

COVID-19: The Legal Challenges

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Introduction

In late 2019 and early 2020, the novel coronavirus, also known as COVID-19, erupted, causing major disruptions around the globe, taking hundreds of thousands of lives and infecting millions of others. Ebbing and flowing, the pandemic challenged, and continues to challenge, the performance of governmental functions, as well as national and global economies. It is not hyperbole to say that this has been a catastrophic, historic event.

This book grew out of an initiative of the *Journal of National Security Law and Policy*, which is housed at Georgetown University Law Center, in early April 2020. Because the pandemic was raising a host of legal and policy issues that implicate security in the United States and everywhere else, it decided to commission a special issue of the *Journal*. It also arranged for the articles in the special issue to be published in book form as quickly as possible, in order to provide a useful resource for academic courses in law schools and elsewhere.

Carolina Academic Press was not only interested but enthusiastic, and its editors gave prompt approval and wise counsel about how to move ahead without delay. Special thanks are due to Carol McGeehan and Scott Sipe in this regard.

The articles collected in this book have been written by internationally recognized subject matter experts who have experience in government, the courts, cyber, public health, human rights, international organizations (including U.N. peacekeeping), domestic military policy and policing, journalism, and a host of other disciplines. Some of the articles tend to be granular, while others take a longer view, addressing such elusive matters as leadership.

The authors have not been shy about assigning blame, a subject on which readers almost certainly already have their own views. One article, for example, usefully contrasts the effectiveness of Canadian and U.S. public institutions in dealing with the pandemic. Why would outcomes be so different in neighboring democratic federal systems?

Scorekeeping, however, is not the purpose of this book. Rather, it is to illuminate the cornucopia of legal and policy issues that COVID-19 has spawned, and with which international, national, and local leaders will be grappling for the foreseeable future. Our hope is that insights provided here will enable us to deal more effectively with the pandemic's coming stages and aftermath—and with future comparable disasters.

These articles are not by any means an exhaustive account of the national security-related implications of the pandemic. Numerous important topics remain to be considered, such as the short-, medium- and long-range political salience of COVID-19, as well as its effects on human and civil rights. Another gap is the role of religion in resistance to public health measures. Nor does this book claim to be the last word on any of the aspects it *does* cover. As one of us put it in the book, this is merely “a rough first draft of a rough first draft.”

The book includes works that fall into a few major categories. The first concerns who is in charge. The second addresses responses to the pandemic from the diverse perspectives of health, privacy, military, and emergency law. The third deals with information flow: truth, transparency, and journalism. The fourth includes an essay on cybersecurity that probes both comparative and international law perspectives of the pandemic.

Each article concludes with Notes and Questions that the contributors have prepared with a view to stimulating classroom discussion and further reflection by the reader.

We are deeply grateful to Carolina Academic Press for agreeing to publish this book. We hope it will contribute to a better understanding of many aspects of the pandemic, and will be useful both for the lay reader and in colleges and universities.

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