’ institutions (mostly) did.

‘Court politics’ is a term which refers to the political leadership network of politicians, public servants, and political advisers at the heart of government. It is an extension of the ‘core executive’ approach and its emphasis on the ‘complex web of institutions, networks and practices surrounding the PM, Cabinet, cabinet committees and their official counterparts, less formalized ministerial ‘clubs’ or meetings, bilateral negotiations, and interdepartmental committees’. It focuses on the *realpolitik* of the governing elite, on ‘the relationship between

ideas and political practices’, and on ‘short term politicking or tactical manoeuvring’ (Cowling 1971: 3-4. See also Savoie 2008). The number of participants in this innermost circle is limited but the court is at the heart of set of interlocking, interdependent networks that constitute the executive (Burch and Holliday 1996: 105-6; Hennessy 2000: 493-500). The metaphor thus invokes a sense of the contingent and relational nature of executive decision making.

In addition to its dynamism, the approach should have much to offer the crisis management literature because recent studies of court politics reveal they are often in near permanent crisis (Rhodes 2011). These studies depict practices of daily firefighting, in which leaders lurch from one urgent problem to the next in a state of constant high alert. The onset of a crisis like the COVID-19 pandemic merely accelerates and exacerbates these trends. As we will show, the dynamics of the court have an impact on how scientific advice is sought and received, how agendas are shaped and priorities sifted, and how resources and capacities on the ground are mobilised. To understand the response to the crisis, we therefore have to understand the way ‘situated agents’ in the court respond to key dilemmas.

Comparing Courts

To explain the role of the executive in the COVID-19 response we need an approach that can account for similarities and differences that do not conform to institutionalist assumptions. This should not surprise—even institutionalists admit that their account leaves little space for the type of leadership that crisis management scholars have identified as crucial to any response (Lowndes and Roberts 2013). But crisis management scholarship also needs to open up the ‘black box’ and describe when, how and why leaders matter. Our contribution turns on the claim that a court politics approach can deliver the both fine-grained empirical description *and* meaningful comparisons across countries.

The dilemmas that actors confront as they attempt to govern crisis are the key to our account of how courts operate. We use the everyday term dilemma but there are a number of near synonyms that might equally resonate – challenges, choices, quandaries. The central point is that institutions do not tell governments how to respond to a crisis. Existing traditions and the experience of previous crisis may inform practice. But even then, actors are faced with a choice: do they follow the old script or does this crisis require something different of them? Our

approach starts with an analytic and empirical focus on these decisions as an expression of agency:

when we ask why actors act, we create an opportunity for reflection on alternative meanings and actions, and the pros and cons of each. By reflecting with actors, we uncover the choices and questions they confront. By understanding how they see these choices, as a reflection of the webs of belief in which they are embedded, we are able to explain why actors do what they do (Boswell et al. 2019, p4).

Our approach is avowedly interpretive. Actors are not autonomous; they are ‘situated’ in intersubjective beliefs about the purpose and function of government in crisis in their particular context. But these traditions are never seamless. Crises magnify contradictions in the ideas actors hold about the world, which they experience as a dilemma. The court metaphor highlights both the importance and consequences of how actors grapple with and then attempt to solve dilemmas. Dilemmas are not universal but they share a distinct family resemblance, especially during a global crisis like a pandemic. This similarity in shared dilemmas, combined with variation in response, is key to our comparison. Because it is an actor-centred, our account can explain the counterintuitive stances of leaders, personal U-turns and ‘mission creep’ in government reaction to the pandemic. It also alludes to treachery among the courtiers, sacking and dismissals. It then marries this idiographic particularity with plausible conjectures based on cross-national comparison about shared dilemmas.

In their authoritative account, Boin et al. (2016, ch 1) identify five key dimensions of public leadership: sense-making; decision-making and coordination; meaning making; accounting; and learning. Learning the lessons of COVID-19 is still some way off. Our analysis therefore focuses on the first four dimensions. Each has presented key dilemmas for policy actors in their response to the pandemic.

Sense-making: The first key dilemma facing leaders was about when and how to act. The crisis management literature stresses that crisis is never ‘given’ – it is constructed by actors in context. Amid the rolling waves of the pandemic and ongoing scientific uncertainty, initiating momentum for radical action (and later modifying and rolling back that action) has been a source of considerable political contestation. As we will show, the existing dynamics of court politics shape the way this construction takes place, and its implications for the speed and urgency of policy intervention.

Decision-making and coordination: The second key dilemma was about coordinating the response amid competing interests and complex institutional architecture. Crisis brings out tensions and trade-offs associated with complex problems under context of urgency and uncertainty. Leaders are faced with a series of choices about whether to seize control in the centre, or to cede control to local actors. Either approach comes with political trade-offs and challenges for the courts.

Meaning-making: The overarching dilemma for leaders was and remains one of projecting authority amid a highly disruptive crisis. We know from crisis management studies that crisis presents both a challenge and an opportunity for leaders, and that the symbolic performance of authority is crucial for building legitimacy for extreme measures. Leaders in the court must choose when and how to centralise and formalise communications, or when to make use of their informal influence over public discourse via media relationships. Court politics have had a profound impact on how governments have managed the communications environment in their response.

Accounting: Finally, the dilemma of how to claim credit and deflect blame has emerged as the crisis rolls on. Naturally, perceived policy successes and failures accrue in the real-time response to the multifaceted aspects of the crisis. Court politics have come to the fore as leaders – making political calculations in this dynamic environment – have jockeyed to lay and deflect claims to accountability for interventions undertaken in a messy context of extreme uncertainty.

Table One. The Dilemmas of the Court in Crisis Leadership

Agency in crisis management	Key Dilemma
Sense-making	When to act: to wait for more evidence or act in advance of the evidence?
Decision-making	How to coordinate amid contestation and complexity: to centralize or distribute decision-making?

Meaning-making	How to project authority: to centralize or distribute media communications?
Accounting	How to claim credit and deflect blame: to take responsibility or offload it?

Cases, Methods and Data

We draw on two cases to illustrate our argument: England and Denmark. Lijphart's (1999) classic typology of regime types in Western Europe distinguishes between majoritarian systems in which one party dominates the legislature through its numbers, and multi-party consensual systems in which the need for negotiated outcomes is embedded through a proportional voting system. This typology provides the rationale for our case selection. No two cases can ever perfectly capture variation in policy and COVID-19 outcome, especially as the pandemic rolls on. The comparison is nonetheless revealing because majoritarian and consensus are established and contrasting institutionalist archetypes. At its simplest, we might expect the relative 'success' of the response in Denmark to reflect a consensual tradition of deliberation and coordination in the distributed network of actors engaged in delivering the crisis response. In turn, we might expect the relative 'failure' of the response in England to reflect a Westminster tradition of a strong executive and weak appetite for coordination and deliberation across levels of government. The fact that opposite occurred, albeit in part because the Danish system produced a rare single party government (launching several institutional changes to centralize authority to the PMO) during this period, is a major challenge to institutionalist accounts.

Our analysis by necessity focuses on media commentary and contemporary accounts. For the Danish case we were also able to rely on an independent inquiry into the handling of the COVID-19 crisis by the government and central authorities, delivered to the Danish parliament (*Folketinget*) in January 2021 (Folketinget 2021). These accounts blend the factual with 'insider' narratives about how the court operates in practice. They cannot reveal the full story of a crisis that is still unfolding. But they are enough to demonstrate the utility of our dilemma-focused, court politics approach to the study of the core executive.

In the absence of this fuller record, our final step was to check our accounts with ‘helicopter’ and off-the-record interviews with ‘insiders’. We sent drafts for comment and had informal conversations with actors who have occasional access to and influence on the relevant courts, such as advisors and officials.

The courts in action

We start our analysis by outlining the prevailing ‘court politics’ across our cases, under Johnson in England and Frederiksen in Denmark. The key feature to understanding the response to the crisis in England is that the court was newly established and drawn from the people who had helped Boris Johnson win the mayoralty of London, the Brexit referendum of 2016, the leadership election for the Conservative Party in May 2019, and the General Election in December 2019. They had proven themselves adept at winning elections. Now they had to adjust to government.

The change in government led to enormous turnover in personnel, with most May loyalists (and their cadre of aides and advisers) ousted, and leading Conservatives previously exiled to the backbenches returned to senior postings. Even more significant was the change in tone. Johnson ascended, and was resoundingly re-elected, on a platform to ‘get Brexit done’ – a mission that permeated the newly re-formed court, and placed a premium on Ministers projecting decisive leadership. With Johnson himself a famously ‘hands-off’ leader, the leading figure in the court became his chief adviser Dominic Cummings. Cummings came with a formidable reputation as a ruthless operator. The role of officials was curbed unless they were identified as *simpatico*. Instead, an ‘inner cabal’ of senior ministers and special advisers (SpAds) met every day at 09:30 (Bower 2020: 471 and 507). For the COVID-19 response they were supported by the government’s scientific advisers, Sir Patrick Vallance (Chief Scientific Adviser) and Chris Whitty (Chief Medical Officer), and their broader network referred to collectively as the Scientific Advisory Group for Emergencies or SAGE and its five expert groups. Johnson favoured command and control (Seldon 2021: 154; Kuenssberg 2021) and the most appropriate image is that of a centralised political hub with several advisory spokes.

The Danish core executive, by contrast, had been characterized as a ‘duopoly’ in the sense that key figures in every government (i.e. the inner court) were the Prime Minister (and their

office) and the Minister of Finance (and their office) due to their role in the two central cabinet committees (the coordination and the economic committee) (omitted). This ‘duopoly’ had survived shifting governments through the 2000s and 2010s, led by prime ministers from both the social liberal and the social democratic parties. In June 2019, when the Social Democrats won the election, replacing a Social Liberal government, the court changed, centralizing authority to the PMO. For the second time, Danish government was run by a female prime minister, Mette Frederiksen, who formed a *minority* but unusually *single party* government. This tradition was not the only one Frederiksen challenged. Before the election, Frederiksen had voiced her ambitions to make substantial alterations in the PMO because a ‘small PMO was not suited for her temper’ (*Altinget*, 28 March 2019). These changes were explicitly aimed at changing the functioning of the ‘duopoly’ by equipping the PMO with more power, relative to the Ministry of Finance in terms of policy capacity (including economic and financial policy).

Having won the election, Frederiksen introduced a political secretariat led by a chief of staff and further staffed with two other special advisors (Statsministeriet, 4 July 2019). In January 2020, Frederiksen also decided to recruit a new permanent secretary with whom she had previously worked as Minister of Justice (Statsministeriet 9 January 2020; *Altinget*, January 9 2020), and who came to play a crucial role in the management of the crisis. In August 2020, while presenting the government budget proposal for 2021, she further announced that the PMO would be strengthened by the addition of 15-20 more permanent civil servants. This centralizing tendency is key to understanding the Danish government’s responses to COVID-19.

The sense-making dilemma: When to act

The question of when to act over a crisis depends on the political construction of events. With hindsight, the COVID-19 pandemic may seem like an obvious existential threat but there was deep uncertainty swirling around the issue in the early stages of 2020.

In England, news emanating from Wuhan and later Italy in January of 2020 was competing for attention with the long *durée* crisis of Brexit. The initial emphasis was on a ‘proportionate’ response; leaders projected the need to keep calm and take the right actions in a carefully sequenced process to reduce the spread of the disease. Leading figures in

government and their key advisers initially dismissed radical action undertaken pre-emptively elsewhere as out of step with the science (Cairney 2020).

Despite the 'worrying inertia' (Calvert and Arbuthnott 2021: 93), the network of organisations and actors engaged in preparing for and responding to public health threats had kicked into crisis mode (Gleave forthcoming). Key organizations with responsibility for delivering public health functions across England – for example, Public Health England, the NHS, the public health arms of Local Authorities – began intensively gathering information and making contingency preparations at the end of 2019. Moreover, the architecture of crisis management and co-ordination, most notably COBRA (the chief coordination mechanism of executive government in crisis mode) and SAGE ramped up activity in January of 2020. However, the Prime Minister did not attend the initial five meetings of COBRA, a clear indicator that his priorities lay elsewhere (Calvert and Arbuthnott 2021: 8). Also, these advisory and planning activities in practice were not the key decision-making forums. All the advice was filtered and channelled through the court.

Prior to the pandemic threat, insiders note that the governance of public health had a fractured, feudal character synonymous with court politics. The fragmented network of bodies with ambiguous, overlapping remits and functions routinely made officials rivals for resources and attention (Gleave forthcoming). This sense of a 'competition' had previously empowered the Minister Matt Hancock to exercise control over politically treacherous aspects of his portfolio. But these engrained, informal practices rendered the swift coordination and concentration of evidence and advice in the crisis context of early 2020 difficult. Not only was there the politics within the central court, but also the political tensions between the court and other Whitehall departments, between the organizations in the policy network inside and outside Whitehall, and the inter-governmental politics with the constituent nations of the UK.

Against this turbulent backcloth, despite making much of the need for a careful and proportionate response, the government radically began to backtrack in the early weeks of March. By mid-March, they had implemented almost all the radical measures (including lockdowns, border restrictions, mass testing, and huge economic stimulus packages) they had only weeks before rejected as too extreme (Kuenssberg 2021). Here, we see how court politics seeped into the machinery of crisis response. Scrambling for data, the government

relied on the model of disease transmission developed by Neil Ferguson at Imperial College (Bower 2020: 434-5, 451, 469-70, 489 and 501; Channel 4 2020). It was flawed and much criticised elsewhere in the scientific community; it was a ‘tangled buggy mess which looks like a bowl of angel-hair pasta than a finely tuned piece of programming’ and ‘utterly unreliable’ (Bower 2020: 435 and 470). The main problem, however, was that ‘It was hard to get people to really to take notice’ (scientific adviser cited in Calvert and Arbuthnott 2021: 132). ‘Ministers did not share the deep foreboding of their advisers’ (Calvert and Arbuthnott 2021: 160). The priority was Brexit. Despite claims that they were following the science, the politicians were not listening. For example, SAGE ‘advised Johnson to lock down almost a week before he did so’ (Vallance cited Calvert and Arbuthnott 2021: 321). Data, advice, and other options were disregarded (Bower 2020: 460, 479; Channel 4 2020).

In Denmark, by contrast, the response was more decisive. In the very early days of the crisis (from January to February 27), the Danish PMO and in particular the permanent secretary to the PM was the fulcrum of the response (Folketinget 2021a, 151-156). As such, the permanent secretary became the main driver for installing a ‘sense of urgency’ within the administrative part of the central government organizations. In addition, she was key in challenging the initial perceptions of health authorities by requesting substantial briefings (Holm and Rohde 2021). The Danish health authorities, and in particular the Danish National Health Authority, were, at that point, according to the permanent secretary, too optimistic in their evaluation of the situation, In her view, ‘Hope is not a strategy’ (Folketinget 2021a, 156).

The first Danish citizens diagnosed with COVID-19 was reported on February 27. The PM held the first meeting in the national security committee (*sikkerhedsudvalget*) that evening (*Altinget* 27 February 2020). Normally the committee includes the PM, the Foreign Minister, the Minister of Justice, the Minister of Defence and the Minister of Finance. But on that day, the Minister of Health, the Minister of Industry, Business and Financial Affairs and the head of the National Health Authority were also present. In addition, the National Operative Staff unit (NOST) was activated, and supplemented with ‘a super structure’ named NOST+ being a smaller group, chaired by a high ranking police officer, which were to secure the liaison between the more operational part of the crisis management and the administrative and political organization at the central government level (Folketinget 2021b, 4). In addition, the PMO expanded its limited administrative capacity to be able to perform the close and detailed

coordination and steering of the crisis responses in the weeks and months to follow. This included the establishment of an 'ad hoc court' consisting of the PM, the minister of Justice, the minister of Finance and the minister of Health as well as of an AC-group, chaired by a high-ranking civil servant from the department of Justice – that is the former ministry of the PM's permanent secretary, staffed with high-ranking civil servants from the relevant ministries (Folketinget 2021b, 4, 2021a 134-135). The organizational expansion reflects the fact that from that point the crisis response and management was a government – rather than health authority – matter (Folketinget 2021a, 27 and 427), where the main principle to be followed was a principle of precaution, where worst-case scenarios were the preferred input from the health authorities (Folketinget 2021a, 31). Hence the 'administrative centre of gravity' shifted from the National Health Authority, to other fora, not least the AC-group, ensuring a tight grip on coordination and communication of the crisis from the PM and the PMO (Folketinget 2021a, 176-178 and 188).

On 6 March, the PM recommended that Danish citizens stop handshaking, and kissing and hugging. Travel instructions were also announced as well as the launch of a national website informing citizens on all COVID-19 initiatives and regulations. Within two weeks of the initial infection, the government, on March 11, announced a radical lockdown that involved ordering all public employees working in non-essential functions work from home, encouraging all private sector employee to do the same, prohibiting the congregation of more than a hundred people in public (later lowered to 10) and closing down all schools, colleges and universities (*Altinget* 11 March 2020). This decision further marked the change in strategy from a containment to a mitigation strategy (Folketinget 2021b, 2). In addition, on 13 March the PM closed the borders. The lockdown was further extended by the PM on 23 March to be effective until 13 April (*Altinget* 23 March 2020).

These decisions were not fully in line with expert advice. After the initial phase of the crisis it became apparent that the 'crisis court' appearing in public led by the PM, the Minister of Health, the head of the National Health Authority and the professional manager from *Statens Serum Institut* (SSI), disagreed about how radical the Danish initiatives should be (Holst and Lund 2021). While the PM stated at the press meeting that it was the authorities recommendation to shut down all unnecessary activity (*Altinget* 9 June 2020), it turned out that just 7 hours before the meeting the head from the National Health Authority had e-mailed her recommending against the closures of schools and daycare centres, as the effect in

terms of reducing infection was not proportional with the negative effects caused by this initiative (Altinget July 24 2020; Friberg 2020). While this caused criticism from the opposition, the PM refused to disclose which authorities she was referring to, while also insisted that the crisis management in Denmark is under the remit of her government (*Altinget* 9 June).

A press leak after February 27 revealed this disagreement. While it remains unclear where the leak came from, the image emerging from the leak was of a PM and her permanent secretary who displayed ‘vigorous foresight’ while the health authorities were portrayed as indecisive and cautious (*Altinget* 2 April 2020; Gjertsen and Seidelin 2020; cf Folketinget 2021a, 223-224). The Danish sense-making phase thus reflects the central role of the PMO and the PM in the crisis response and management.

The decision-making dilemma: How to co-ordinate amid complexity and contestation

After the initial urgency had precipitated radical interventions, the extended nature of the crisis brought longer-running tensions to the surface. There was urgent need to coordinate across the complex governing arrangements within and beyond public health, with increasing contestation about the cost of trade-offs facing other sectors.

In England, this decision-making dilemma came to a head on the question of returning to a ‘new normal’ after the first wave. Johnson himself was famously laid low by the virus and out of action for several weeks during the national lockdown. Temporarily, at least, the court had no King. Dominic Raab stepped in as Acting Prime Minister and adopted ‘a low-key manner to avoid any whisper of a coup’ (Bower 2020: 496). He was in a weak position to balance growing ‘hawk’ and ‘dove’ factions (Proctor and Mason 2020). The economic ‘hawks’, fronted by new Chancellor of the Exchequer Rishi Sunak, were keen to get the country back to business. The public health ‘doves’, led by the increasingly beleaguered Hancock, were staring at Britain’s parlous position on the international Coronavirus ‘league tables’ and determined not to let things get even worse. A stalemate ensued until Johnson recovered, siding with the doves in favour of an extended lockdown. The decision chastened the Treasury and heralded the hawks’ ‘winter of discontent’ (Seldon 2021: 312). It lasted only to the second wave.

As this ruction rumbled on, it brought to light another key impact of court politics under Johnson – the lack of coordination with the devolved governments of the UK. When Johnson announced a transition from a ‘Stay at Home’ to ‘Stay Alert’ message, it became abundantly clear this message was not supported by the governments of Wales, Scotland or Northern Ireland. The devolved governments complained that they could not get a showing at court in Westminster. They retaliated by briefing the media about the arrogance, contempt and lack of communication emanating from Westminster (e.g. BBC 2020a). Nicola Sturgeon routinely briefed media immediately after attending cabinet meetings on Covid-19 (personal information). She could ‘find a scientist to justify every decision’ (Bower 2020: 509). It was not just the leaders of devolved nations who felt aggrieved. As the government shifted to a regional tier system for managing outbreaks at the same time as the move to the ‘Stay Alert’ messaging, there were loud complaints about a lack of consultation throughout effected parts of England (BBC 2020b).

In Denmark, despite the policy and political success of the initial interventions, the same decision-making dilemma inevitably came to the surface. By the end of March and early April discussions had turned to the gradual re-opening of the Danish society and a change in strategy, which was to include an intense testing regime (*Altinget* 30 March 2020; 2 April 2020; Gjertsen and Seidelin 2020). The head for the National Health Authority acknowledged that the Danish strategy for testing had not been ‘optimal’, admitting ‘his part of the responsibility for that’ (Gjertsen and Seidelin 2020). Prior to this, the media were reporting how the PM had criticized health authorities in closed meetings for not testing enough and for misinterpreting the recommendations for testing announced by WHO (Gjertsen and Seidelin 2020; Andersen and Geist 2020). The Minister of Health also followed suit but in public.

As elsewhere in Europe, a gradual return to a ‘new normal’ over the spring into the summer of 2020 became evident in Denmark. The Danish reopening took place over several phases. The first phase of the reopening was announced by the PM at a press meeting on 6 April. In the days that followed, the advice from the health authorities was made public. It became clear that they had outlined three scenarios: small, medium and large re-opening. The government had opted for the smallest, resonating with the ‘precautionary’ strategy it adopted from the start of the crisis. The government had enjoyed loyal support from parties across the ideological spectrum in the early days of the crisis and the lockdown phase. But critics now

began questioning whether the re-opening was based upon advice from the authorities and protesting about the lack of involvement of parliament (*Altinget*, 8 April 2020).

The dilemma of coordinating a response amid complexity and contestation resurfaced over the autumn of 2020 with the so-called Mink-scandal. While the government had been aware of the issue for several months, it had attempted to contain the infection at Mink farms. However, over the autumn it changed its approach when SSI produced a new risk assessment that concluded the mink industry posed a serious threat to national health. On 4 November, the PM and the Minister for Food announced that all minks in Denmark were to be put down. However, four days later on 8 November it became public knowledge that the decision to put down the minks had no legal basis (<https://www.dr.dk/nyheder/politik/seks-ministre-blev-advaret-om-det-ville-vaere-ulovligt-aflive-alle-mink>). The PM and Minister of Food maintain that they did not have any knowledge of their lack legal authority when announcing the mink cull – though it soon became evident that there had been such legal discussions among civil servants in several ministries. On 18 November, the Minister of Food stood down, amid ongoing criticism from the opposition, (former) mink farmers, and the supporting parties.

In early 2021, tensions began to surface between the government and the Opposition over the centralized approach to crisis management. A second wave had been rising since autumn. The reluctant decision was made to re-enter lockdown after Christmas. And, as the New Year wore on, the Opposition began ratcheting up pressure for a re-opening. Frederiksen eventually announced gradual steps towards re-opening on February 24th. But unlike last time, the first agreement for the first step of the re-opening involved only the supporting parties. The Opposition were vocal in their criticism of the process, and particularly the closeted nature of negotiations. Only on March 22 was Frederiksen able to announce an agreement on long-term reopening with wide cross-party support. This agreement has so far been interpreted as a win for Frederiksen in terms of clawing back legitimacy over her centralised approach to crisis management (e.g. Ib 2020).

The meaning-making dilemma: How to perform authority

Court politics have consequences for the external perception of government. In particular, the internal dynamics of the court impact on the capacity to tell a compelling public narrative about the crisis – they can enable a united or orchestrated front or they can serve to undermine the sense-making function and symbolic capital of the executive.

The government's policy response to the crisis in England was characterised by muddle and U-turns. A crucial choice was to favour a communications approach heavily favoured in the Johnson court – a hangover from the Brexit campaign, and the plotting to axe the former PM, Theresa May – that revolved around anonymous briefing or leaking to favoured journalists to test ideas in the realm of public opinion (Conservative MP cited in Helm and Savage 2020). Despite intense criticism about the appropriateness of this tactic in the context of a public health crisis, it continued apace. For instance, an initial plan to ask only over-70s to shield was floated to influential Lobby journalists in early March. The outcry was swift and fierce, and the idea quickly shelved. Other mooted changes – the mandating of masks, the scrapping of Public Health England – were similarly leaked in advance, with their reception deemed acceptable for implementation in practice. In the process, they have contributed to widespread confusion about public health messages and new policies.

This underlying confusion made the government's task of performing authority more difficult. There had been intense public criticism of the government's strategy from the outset. A series of blunders and missteps in the race to get on top of the fallout from the pandemic – notably problems with procurement of ventilators and Personal Protective Equipment (PAC 2021) – raised questions about competence.

The government's frontstage response was to fall back on the line that the government was 'guided by the science' (Cairney 2020; Bower 2020: 457). During 2020, the most famous set piece performance of this message came in the daily live briefings, with iconic mages of Johnson flanked by the CSA and CMO. But in fact, during the first wave, these briefings were only rarely fronted by the Prime Minister himself. It was a cast comprising members of the court – Hancock, Raab, Sunak, and Gove. Other ministers were invited only if the dominant news issue of the day was specific to their department. Such casting reflected both the centralisation of decision making on the court yet Johnson's 'hands off' style in letting members of the court publicly display their loyalty under fire. It kept them 'on board', at least on the front stage.

In Denmark, similar set piece media displays in which the Prime Minister and the Minister of Health were flanked by health authorities at press briefings were commonplace. But rather than a strategy of incremental leaks on policy initiatives, the core way the government have

performed their authority is via decisive action, once apparently using leaks to inform the public of her opposition to the advice of health professionals. In doing so, the PM framed the crisis as requiring the public to demonstrate solidarity with the most vulnerable in society, in line with the social democratic welfare political project of her party. This stance has significantly enhanced the personal popularity of the Prime Minister with one political commentator naming Frederiksen as ‘Denmark’s corona-commander-in-chief’ in the early spring (Mogensen 2020).

The press meetings were tightly managed by the government allowing journalists to ask two questions each. While the questions were often directed to a specific person, the PM regularly decided who should answer. The political pressure on officials has been widely reported, leading to conflict with the National Health Authority (Graversen 2020). But in public he and other top civil servants from other authorities have remained loyal to the PM, while reiterating that these were political choices rather than decisions implementing their advice. As the crisis has dragged on, though, inconsistencies in the communication have crept in to this hierarchy – with government spokespeople publicly hiding behind ‘the authorities’, or advancing the primacy of politics, depending on what proved convenient at the time.

Meanwhile, crisis management in cabinet was centralized around the Prime Minister and the PMO. Cabinet committees played no formal role because coordination was in the hands of an informal circle in the aforementioned ‘ad hoc court’ of ministers and top civil servants. Those ministers were also the ones appearing in public (albeit in shifting combinations, depending on the initiatives presented), when the formal press meetings announcing the government’s handling of the Covid-19, most often accompanied with the agency head from the National Health Authority and a professional leader (faglig leder) from SSI.

The accounting dilemma: How to claim credit and deflect blame

The juiciest aspect of court politics, however, is the drama it induces as political actors manoeuvre to take credit and avoid blame.

An early example of the former concerns testing capacity. In the early months of the pandemic, with the death toll mounting, Hancock came under intense fire privately and publicly. His response was to lean on a classic crutch of accountability theatre: set an

impressive target (Boswell 2018). He promised to deliver 100,000 tests a day by the end of April, increasing capacity 10-fold in the space of four weeks. The ‘nail-biting finish’ as testing capacity ramped up through the month dominated news coverage and political gossip. The eventual success gave him a triumph to trumpet (HC 877 2020: Q530-532).

But another side of this story emerged much later - one that speaks instead to ‘blame games’ in the reckoning over widespread policy failures in England. A year later, at his ‘Domshell’ appearance at the Lessons Learnt Inquiry, Cummings presented Hancock’s single-minded determination to ramp up testing the previous April as reckless and self-serving. He claimed Hancock had obstructed efforts to build a workable ‘test and trace’ system by diverting all capacity towards his ‘stupid’ target: “It was criminal, disgraceful behaviour that caused serious harm”.

Cummings, by then long since cast out of court after a power struggle with Johnson’s partner Carrie Symonds, was out to settle scores. In his testimony to the Select Committee hearing in May 2021, Hancock, Johnson and officials in the Department for Health and Social Care especially came under sustained attack, with recriminations set to continue.

In Denmark, criticism of the centralization of power in the Prime Minister and the Minister of Health was muted in the early days of the crisis, with Frederiksen receiving credit for her strategy over the spring and into the summer of 2020 (e.g. *Altinget* 4 April and 4 July 2020). However, the mood started to turn in the late summer (*Altinget* 16 September 2020), and intensified with the Mink scandal (Skærbæk, Larsen and Condrup 2020). Political commentators pointed to the fact that the scandal has exposed the weakness of extreme centralization and politically motivated decision-making (*Altinget* 19 November 2020). While it has been argued that the PM’s decision to put down the minks and de facto wipe out the mink industry was an extension of her cautious approach to the crisis. The speed of the decision-making and the lack of a legal foundation for government action was seen as a downside of her approach. Whether the PM will be able to deflect the blame for the Mink scandal remains to be seen.

Conclusions

It is still early days in the COVID-19 response. We have seen already significant upheaval in the courts and there will be more. Nonetheless, our provisional analysis of how actors see and respond to dilemmas offers insight into both the crucial role of ‘court politics’ in crisis management, and into the different response of the two countries to common dilemmas. It supports the claim made by crisis management scholars about the role of leadership but also extends this account by outlining a distinctive ‘court politics’ approach to opening up the ‘black box’ of decision making.

In doing so, we also highlight limits of institutionalist explanations. The Danish ‘consensual democracy’ did not build a coalition for careful, incremental action through a distributed network of actors. Instead, it centralised authority in the Frederiksen court. That was the key ingredient in pushing forward radical intervention in the initial phases of the crisis. However, as the crisis unfolded through the course of multiple lockdowns and re-openings, contestation provoked by Frederiksen’s court meant that the Danish government’s management increasingly resembled a more ‘muddling through’ strategy. On the other hand, the unencumbered executive in the British ‘majoritarian democracy’ did not act swiftly and decisively. Instead, it muddled through from the beginning. The dysfunctions of the Johnson court were a key factor in delaying decisive action, hindering coordination, confusing communications, and undermining public confidence. Key members of the court then responded to the deepening crisis by playing the blame-game. We summarize these insights in Table 2. The point is that our approach can explain the similar dilemmas and subsequent interventions but also the variation that confound existing institutionalist explanations.

Table 2. Summary of findings

Dilemmas	English Case	Danish Case
When to act	An incremental and indecisive ‘proportionate’ response	After a period of ‘surveilling the pandemic’ a swift and decisive ‘precautionary’ response

How to coordinate amid contestation and complexity	Fostering competition, driven by leaks and media manipulation from the centre	Centralization, driven by side-lining opposition and health professionals when convenient, at least in the initial phases of the crisis
How to project authority	Staged performances of collective responsibility and loyalty, exemplified in daily briefings	Staged performances of collective responsibility combined with one leak against officials
How to claim credit and deflect blame	Setting targets and settling scores	Taking personal control and then finding scapegoats for mistakes

We acknowledge that our analysis remains exploratory. There is much more to say about the court politics of COVID, in our cases and beyond. We have had to make do with news reports, government inquiries, and some early insider accounts. In time, much richer data will come to light. Elites with insider knowledge will give further testimony at public hearings and write memoirs. Documents now dubbed too sensitive will enter the public record. Interpretive analysts will be able to piece these sources together to provide a deeper, richer account of the ‘court politics’ at the centre of these important decisions. In the meantime, we hope this account will provide an inspiration and a template—conceptually and methodologically – for a compelling comparative understanding of crisis politics that can capture subtle patterns of variation and volatility.

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