



# Book review: *Pandemic Legalities: Legal Responses to COVID-19 – Justice and Social Responsibility* edited by Dave Cowan and Ann Mumford\*

Clayton Ó Néill

Queen's University Belfast

Correspondence email: [clayton.oneill@qub.ac.uk](mailto:clayton.oneill@qub.ac.uk)

This is an important book that was written at a time of a great unknown – the early stages of the COVID-19 pandemic. COVID-19 has undoubtedly shaped the world in which we live; the application of lockdown powers, the closure of many businesses, the use of personal protective equipment (PPE), and restrictions on visitation in care homes (to name but a few) have all had an incalculable impact on human life and human thriving. This book considers the influence of austerity measures in the context of the COVID-19 pandemic. Each of the contributing authors discusses and analyses the impact of austerity in their specific legal and social specialisms. The book questions what good can come from the pandemic and what a fair and just response would look like. The editors, Dave Cowan and Ann Mumford, note that severe underfunding has had a profound impact on vulnerable people in society, and they are of the view that austerity represented a ‘wrong turn’.<sup>1</sup> Many of the problems that already existed have now become ‘entrenched and exacerbated’ due to COVID-19. They claim that austerity has the most disproportionate impact on the poorest in society. The book itself is linked to the fear of what might come in the future and to how changes in law and legal structures could have a positive societal impact. It provides a legal and socio-legal backdrop to insights into the manner in which both justice and social responsibility were the headlines, footnotes and *raison d'être* of the early days of COVID-19.

The book is divided into two distinct parts. Part 1 (‘Justice’) sets out the rule of law in the context of the pandemic. This rule of law is actualised and vivified in a number of thought-provoking contexts, including asylum seekers, criminal trials and children. Cowan

---

\* Dave Cowan and Ann Mumford (eds), *Pandemic Legalities: Legal Responses to COVID-19 – Justice and Social Responsibility* (Bristol University Press 2021)

1 Ibid 2.

discusses 'residential security' and how the basic right to stay in one's home became very significant during the pandemic. He refers to the murky use of 'administrative quasi-legislation', letters and 'self-congratulatory and inaccurate tweets' by the Government.<sup>2</sup> He argues that '[t]he real test . . . will be how these new techniques of government are used and developed as we move out of lockdown and back to some sort of normality in everyday life'.<sup>3</sup> In relation to vulnerable litigants, Nick Gill claims that the use of 'remote justice' has the potential to have an impact on how justice is achieved by people who are vulnerable.<sup>4</sup> He states that there has been increased confusion, anxiety and mistrust since the onset of the pandemic. Gill, however, also argues that some possible advantages of remote hearings include 'reducing confusion over court and tribunal etiquette, reducing the association some appellants have with face-to-face hearings and disrespect, and improving the convenience of the proceedings'.<sup>5</sup> Linda Mulcahy is of the view that justice in an online arena must strive to put the poor and most vulnerable centre-stage in terms of implementation and application. She states that 'the poor remain at the top of our priorities' and how important it is that 'romanticized visions of what happens in physical courthouses is not allowed to cloud evaluations'.<sup>6</sup> Kathryn Hollingsworth argues that a 'general-relational' approach to children in the justice system is required. She praises some of the recent policy shifts in youth justice but argues that more 'robust accountability' is required.<sup>7</sup> The dual lenses of racism and rights are used to portray inequalities and injustices in the operation of justice in this era. It is argued that legal scholars must teach 'perspectives and theories that expose the realities that people of colour are subjected to through law' and that we should 'teach the world we want to see'.<sup>8</sup> Simon Halliday, Jed Meers and Joe Tomlinson consider the concept of social solidarity and the manner in which it acted as a 'double-edged sword': 'while much lauded as an extraordinary feature of UK society's response to the pandemic, it likely operated to suppress a sense of grievance over the government's pandemic response policy'.<sup>9</sup> Finally in Part 1, a most interesting chapter on PPE by Albert Sánchez-Graells provides 'a cautionary tale' for governmental rule in the context of the arguably understandable, but flawed, panic response.<sup>10</sup>

---

2 Ibid 26.

3 Ibid 26.

4 Ibid 27.

5 Ibid 38.

6 Ibid 51.

7 Ibid 54.

8 Ibid 77.

9 Ibid 81.

10 Ibid 93.

Part 2 of the book ('The Social') deals with what could be further defined as the social response to the pandemic and social responsibility in the era of the pandemic. This section contains a labyrinth of informative and occasionally eye-opening chapters that deal with accountability, adult social care, housing, taxation and education. A critical overview is given of the corporate sector, social security, labour law, and tax and spending in the aftermath of the pandemic. Tamara Hervey, Ivanka Antova, Mark Flear and Matthew Wood refer to the context of healthcare in a post-Brexit COVID-19 era. Their research focuses on communities who feel 'left behind' and who show consequential distrust of politicians. Many respondents speak about the need for laws that protect 'ordinary people'. The chapter also refers to the devolved nature of healthcare and discusses how the current law in this regard can fail to 'secure legitimacy of health governance'.<sup>11</sup> Rosie Harding deliberates upon the impact of COVID-19 on residents in care homes and those who were 'shielding'. She also scrutinises the relationship between law and social care and argues that a new model is needed 'which focuses on fairness rather than profit [as] the only way to create a stable, safe and sustainable social care sector for the future'.<sup>12</sup> Instead of thinking about care as a low-skilled job that rests on the shoulders of women, she argues that its importance must be recognised as a 'fundamental building block of society'.<sup>13</sup> Rowan Alcock, Helen Carr and Ed Kirton-Darling call for a new approach to housing and homelessness. They argue that '[a]s with much other needed reform, none of this can be done without careful reflection on the relationship between the market and society, significant investment and a renewal in understanding of the vital role of investment by the state in our collective physical and social infrastructures'.<sup>14</sup> Alison Struthers examines the lasting impact of austerity measures on education. She also considers how COVID-19 has brought to light many educational inequalities that already existed. Struthers calls for change and states that '[i]t is time for the government to prove that they are willing to prioritize those most adversely affected by the ills of this pandemic by providing schools with the funding, resources, staffing and time necessary to allow the COVID-19 generation a genuine chance to reach their fullest potential'.<sup>15</sup> Sally Wheeler queries what has been learned about the corporate sector during the COVID-19 pandemic and considers retail trading during this period. She draws attention to the concepts of fast fashion, responsible investing and responsible

---

11 Ibid 117.

12 Ibid 119.

13 Ibid 130.

14 Ibid 140.

15 Ibid 151–152.

consumption and stresses the interconnectedness of these competing variables. Jed Meers analyses the role of social security during and after the pandemic and argues that social security systems are 'facing huge economic shock' as a consequence of COVID-19.<sup>16</sup> It is claimed here that governments should learn from the inequality-related problems associated with austerity measures. In relation to labour law, Katie Bales interrogates the Government's Coronavirus Job Retention Scheme and the position of undocumented people who were let down by the state during the pandemic. Finally, Ann Mumford and Kathleen Lahey cast a discerning eye on the tax regime, analysing the historical changes in tax policies and the issue of inequality in this regard.<sup>17</sup>

Both sections of this book are, in many ways, highly politically charged. They do not – and there is no apology for this – embrace any form of legal or political neutrality and overt objectivity. There is a sense that all the authors are almost stunned by the various inequalities that have come to light both before the pandemic and during it. In fact, the overriding motif of the book is a certain palpable sadness that all of the systems and all of the governance and all of the well-meaning approaches used to cull the spread of the pandemic have made the lot of the poor even poorer. These have halted the slow progress of those who were at some stage inching out of poverty and disadvantage but now, by virtue of the killing-off of educational opportunities, have been hurled back into unfairness, housing crises, disadvantage and the consequences of austerity. The authors draw our attention, in increasingly vociferous ways, to the divides that exist in the justice system, in labour laws and in the ways in which money is spent, and has been spent, in injurious ways throughout the onset of the pandemic. The authors leave the reader with a sense of anguish for those who are 'left behind' and for those who are in social care. They seem to suggest that the justice system has not dealt all that well with vulnerable litigants and with children: rights and solidarity may not have been to the fore in the manner in which they might have been and should have been.

Is this a book that will gather dust on the bookshelf, full of earnest thought and passionate reasoning or is it one that has the potential to bring about action and change? The answer to that question might be found in the mind and heart of the reader. He or she or they may be compelled to think and reflect upon how the vulnerable people in society, and the poorest of the poor, have been hardest hit by the austerity measures evoked by the response to the pandemic. If this is accomplished, then the contributors and the editors will have achieved their purpose.

---

16 Ibid 184.

17 Ibid 199–208.

Is it a good book? It is certainly a worthy book and, thematically, it is all-embracing, all inclusive. There is little left out in the coverage of the pandemic and austerity responses. The theme of the book is fleshed out rigorously and with fervour, and the reader is left both informed and knowledgeable. Equally, however, the book covers so vast an area that, at times, the coverage of the assigned topic merely scratches the surface and fails to dig into some of the deeper legal, political and ethical issues that underpin both governmental action and public response to that action. I was left with the pervading feeling of ‘Why, why did the Government act as it did and why was the response as it was?’ To some degree, the ‘Why?’ question was insufficiently addressed in the book. At the level of ethical preparedness, ethical reasoning and ethical accountability, there were some discernible gaps. But that may only serve to whet the appetite for more because, in essence, this is a hugely informative book. It lifts the lid off the cosiness of flawed governmental action, and it highlights the suffering that was endured by those whose suffering pre-dated and was aggravated by the pandemic. The very cohesive ‘Introduction’ sets out the pathway of the book. It is a pity that no concluding chapter was included, which could have brought all the interlinking themes of the book together and – in doing so – provided the reader with a summative sense of the core messages of the book.

There will be many books written about the pandemic, but there will be few that embrace so many areas with so discerning and challenging an analysis. It behoves us to read this book acutely and to think about and act upon the inequalities it has unearthed.