



The public gets innovative during the coronavirus pandemic

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The COVID-19 pandemic has produced plenty of bad news, but also proves that when the chips are down, Americans rise up and devise ingenious solutions to tough challenges. Except that sometimes they have to become “evasive entrepreneurs” and innovate around broken rules and institutions to get things done.

Today’s crisis has been a stress test for our institutions, and many have failed it. What happened next was inevitable — and largely necessary.

In a new book from the Cato Institute titled “[Evasive Entrepreneurs and the Future of Governance](#),” I document how the public is increasingly taking advantage of new technologies to circumvent outdated and illogical policies that hold back progress. When governments fail to adapt to new realities, creative minds and enterprising individuals jump into action.

During the ongoing crisis, for example, many people have grown tired of waiting for slow-moving bureaucracies. Others are angered by regulations that prevent common-sense solutions. A sudden surge of evasive entrepreneurialism and technological civil disobedience, ranging from the mundane to the profound, has taken place.

Social media was suddenly filled with discussions about how average people might build tools or share information to assist with virus testing or treatments. A 17-year-old built [one of the most popular coronavirus-tracking websites](#) in the world (ncov2019.live) after noticing how hard it was to use government sites. Two high school science teachers in Tennessee [set up testing operations](#) in their school lab.

“Gray” markets in facemasks, face shields and respirators developed. Some people and organizations worked together to [make medical devices](#) using off-the-shelf hardware and open source software. Others just fired up old sewing machines to make masks. Doctors and nurses started “[writing the playbook for treating coronavirus patients on the fly](#)” by improvising treatments and sharing them on social media.

When doctors in Boston ran out of virus-testing swabs, they mobilized an army of 3D printers to churn out new ones. Other doctors converted breathing machines into ventilators using 3D-printed parts, even though the Food and Drug Administration (FDA) had not yet authorized it. A nonprofit modified full-face snorkel masks so that doctors would have facial protection without FDA-approved protective equipment.

Meanwhile, many distilleries started producing hand sanitizers to address shortages while average folks shared do-it-yourself sanitizer recipes online. To help, the FDA looked to modify hand sanitizer guidelines quickly, but few really cared because those rules weren't going to stop them. Pundits cheered, encouraging the public to continue to "innovate from your couch."

Philanthropists like Bill Gates funded their own solutions. Microsoft's founder pointed out that private groups like his Gates Foundation could likely mobilize faster than governments to find testing solutions and vaccines.

Unfortunately, bottom-up innovation is still often frustrated by archaic rules and regulations that govern medical devices, practices or therapies. Some of those rules are enforced by powerful bureaucracies like the FDA and Centers for Disease Control and Prevention (CDC). Others exist as state-based occupational licensing limitations or certificate-of-need laws, which require fully-qualified health care providers to seek permission before opening or expanding facilities or services. This crazy quilt of regulations values proceduralism and conformity over practicality and common sense.

Eventually, the mountains of red tape that this "permission society" is built upon start to collapse under their own weight. Confusing rules and inflexible agencies that should have been reformed years ago were suddenly exposed and judged harshly. Philip K. Howard, founder of Common Good, says that "Covid-19 is the canary in the bureaucratic mine."

Particularly when public welfare is at risk, people take notice and evade the permission society. Working around the system becomes inevitable when things become too dysfunctional and counterproductive.

While evasive entrepreneurialism has always been with us to some extent, many of the responses to COVID-19 would not have been possible just a few decades ago. Citizens take advantage of our more technologically empowered world of information abundance and decentralized, inexpensive tools. The phenomenon can transform our society for the better by expanding the range of life-enriching (and often life-saving) innovations available and helping citizens pursue lives of their own choosing.

Bottom-up innovation can also help us improve government by keeping public policies fresh, sensible and in line with common sense and the consent of the governed. Evasiveness and technological disruption can be a relief valve or circuit breaker to counteract negative pressures before things break down completely. By challenging legislators and regulators, evasive entrepreneurs help force governments to become more adaptive and accountable.

Regulators do not need to throw out the old rulebooks altogether, of course. Many precautionary rules still make sense, particularly in cases involving extreme risk. But shutting down creative solutions and unique thinking simply because they run counter to some crusty old rulebook is never the right response. Lawmakers should find ways to accommodate more outside-the-box thinking and innovating — and not just during a crisis.

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