Colleen M. Flood, **Vanessa MacDonnell**, **Jane Philpott**, **Sophie Thériault**, **and Sridhar Venkatapuram**, **eds.**
Vulnerable: The Law, Policy and Ethics of COVID-19. Ottawa, ON: University of Ottawa Press, 2020. 630 pp.

Vulnerable is an edited collection of forty-three papers that cover six important themes related to the broad and significant social, legal, economic, and health impacts of the global COVID-19 pandemic. Although many of the contributions in this collection are grounded in Canadian law and policy, the collection as a whole reaches far beyond the local by recognizing the need for co-ordinated global policy responses to better manage the pandemic. The six themes explored are: federalism and governance, accountability, civil liberties, equity, labour, and global health. Before diving deeper, it is important to offer some broader context about what really makes this collection special.

The World Health Organization first declared COVID-19 to be a global health pandemic on March 11, 2020. A mere eight weeks passed before the editors of this collection recognized a need, came together, conceptualized, coordinated and found a multi-disciplinary group of contributors. Those contributors then wrote original papers that were edited and sent to print on July 14, 2020, just eight weeks after the project began. For academics whose papers sometimes sit in peer review for months, this timeline seems almost too short to be true. *Vulnerable* accordingly stands as a triumphant testament to a committed team of sixty-nine highly motivated contributors, many of whom were likely living though upheaval in their personal lives while researching and writing their chapters in the midst of a global pandemic.

This pandemic has certainly revealed the vulnerabilities that exist within different communities, but it has also caused new ones to emerge. Unsurprisingly then, an examination of vulnerability is the organizing theme throughout this collection. Given the importance of the subject matter, the book has been made open access and is completely free to download. The editors have also been relentless in promoting *Vulnerable* through social media and have hosted several events to raise awareness and engage a broader audience. It has even been made clear throughout these promotional efforts that this collection is not an exhaustive examination of every legal, policy and ethical issue related to the COVID-19 pandemic that is worthy of sustained in-depth analysis. Likewise, this review can also not do justice to the breadth of important topics examined in this timely collection.

Each of *Vulnerable*'s six sections begins with a larger introductory chapter, which is followed by shorter contributions. Section A focuses on topics related to Federalism and governance. Despite warnings by the Auditor General of Canada in 2008 and the World Health Organization in 2019, dysfunctional national health data sharing strategies have persisted. This dysfunction has limited Canada's ability to develop optimal data-driven responses to the pandemic. Author Amir Attaran argues that the federal government is dropping the ball by not fully leveraging the

public health tools that could make national data sharing mandatory. That being said, David Robitaille points out that a lack of interprovincial cooperation is not necessarily fatal to good public health responses, given the powers local governments can exercise to help manage a pandemic.

With respect to First Nations communities, there is an ongoing wrangling between the federal and provincial levels of government to determine who is responsible for providing assistance and what the limits of that responsibility are. This wrangling has led to delays and even outright inaction, which has in turn forced many First Nations (who themselves have no power of taxation) to implement public health measures that have often been more restrictive than those implemented by the provincial governments.

Section B focuses on the challenge of accountability. Not only did Canada's Prime Minister have to self-isolate for two weeks early on in the pandemic, but massive spending programs were being implemented and parliament was not sitting during that time. Consider as well that courts across the country were forced to reduce their caseloads while moving online to ensure public safety, and it is plain to see that the traditional modes of accountability were not being fully engaged. The public was accordingly asked to have greater trust in the executive branch of government as it assumed greater responsibility than is typically the case. Vanessa McDonnell's chapter explores the challenges this brings about and other mechanisms of accountability that have been engaged to fill the void.

Perhaps the most obvious alternative accountability mechanism has been the media. Despite taking a significant hit in ad revenues as a result of the downturn experienced by many businesses, the media has stepped in to play an important role by holding public officials to account for their decisions and ensuring the public has access to accurate and timely information. An active media also seems to help empower the public to be able to debunk misinformation online and help protect public safety.

The authors in Section C tackle the tensions that arise when implementing effective public health measures necessarily forces us to infringe on individuals' civil liberties. This tension has arisen in the context of mandatory physical distancing laws, decisions about whether and when to close borders, and whether to mandate the use of contact tracing software. Consider also the question of how we might reopen the economy should a vaccine not be forthcoming. Are we willing to consider immunity passports and, if so, what impact might this have on civil liberties? Governments taking measures that require these trade-offs must be able to offer good reasons and evidence for doing so and must tailor any restrictions narrowly.

The next section in *Vulnerable* stands out as an important and comprehensive recognition that resource allocation decisions made during this pandemic have exposed and even compounded vulnerabilities and inequality suffered by various populations. The wide breadth of contributions in this section focus on challenges faced by people with disabilities, the elderly, women, people living in poverty or experiencing homelessness, racialized and Indigenous peoples, and people who are incarcerated. Not only do laws and policies often apply differently across populations, but enforcement decisions can also reflect and compound discrimination.

There are so many important lessons that we can already take from the first wave of this pandemic, and this section in *Vulnerable* could very well have been expanded into a separate book. In fact, I suspect we will see many books emerge in the coming years that will use this collection of papers as their point of departure.

The final two sections of *Vulnerable* focus on labour and on global health. One of the most aggressive strategies employed to help curb the spread of COVID-19 has been moving employees from their traditional workplaces to their homes. This measure has brought into sharp focus the fact that working from home is a luxury not available to everyone. In order for our economy to function at even a minimal level, many workers (i.e. "essential workers") must continue to go to their places of employment, necessarily putting themselves and others at risk. Those who work in nursing homes or patient care and those who work in the agrifood sector have very little choice in the matter. Many of these workers are in precarious, lower-paid positions with poor job security. Many are migrant workers who have been afforded very little protection under our laws. These two sections provide us with an opportunity to look beyond our own jurisdictional borders to consider the global impact of domestic contagion containment decisions, border closures, data collection and sharing, and even vaccine development.

This collection offers us a great deal to think about as the pandemic proceeds into its second wave here in Canada. At a time when policy advisors and policy makers in government are almost certainly overwhelmed, this collection provides them with analysis and insight that can easily be leveraged to help improve their decision-making. If the editors were to consider a second volume, they would almost certainly want to include chapters focused on back-to-school policies relevant to all levels of schooling, an analysis of the disproportionate impact of this pandemic on Black Canadians, a closer look at how specific government benefits have been actually distributed across different populations, and maybe even a chapter written by a COVID-19 survivor. Narratives, for example, can help us to better understand the real impact of specific policy decisions.

Despite the opportunity to include new topics in a potential second volume, I do not wish to suggest that this collection has any failings. *Vulnerable* sets a high bar for those who work in all areas of public interest, particularly where the stakes can be high and public policy decisions must be made quickly with little precedent to draw from.

Dr. Ian Stedman
Assistant Professor
Canadian Public Law and Governance
School of Public Policy and Administration
York University
istedman@yorku.ca