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## From *Advocatus Diabolic* on the COVID-19 Pandemic to Ethical Concerns & International Relations

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### Abstract:

In this article, the author assumes the role as *advocatus diabolic* (devil's advocate) in the case of the global COVID-19 pandemic. The coronavirus crisis casts a different light on recent laws in various European countries that conduct value politics to conserve the cultural *status quo*. One example is Denmark's 2018 law L 80 that requires a handshake in a constitutional ceremony that forms an integral and mandatory part of the nationalization process of new citizens. However illiberal, the measure may be too liberal, so the devil's advocate argues. Since the pandemic affects the world order as such and, at the same time, is the outcome of globalization according to the World Health Organization (WHO), the account accommodates an attempt to address the situation at the level of international relations. The most central coronavirus-related effect concerns ethics. Unfortunately, it appears that the mutual blame game in politics is at the expense of ethics. The tough choice belongs to the civil society – to refuse to have shared stakes sidelined.

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**Introduction. The Devil's Advocate:**

The analytical and critical skillset that typically characterizes philosophers give them an advantage for the role as *advocatus diabolic* (devil's advocate) in challenging situations that present a need to test a particular position, P, on a particular issue, I. The COVID-19 pandemic is no exception.

In this case, the examination of the evidence that is required by the devil's advocate cannot be reduced to an "argument for the sake of argument" exercise to try to identify flaws in *their* pro-P reasoning and line of thought without at the same time being committed to non-P. The link between how we argue for or against P – in response to I = the COVID-19 pandemic and the real-world consequences of this introduces a complex and high-stake equation. From the outset, the equation combines considerations having to do with consistency and responsiveness in terms of responsibility, the logical and the ethical. As a negative truth-recognition method, the devil's advocate must therefore presuppose practical reason as a criterion.

By virtue of acknowledging that empirical truth-recognition is the more authoritative procedure for the purpose of determining if a coronavirus response may be said to withstand (the test of) scrutiny and skepticism, the implied expectation of pushing the argument (to not risk overlooking something) means, of course, that the devil's advocate relies heavily on facts.<sup>1</sup> The devil's advocate may be perceived as an extremist simply because s/he pushes the argument, but in the process of thinking things through, emotionality and unfounded normativity is avoided.<sup>2</sup> If anything, the role of the devil's advocate may serve as a kind of pre-screening measure for those who plan to take sides in a debate that is also a dispute about a crucial issue.

But, what right can the philosopher have to call for calm and careful reflection at a point in time where our civilization is confronted with the coronavirus, with a medical crisis of unprecedented proportions in the modern

era? As it happens, it may very well be that no such right exists. However, this misses the essential point: which is that *without* calm and careful reflection, errors may be made. If we consult the World Health Organization (WHO) on the global COVID-19 pandemic, the situation even translates into a necessity to avoid *more errors*, serious errors with serious consequences at that.

We only have ourselves to blame for the medical emergency, according to the WHO. The crisis is inextricably (empirically) linked with a phenomenon that *we* introduced, namely, globalization. More precisely, it is globalization that has made *us* vulnerable and made us vulnerable *because* the species, *homo sapiens*, created conditions that “stressed” and overstretched our own (global) way of life.<sup>3</sup> While the coronavirus itself is allegedly not manmade, we have nevertheless challenged or even undone one or more of the environmental *cum* existential parameters that, so far, has kept the human world in balance.

The analogy to Milton Friedman’s “impersonal” market forces is striking, although his type of radical capitalism also forms part of The Evil that we now are being collectively punished for – in the form of mass deaths across the globe.<sup>4</sup> The species *sinned against* sustainability and interdependency; regulatory limits that *cannot be crossed*, at least not without harmful consequences. Yet we crossed them. Despite warnings from Mother Nature in the form of, *inter alia*, global climate change, we continued the business-as-usual model in pursuit of our wants and with economic freedom as the vehicle. We may be looking at a foreign power and ask, “Is *this* not the main culprit?”<sup>5</sup> In turn, that country’s government may be suspicious of a particular domestic stakeholder group.<sup>6</sup> In the absence of conclusive evidence, people may resort to conspiracy theories, be they about hidden national agendas or secret and international herd mentality tests. The WHO mirror on the wall will, once again, correct our (mis-)interpretation and ill-informed perception. In principle, it is *all of us* who are responsible, although it is true that some stakeholders are

first and foremost victims on account of the fact that they do not affect but instead are affected by policies and laws that tend to lax control and accountability for the environmental consequences of the capitalist mode of production. Certainly, impunity is secured in the opinion of international law experts. The problem and (legal) challenge is that serious environmental crimes like ecocide often occur during times of peace and without intent (as a byproduct of industrial and other activity), just as they are “associated with” the activity of states.<sup>7</sup>

Outside of the marketplace, the (neo-)liberal ideology may not, however, result in outcomes that are required by logical consistency, such as political freedom. Alternatively, both economic freedom and political freedom may be protected, whereas restrictions on religious pluralism are used to censor the “marketplace of ideas”,<sup>8</sup> thereby designing pro-uniformity standards for the community or society at the national level.

Denmark is one example of this. What is more, the measures the county in question has adopted are relevant for a discussion of coronavirus-related effects. In the next section, these will be passed to the devil’s advocate. As the reader will see, the devil’s advocate is not limited to critical functions; s/he may also assume a constructive role. *E.g.*, in the case of Denmark as analyzed in the context of the COVID-19 pandemic, the origin of customs is an area that can be anchored in facts about humanity as opposed to *their non-Danish* values.

The logical and ethical aspects that are key components in the analysis are subsequently extended to considerations having to do with fallibilism (*cf.* section entitled Something Good May Come from Consistency) and international relations (*cf.* section on The COVID-19 Pandemic’s Ethicizing Effect – Fact or Fiction?). Ethically, the main tension is between amoralism and immoral arrogance (*cf.* section on Some Conclusive Remarks: Realizing Our

Human Limitations), although this article's author looks to the members of the civil society as the future game-changers (*cf.* section entitled Epilogue).

### **The Devil's Advocate and Denmark:**

For two decades, Denmark has adopted numerous illiberal measures to reduce the number and cost of asylum-seekers, refugees, and immigrants and foreigners in general from the Middle East and North Africa. Borrowing a description from experts on Danish policymaking, the Danish government has a "desire to avoid" the relevant kind of people of non-western ethnicity who are also Muslims.<sup>9</sup>

In practice, the restrictive laws and policies are intended to accomplish two objectives: (1) to make the protection conditions as "unattractive" or "unappealing" as possible for asylum-seekers and refugees, and (2) to make the transition from status as asylum-seekers and refugees to immigrants as difficult as possible.<sup>10</sup> With the 2019 so-called "paradigm-shift" (*cf.* law L 140), the Danish government substituted, *expressis verbis*, repatriation for integration, thereby disconnecting the link between newcomers and future nationals and citizens.<sup>11</sup> Only one year before this development, Muslim women had been specifically targeted, especially those who wear an Islamic full-face veil and interpret practices that entail touching a member of the opposite sex (subject to certain exemptions) as religiously inappropriate – for them. In 2018, the Danish government adopted law L 80, which contains a provision for a constitutional ceremony that forms an integral and mandatory part of the nationalization process of new citizens and which requires that the participants as applicants "confirm Danish values".<sup>12</sup> If they refuse, they fail to show the required respect for *our way*. Again in 2018, the so-called "*burqa* ban" (*cf.* law L 219 § 134 c.) was introduced as a criminal provision that prohibited the use of full-face Islamic veils like the *burqa* or the *niqab*. While clearly another product of value

politics, the Danish government tried to minimize the impact of accusations about secondary discrimination by presenting the law as a general cover ban in the public space, consistent only with exemptions that “serve a recognizable purpose”.<sup>13</sup> From the viewpoint of the affected minority, the *burqa* ban and the handshake law served as additional deterrence strategies, ones that gave rise to the statements like “I feel what they deep down want is for Muslims to *leave* Denmark”.<sup>14</sup> While feelings have to be separated from evidence-based substantiation of the objective truth-value of propositions, experiential accounts that are relativized to that particular individual or group cannot be entirely dismissed in post-conflict justice, as indeed illustrated by the various developments in the right to truth at the international level.<sup>15</sup> If the truth – as seen by X – is also a claim about an ongoing conflict rather than a successful conflict-resolution, the United Nations victim-centered approach will, as a minimum, register this as a cause for concern. The special status of victims is coupled with corresponding special protections on the basis of vulnerability. Furthermore, law-making as a conflict-causality or, alternatively, a post-conflict “strict law and order” response to accomplish peace *instead of* accountability point to empirically well-known aspects of reality, be they past or present. These can then be compared with a particular country and, *eo ipso*, tested for objective truth.

Be that as it may, the way of the Danes not only requires that all women – regardless of their religion – should be subjected to no-choice emancipation through unveiling and, as a consequence, made to conform to values like gender-based equality and transparency; it also requires a diversity-free handshake. In turn, this commits the new Danes to continued Danish (re-)socialization as opposed to establishing or helping to maintain “parallel societies” that create contrasts between *us* and *them*.<sup>16</sup>

Some mayors of Danish municipalities compare the non-discretionary measure of shaking hands with a male public official to “Nazism”, arguing that a political ideology that forces individuals to essentially “*heil!*” is legally oppressive and ethically unacceptable.<sup>17</sup> Notwithstanding, the question is whether the illiberal measure is *too liberal* at a point in time where the global COVID-19 pandemic makes social distancing necessary – to prevent the further spread of the coronavirus and, therefore, save human lives? To the extent that the cover ban lists not only carnivals and compliance with other legal requirements, such as traffic rules in the case of helmets for motorcyclists, but also dressings for health reasons, there is perhaps a merely instrumental argument left.<sup>18</sup> The current discrepancy between demand and supply of facemasks may arguably make *burqa*-wearing perfectly permissible. Some may say that it *should* be made mandatory if no alternative (for covering one’s face) is available. Certainly, this is consistent with the utilitarian argument in favor of law L 219, that it is our way of living together that matters. The point is that the long-term survival of the majority culture may depend on minority measures.

That said, in the context of the COVID-19 pandemic there is a need to rethink the origin of the customs that are too exotic for the Danes. *E.g.*, veiling in the Middle East is a custom that is anchored in certain conditions of life which, in turn, provide “practical reasons” for covering one’s face, such as protection of one’s skin from sun exposure.<sup>19</sup> While laws to wear a veil “are not the norm” in the modern era, customs like wearing a veil still make common sense as preventive harm measures.

There are practical reasons for wearing a head covering. Most people live in unheated and uncooled homes, and when they travel they are exposed to hot sunlight. The veil, like the traditional Arabian male head coverings, regulates the temperature of the head, keeping the sun off it and keeping it

warm on cool nights and chilly mornings. Face veils protect the face from sun and wind and keep dust off the face and out of the nose and mouth.<sup>20</sup>

The religious obligation explains the use of the veil in terms of modesty and piety. A devout Muslim woman practices discipline and, *vice versa*, a Muslim woman who practices discipline (by virtue of wearing a veil and not touching or showing herself to men) also becomes more devout, so the underlying rationale is. As it happens, such a practice clause can also be found in Blaise Pascal's work on Christianity. In the absence of evidence, be it empirical, logical or conceptual, people should rely on prudential rationality as a guide. This is the essence of Pascal's famous wager argument, whereby unbelief is impermissible.<sup>21</sup>

Other customs may rely more on a perception of cleanliness. One example is the religious custom of prohibiting the human consumption of pork, a way that is shared by Muslims and Jews alike, although this too arguably has an explanatory link with a practical food taboo that really concerns "unrecognized benefits to health and well-being".<sup>22</sup> In all circumstances, the custom did not become a cause of controversy in Denmark until the fight against "political Islam" which, according to Danish MPs *cum* policymakers, cannot be separated from the religion of Islam.<sup>23</sup>

Practical reasons function as modes of explanation that (non-emotionally) transcend relativism in ethics. This implies that customs are freed from ideology and (perceptions of) dogmatism and extremism which seem predestined to cause sentiments of cultural alienation which, in turn, give rise to aversions – with moral disapproval and legal value-exclusion (*cf.* bans and prohibitions) as consequences. One may say that practical reasons are universally humanizing factors in analysis and assessment.



Undoubtedly, the COVID-19 pandemic casts a different light on a constitutional (nationalization) ceremony that – as a prerequisite for status as a new Danish citizen – entails a handshake for the sake of demonstrating one’s new identity, one’s Danishness.<sup>24</sup> However, rather than pragmatically-rationally and critically reconsider law L 80 on account of the risk of coronavirus transmission, the Danish Ministry of Health decided, on 12 March of 2020, to cancel and suspend any ceremony until further notice.<sup>25</sup>

Politically, this step may have been motivated by the fear of a possible domino effect within the domestic system. On scrutiny, law L 219 (*cf. burqa ban*) and law L 80 (the constitutional ceremony measure) *merge* in that the ceremony, if conducted properly, entails that: “One of more representatives from the municipality in connection with the ceremony *meet face to face* with the participants and *shake their hand*”.<sup>26</sup>

Provided medical experts are correct in their prediction that the coronavirus is *here to stay* and that finding a cure and a vaccine is a global priority, any domestic law that is contrary to the goal of preventing the spread of the deadly COVID-19 should be *repealed* unless, of course, continued consideration of Danish values can be seen as being just as important – to *us*.<sup>27</sup> However, this is not the case from an objective harm perspective that, for the same reason, can and ethically *should* function as a strategy for value adjudication.<sup>28</sup>

To refuse is almost tantamount to presenting proof for the claim that the dots are connected, meaning that the idea of having Islamic ways look *equal* and, worse still, *superior* (at least as regards protection against the coronavirus) is intolerable for Danish policy-makers *cum* MPs who originally proceeded on the basis of a zero-sum game response to conflicting values. Hence, the incompatibility between our Danish values and their values would necessarily, so the Danish “argument” goes, result in a reversal of the (value) winners and losers if *we* extended tolerance to *their* (intolerant) values.<sup>29</sup> Rather than

extending a little finger to the devil (who will soon take the whole hand), law L 80 and law L 219 apparently come with *meta*-signals of honor and shame that are worth dying for.

A “Farewell to Reason” seems inescapable.<sup>30</sup> Notwithstanding, something has to give... to practice social distancing (with six feet) in the public space *as well as* in the private domain in which we are now also supposed to be Alone Together. If push comes to shove, a recall of popular nationalism – the strategy that Denmark and, for that matter, other countries that, so far, have copied the legal *burqa* ban trend rely on for value-exclusion – may be the only option left. This is especially true in the light of the fact that law L 219, the so-called paradigm-shift, emerged in the context of a political claim that it is *impossible* to integrate certain stakeholders, *i.e.*, people of non-Western ethnicity and with Islam as their religion.<sup>31</sup> From the adoption of law L 219, a conclusion about the general acceptance of anti-Muslim sentiments as being appropriate can be derived.

### **Something Good May Come from Consistency:**

As previously pointed out, globalization is the constant and not the variable in the coronavirus equation. For the same reason, humanity is both the causality and the casualty. Furthermore, interdependency means that measures that are effective at the domestic level will have a positive spillover effect for the rest of the global community and, *vice versa*, a negative effect in the event that practical reasons based on medical and scientific facts are not treated as the most compelling. – Everybody everywhere has to adjust. Stronger still, individual states have to be subordinated to shared interests the importance of which is measured by basicness, thereby stressing basic human needs and rights in a global environment that has turned on the Count Down.

Thinking things through, laws that are counterproductive in the context of the global COVID-19 pandemic may produce liberal outcomes without illiberal effects, if repealed. Although the unintended consequence for supporters of Danish value politics, including former Minister of Integration Inger Støjberg, respect for Muslim women's equal human rights would follow from the relevant decision and step. However small the minority of Muslim *burqa*-wearers may be, however exotic *their way* of not touching members of the opposite sex appears to those with the political power to determine the scope of religious pluralism, the relevant female minority's religious freedoms are at stake. Therefore, if laws like law L 219 and law L 80 are repealed, the decision would also accommodate the United Nations Human Rights Panel's criticism of France's *burqa* ban which is the historical precursor and model for Denmark's.<sup>32</sup> Concerning law L 80 alone, the rationale also extends to an agreement with U.S. President Trump's statement, on April 4 of 2020, that shaking hands is "a custom of the past" because of its instrumental role in any virus transmission, be it the flu or the coronavirus.<sup>33</sup> The Prime Minister of the United Kingdom, so various commentators and observers of the COVID-19 pandemic have noted, had to learn this lesson the hard way. Certainly, Mr. Boris Johnson has admitted that he "shook hands with everybody".<sup>34</sup> As a self-declared liberal, Mr. Boris Johnson believes in limits on action that are mediated by harm-infliction and he went into voluntary quarantine prior to being hospitalized – and ending up in the intensive care unit.<sup>35</sup> Furthermore, he swears allegiance to the principle of consideration of other-regarding liberty. *E.g.*, his personal opinion of *burqa*-wearers as "letter boxes" did not affect his argument against law-making for the stakeholders in question.<sup>36</sup> That said, it probably was his incredible(y naïve) confidence in his own interpretation of things (as in "I am right and can prove *them* wrong"), one he allegedly shares with his American colleague (President Trump) according to national media

outlets, that led to his error – to even describing handwashing as something one did “before” shaking hands with coronavirus patients.<sup>37</sup>

A trivial-but-true conclusion is not just for an individual statesman who may have wanted to demonstrate that the situation was not as serious as the scientific and medical experts claimed. It also applies to each and every one of us who are currently trying to make a constructive and proactive contribution by practicing social distancing and, at the same time, hoping to be able to maximize our contribution for health and safety’s sake, for example, with the use of a face mask. The current discrepancy between the market supply and demand of facemasks makes this challenging. Meanwhile we are (re-)discovering the truth of *errare humanum est* (to err is human). But, a concession to fallibilism may very well help us to self-correct our responses. One example is Sweden’s former Prime Minister Carl Bildt’s defense of voluntary measures to combat the spread of the coronavirus, arguing that Swedish people have “a genetic disposition for social distancing”.<sup>38</sup> Setting aside mutations as plausible explanations for the increase in infections, Sweden soon opted for less of a reliance on (Swedish) human nature in favor of some rules, although without legal consequences like fines.<sup>39</sup>

The simultaneous journey of coming to fully appreciate what we are dealing with through what amounts to coronavirus penalty points (witnessing elderly people perish after family visits, *etc.*) and having to embrace Francis Bacon’s “knowledge is power” maxim in the effort to combat the coronavirus pandemic is bound to introduce a painful tension. – In one sense, it is correct to say that we already knew (that the human immunity system weakens with age) and in another it is equally correct to say that we were ignorant but arrogant (and therefore errors resulted). Ignorance and arrogance together is the worst-case scenario. If we do not “see it coming...” because we have already made up our minds that “it is probably not coming... at least *not here*”, all that is left to do is

to feel lost. This is, of course, the opposite of preparedness. Therefore, Pope Francis captured the situation when he described the COVID-19 as the “[t]hick darkness”.<sup>40</sup>

To respond without bias – especially thinking that we are “above” a particular issue – and to (re-)adjust responses to the lessons learned is what really matters for humanity. It is unfortunate that it may take a tragedy of epic proportions, an event like the global COVID-19 pandemic, to realize that “we are in this together”, and that facts *should* trump proposals, propositions and policies that are likely to add rather than subtract from harm. No exception made – for Danish laws. If possible, it is even more unfortunate, of course, that the predicament repeats itself at the very root of the problem, as previously pointed out by the WHO.

Meanwhile, the international relations test will primarily be about *not politicizing* the global COVID-19 pandemic. For this objective, fallibilism serves as a reminder that errors can be corrected if we keep an open mind and are respectful rather than uncritical. Irrespective of whether there is a devil’s advocate around to test international relations *per se*, certain statements have been made that suggest that the coronavirus comes with an ethicizing effect. As a potentially important aspect of the pandemic scenario, this deserves separate attention (in the next section).

### **The COVID-19 Pandemic’s Ethicizing Effect – Fact or Fiction?**

It is either Back to Basics by virtue of putting shared interests (including basic human needs) *first* or a dramatic Farewell to Reason that awaits us. If so, we no longer have to opportunity to think things through in good time.

Obviously, this would amount to a new catastrophe, this time for ethics. The link between possession of reason and ethics is as close as it is traditional. That said, advocates of stakeholder jurisprudence who not only defend an

integrative approach to ethics and law but also use singular *meta*-prescriptions that stem from ethics to inform and guide the interpretation of “right”, “wrong”, “duty”, “appropriate” and similar key concepts in all areas of reality (including politics and international relations), argue that; i) consideration is, in one sense, more fundamental; and ii) is more fundamental because it is the human ability and/or willingness to *extend* consideration, *i.e.*, to generalize and ideally universalize the implied empathy (*as opposed to* indifference) as a response on the basis of important needs that explain the difference between the moral agent and, on the other hand, the sociopath and/or the amoralist.<sup>41</sup> Hence, the (psycho-)logical *conditio sine qua non* for ethics is that human agents *care* about others. A discrepancy between principle and practice may reveal a case of insincerity; but then again the (apparent) lack of integrity may owe to reasons beyond one’s control, such as the scarcity of resources.

But, is it the truth – that the COVID-19 pandemic has had an ethicizing effect?

If we make a country-specific survey, some sunrays seem to have penetrated the thick darkness.

In Italy, one of the hardest-hit countries, people applauded the doctors and nurses at the front line of the crisis from their balconies and participated in mass singalongs. The tribute to healthcare professionals first assumed the form of a spontaneous expression of gratitude – that doctors and nurses risk their lives – for us!<sup>42</sup> In return, as it were, people wanted to communicate their own solidarity and contribution – on hand painted banners – “*Io resto a casa*” (I am staying at home) to try to proactively ease the burden for doctors and nurses. To signal optimism and to mitigate the strain and anxiety from a dangerous situation and lockdown, yet other banners read “*Andra tutto bene*” (Everything will be all right).

Within less than a week, the local ritual caught on in other countries. – Spain, France, the Netherlands, and even places with a reputation for interpersonal reservation adopted the idea of collectively and publicly thanking strangers, including employees in the health sector and volunteers who came out of retirement to assist in a professional capacity and in the spirit of, for example, “A United Denmark”.<sup>43</sup> Such proof of altruism and the actual and/or potential beneficiaries’ reactions of deep bonds of connectedness and interdependency has repeated itself often enough and in enough different contexts to make it meaningful to talk about a shared coronavirus way.<sup>44</sup> Furthermore, various acts of unusual Self-transcendence have not been limited to first responders like doctors, nurses and police officers.

Reports about “the kindness of strangers and individuals who have sacrificed for others” – from food baskets hanging from balconies to the less fortunate and to initiatives to helping the elderly with grocery shopping also belong among the sunrays.<sup>45</sup> Apparently, the Alone Together motto that now summarizes the social distancing is fully consistent with a decision to set aside the kind of concentric-circle conception of morality that puts “my own kind of people” first. Certainly, strangers were the intended recipients of help and assistance when Chinese virus experts arrived in Italy with medical equipment like face masks and ventilators.

This time around, however, the response was reversed in the sense that the Italians felt they had a *justified expectation* of assistance along the lines of concentric-circle obligations.

There was anger in Italy when help came their way much sooner from distant China than closer nations like Germany or the USA.<sup>46</sup>

No less than one hundred countries have received coronavirus-related help, according to China's Foreign Ministry.<sup>47</sup> Besides providing China with the opportunity to create its own narrative as the Global Savior, the country is apparently also capitalizing on the *realpolitik* effect of the global COVID-19 pandemic "to bolster an increasing vocal, assertive bid for global leadership that is exacerbating a year-long conflict with the US".<sup>48</sup> The U.S. is catapulted into a vacuum with its superpower status at stake in a directly proportionate relationship with an American First approach that practically mutes its global influence. The limitations of what the European Union's Foreign Policy Chief Joseph Borrell calls China's "politics of generosity" are clear, though.<sup>49</sup> Recipients like Iran, a country that also refused to accept coronavirus-related help from the U.S., respond positively.<sup>50</sup> Furthermore, China's favoritism in the case of Europe serves to shift the political balance *away* from the main power players within the EU and their collaboration with the U.S. and *towards* marginalized countries whose "populist, nationalist or Eurosceptic leaders have pushed to play a part in China's big international Belt and Road infrastructure initiative".<sup>51</sup> By virtue of affording countries like Hungary and the Czech Republic more aid and assistance, China essentially deconstructs the political *status quo* and instead introduces a new order. Obviously, if China were successful in its bid for the role of the U.S., the downfall of the "beacon of democracy" (*cf.* the U.S.) would also end the liberal and Western-centric perception of legitimacy, thereby making it possible to redefine the notion of basic rights as a bottom-line social justice measurement. In geopolitical terms, an ideological revolution would consolidate the "conquest" of those in need because nothing objectively compares, let alone, competes with safety and security interests in the wake of a crisis like the COVID-19 pandemic, at least so the underlying assumption would be. Life and survival matter; whereas (Western values like) individual liberty and personal autonomy are candidates



for disappearance strategies in government provisions for mass surveillance, first to protect the health of the public (*cf.* avoidance of serious physical harm) and then to control freedom of mobility, freedom of expression, *etc.* (*cf.* oppression of liberal values).<sup>52</sup>

Attempts to take advantage of the coronavirus crisis to promote goals and objectives that are unrelated to the effort to combat the disease itself, such as being perceived as the new superpower, can be explained – at least in the opinion of some experts on international relations – by factors like “our national interest” or, more narrowly, by the interest of the national rulers.<sup>53</sup> In all circumstances, there is a directly proportionate relationship between the more or less hidden agenda’s irrelevancy for offering assistance to be a “global good citizen” and amoralism.<sup>54</sup>

China is not the only country that has played a coronavirus game that does not necessarily comply with the basic rules for the current world order. The principle of mutual benefit under international law imitates the free market forces in that it presupposes a win-win outcome in the wake of voluntary exchanges among free and informed parties without, at the same time, critically considering the uneven playing field that the post-colonial era continues to leave unaddressed in the United Nations victim-centered approach. The attitude that reflects the kind of inferior-superior relationship that is so characteristic of (what *should* have been) past history’s elliptical humanism (because of its inconsistent application) reemerged when French doctors suggested Africa as the testing ground for a corona vaccine. The head of the WHO Dr. Tedros Adhanom Ghebreyesus condemned the proposal as “racist” and described the idea of using Africans as human guinea pigs as a hangover from the “colonial mentality”.<sup>55</sup>

Examples that illustrate the difficulty, if not impossibility, of substantiating the claim of the global COVID-19 pandemic's ethicizing effect also exist at the domestic level.

On the same day as Pope Francis gave a blessing from an empty St. Peter's Squire in the Vatican that also had confirmed cases of the coronavirus within its own walls, the country of Brazil was faced with high-level conflict-resolution.<sup>56</sup> President Jair Bolsonaro, who won the 2018 election with the backing of the country's burgeoning evangelic Christian community, had *exempted* churches from the country's lockdown.<sup>57</sup> However, the President's argument that religious activities were "essential" *by analogy to* pharmacies and supermarkets was tested in a federal court in Rio de Janeiro. The President's decree, so the court decided, could not be upheld. It ruled against religious services because these pose a public health risk (at a time when the coronavirus is spreading rapidly around the world).<sup>58</sup> In his opinion, judge Marcio Santoro Rocha noted that "[c]hurches and other places of worship lead to large crowds and the movement of people" and, consequently, any appeal of the judgment (by the government) would have to consider that particular fact as opposed to the decree's analogy that arguably relied on *realpolitik* considerations, more precisely, an ambition to cater to the (alleged) needs of (perceived) first circle political stakeholders.

Country-specific responses may be internally contradictory (*cf.* Brazil), but they may also be inconsistent with the practices of other countries. As previously alluded to, Sweden has emerged as the Exception to the Rule of mandatory *cum* penal measures for social distancing.<sup>59</sup> Even compared to its nearest neighbors, the contrast is striking, some would say stark. In particular, Denmark manifests itself as an illiberal nation. However, this fact not only refers to Denmark's recent coronavirus policies, which contrast with Sweden's

voluntarism, but also to its implementation of cultural assimilation measures that aim at a zero-sum outcome in *our* favor.<sup>60</sup>

Unlike the Roman Catholic Church and the Vatican, Sweden does not seem to share the feeling of being “afraid” and “lost”.<sup>61</sup> Sweden may identify with the Brazilian pro-exemption defenders who view confinement measures as “overblown”, albeit probably also true to say that the more ideologically-dramatic description of the same measures as amounting to “the tactic of Satan” would not resonate with the Swedish way.<sup>62</sup> Rather, the country-specific response or what has been diplomatically called a “relaxed approach to coronavirus” appears to stem from science, from facts.<sup>63</sup> According to Swedish experts on epidemiology, COVID-19 prediction models are based on “little reliable data” and consequently Sweden’s implied bid for herd immunity may disconfirm any accusation of (immoral) recklessness, especially since the country-specific approach is perfectly consistent with adding restrictive measures in accordance with need. However, the arguments in favor of the official Swedish strategy include:

[T]he need to keep schools open in order to allow parents who work in key jobs in health care, transportation and food supply lines to remain at work. Despite other infectious diseases spreading rapidly among children, COVID-19 complications are relatively rare in children. A long-term lockdown is also likely to have major economic implications that in the future may harm healthcare due to lack of resources. This may eventually cause even more deaths and suffering than the COVID-19 pandemic will bring in the near term.<sup>64</sup>

Therefore, considerations having to do with public health and the economy cannot be separated. Harm in one area comes with spillover effects for the other.

Given the Swedish model's higher death toll in comparison to its neighbors and other countries that otherwise are described as hard-hit by the coronavirus, the social sustainability criterion that the herd immunity is linked with undoubtedly pulls in the direction of economic considerations and factors. Furthermore, the model resembles an experiment, *inter alia*, in individualism and self-discipline, as well as "trust in institutions and in one another".<sup>65</sup> The expectation that every Swede "carries his own policeman on his shoulder" (*cf.* civil responsibility) and, for the same reason, has no need for orders from authorities and rigid laws and policies may not necessarily translate into a case of bad judgment, at least not if the underlying coronavirus crisis rules are that i) some spread is required for the herd mentality to work and ii) as long as the spread does not adversely affect the economy or public sectors and institutions that the welfare state's depends on for its utilitarian ethics, Sweden can make a claim to success. It may be that critics express doubt about the sacrifices, *e.g.*, by arguing that it is ethically cynical to remain comparatively non-restrictive in circumstances where vulnerable stakeholders like minority groups and the elderly, who account for fifty per cent of the death toll, are unable to fend for themselves. Although the Swedish government reportedly has been playing catch-up since March 29, with bans on public gatherings of more than fifty people and, since April 1, with a no-visit policy in nursing homes, the political damage had already been done.<sup>66</sup>

The morbid trade off (of freedom for complacency in the face of a high death toll) backfired; and the blame game the Prime Minister Stefan Löfven had proactively inserted into the coronavirus equation, according to some domestic observers and commentators, did *not* lead to the intended and

accountability ascriptions. More precisely, complacency merged with political convenience in the “official” expectation that the state epidemiologist and coronavirus strategist Anders Tegness from the national Institute of Public Health would be held responsible. In the words of Hans Bergstrom:

That partly reflects a unique feature of the country’s political system: a strong separation of powers between central government ministries and independent agencies. And, in “the fog of war,” it was also convenient for Löfven to let Tegnell’s agency take charge. Its seeming confidence in what it was doing enabled the government to offload responsibility during weeks of uncertainty. Moreover, Löfven likely wanted to demonstrate his trust in “science and facts,” by not – like US President Donald Trump – challenging his experts.<sup>67</sup>

The *Mens Rea* Principle is central in law as well as ethics, at least in deontological ethics whereby intentions matter for the moral status of agents. On the premises of teleological ethics, however, it is the consequences of actions, certain types of outcomes to be exact that determine whether the moral vocabulary is applicable. For example, accomplishing social utility as an outcome (*cf.* utilitarianism) is right as opposed to wrong, whereas all other values, interests or stakes are relegated to the category of instrumental goods. This is also true of the values that characterize individualism and the idea of rights for that particular person, including freedom, equality, dignity, and respect. In the case of the coronavirus and the utilitarianism of the welfare state, the main point is that consistency requires that considerations that conflict with the good of the majority must give way to the ethically supreme principle and prescription.

In the case of Sweden, a moral apology is not owed to the unfortunate victims of the COVID-19 pandemic unless, of course, their numbers increase

dramatically (*cf.* utilitarian majority standard) or another (utilitarian) negative effect occurred that threaten to undermine the social sustainability of the strategic approach and response to the coronavirus. If so, a (utilitarian) call for “draconian policies” or, to use the wording of yet other domestic critics and researchers, “swift and radical measures” would follow, such as a lockdown instead of the state of affairs that was reported in mid-April, namely that subject to a few changes “everyday life continues”.<sup>68</sup>

In Sweden, the coronavirus situation has led some critics to call for the resignation of the state epidemiologist who claims that the figures used by his critics are incorrect, a reflection of “a number of fundamental errors”.<sup>69</sup>

Scientific and political controversy is not unique for Sweden, though. Furthermore, accusations of incompetence and corruption can be found in high-level statements that affect international relations.

Perhaps in an endeavor to mute China’s competitive bid for superpower status, U.S. President Trump adopted the expression “the Chinese virus” to signal a link between the place of the original outbreak and a responsibility for the costs, challenges and tragedies this caused in the rest of the world.<sup>70</sup> At one of his daily coronavirus response briefings at the White House in Washington, D.C., the U.S. President defended the appropriateness of the expression that contradicts the pro-ethics trend in modern medicine by virtue of coupling a diagnosis with a particular identity, arguing “that’s where its [the coronavirus] is from... it’s not racist”.<sup>71</sup> Interestingly enough, it was the WHO that, in 2015, “called on scientists, national authorities and the media to follow best practices in naming new human infectious diseases to minimize unnecessary negative effects on nations, economies and people”, thereby recommending a discontinuation of the otherwise conventional practice that President Trump’s expression conforms with.<sup>72</sup> The neutrality policy that the WHO prescribes is not consistent, according to President Trump’s perspective, with the “China

centric” attitude of the organization itself.<sup>73</sup> In an attempt to understand the exact meaning of the statement, Yanzhong Huang, a global health expert specializing in China at New Jersey's Seton Hall University, noted the following:

[S]ome China critics have argued that the WHO is disproportionately deferential to China considering that Beijing contributes about 3% to WHO's annual budget compared to the United States' 12%-13% contribution. Huang said that Trump's rhetoric may have been referring to this aspect given the president's previous preoccupation with getting members of the NATO military alliance to meet spending goals.<sup>74</sup>

This interpretation is correct but inadequate as an explanation for the decision President Trump made to put a hold on U.S. funding. In a White House Briefing on 15 April, additional issues were listed as reasons for “demanding accountability from the World health organization”:

- President Trump is placing a hold on all funding to the WHO while its mismanagement of the coronavirus pandemic is investigated.
- The American taxpayers provide \$400 million to \$500 million in funding to the WHO each year, but the WHO has failed them.
- China, on the other hand, provides just around one-tenth of the funding that the United States provides.
- The American people deserve better from the WHO, and no more funding will be provided until its mismanagement, cover-ups, and failures can be investigated.

- President Trump will continue fighting the coronavirus outbreak and will redirect global health aid to others directly engaged in the fight.<sup>75</sup>

Concerning the criticisms and, stronger still, charges of “mismanagement, cover-ups, and failures”, the WHO shares accountability with China, again according to the relevant source.<sup>76</sup>

China’s lack of transparency (of not sharing facts) led to harmful consequences, first and foremost a missed opportunity to prevent the coronavirus from spreading at a point in time where a proactive approach could have made a real difference. The nature and seriousness of President Trump’s accusations came dangerously close to a charge of bioterrorism when he speculated if the country was “knowingly responsible”, in which case there “should be consequences”.<sup>77</sup> The fact that China has also launched a counter-attack on the U.S., one that shifts the coronavirus blame back to the accuser, was reported by the news media as an instance of the two countries’ shared unwillingness to accept blame for their own response, thereby leaving nobody else to blame – but each other.

For its part, China has fired back, with its foreign ministry spokesman, Zhao Lijian, suggesting that the U.S. military might be the cause of the outbreak in Wuhan.<sup>78</sup>

It is a paradox that the blame game between the U.S. and China is similar to the deflection strategy that the Democrats imposed on the Republicans during President Trump’s impeachment, at least if one accepts the premise that the outcome (an acquittal) was predictable.<sup>79</sup> At the domestic level, President Trump referred to the consequences of this in terms of a waste of time, energy and resources to combat the coronavirus. Yet other consequences include reports about xenophobia and racism towards Asian Americans.<sup>80</sup> Finally, Secretary Pompeo’s complaint, in April, that the WHO “should have been



investigating China” has prompted internal critics to try to correct what essentially amounts to fake duty-ascriptions. According to Jeremy Konyndyk, a policy fellow at the Center for Global Development, the U.S. government is “willfully ignoring” that the WHO has to follow the International Health Regulations, a fact that only makes one conclusion possible, namely that the agency is a “political scapegoat” to distract from the administration’s own poor performance.<sup>81</sup>

As far as international relations are concerned, the dysfunctional relationship between the U.S. and China introduces a common setback in the fight against the common “invisible” enemy, the coronavirus. In the words of Associate Professor James Crabtree, Lee Kuan Yew School of Public Policy at the National University of Singapore, the reality:

... completely undermines any attempts to come up with new international solutions ... Everything is made more difficult by the fact that U.S. and China are not going to cooperate with one another.<sup>82</sup>

The delay in the collective response to the adversely affected stakes, both health, life and the economy, seems bound to produce an accumulative harm effect. The rest of the world is more or less a captive audience. Meanwhile, talk about the “six inexcusable days” – from January 14 to January 20 – points to a moral explanation problem for China, at least according to The Associated Press.<sup>83</sup> Apparently, the initial lack of transparency stemmed from reasons having to do with the oppressive political system in China, although this is not sufficient, of course, to substantiate the so-called conspiracy theory that the coronavirus owes to a lab accident and is therefore not something that has a natural origin.<sup>84</sup> Irrespective of whether the biological optic constitutes a credible candidate for an explanation, the U.K. insists on a “deep dive”

investigation into the origins of the outbreak.<sup>85</sup> Geopolitically, the *status quo* is arguably maintained in the sense that the East-West divide remains, with a no-trust response.

– Why U.K. Prime Minister Johnson made a “U-turn” on the topic of the seriousness of the coronavirus and why the U.S. President Trump also downplayed the disease by virtue of comparing it to “the seasonal flu” up until April is another question that can also be posed to other leaders of state, including Brazil’s President Bolsonaro.<sup>86</sup> Nevertheless, the very need for it may be suggestive of an ideological incapacitation factor. In the case of the U.S., the Director of the National Institutes of Health accommodated this in his recent statement (of April 8):

The approach we should be taking right now is one that most people would find to be too drastic because otherwise it is not drastic enough.<sup>87</sup>

In other words, *unless* the West learns from the success in the East when it comes to *effectively* combatting the COVID-19 pandemic, entire populations may be devastated, thereby introducing fragile state components in countries like the U.S.<sup>88</sup>

Prominent U.S. experts like Jeffrey D. Sachs point to the American way of life as a target area for self-critical reflection, and with a view to long-term alignment with the lessons that can be learned from countries like China.<sup>89</sup> The lessons include *their* control measures.

### **Some Conclusive Remarks. Realizing Our Human Limitations.**

Assuming that effective control encompass measures like mass surveillance, the distinction between liberal democracies and non-democratic systems with market economies will be blurred in the future. Ethically, the incompatibility

logic that underpins consideration in terms of freedom, autonomy and rights *versus* teleological and utilitarian ideas about setting aside individualistic values to promote social utility will help to fuel the conflict at the most basic level. Liberalism stands and falls with such values, whereas politically non-liberal regimes can combine non-voluntarism and economic freedom without any inconsistency. As pointed out by pro-capitalism thinkers like Friedman, there is a distinction between economic freedom and political freedom, although it is also true to say that there (ideally) should not be.<sup>90</sup>

For Friedman, utilitarianism has to be subsumed under totalitarianism because it requires a sacrifice of fundamental values in the event of a conflict with considerations like “the national interest”, as indeed illustrated by lessons learned from the 9/11 tragedy where individual stakes in, *inter alia*, privacy were competing with the utilitarian notion of the safety/security *cum* good of the American people as such. In the context of an analysis of the coronavirus, mass surveillance measures continue this threat to liberal democracy, the openness of which is both its blessing and its curse. The ethical relativism that underpins the idea and indeed ideology of equal sovereignty is defenseless too in the event that the Other (*i.e.*, a different country with different values) does not subscribe to the *meta*-premise that accompany self-determination for nation-states, namely respect for their way as being just as good as our own.

Utilitarian policymakers and commentators may call for oversight, though. Critics of *realpolitik* argue that “the national interest” may and may not coincide with “the interest of the majority in place P”, albeit declared as “*our* national interest”. Instead, the majority may be relegated to the class of the ruled in sharp contradistinction to the rulers who actually benefit (politically, economically, *etc.*) from the rhetoric (*cf.* “our national interest”). Furthermore, there is a fear of generalized control responses, meaning that restrictions that commence in the health area as provisions derived from practical reasons may

spread and therefore become the standard way, however unrelated to the original justification. The use of cameras, drones, selfies, tracing apps on smartphones, so-called electronic fences (to track mobile phone data and alert authorities), retroactive maps of movement (to systematize geolocation data), *etc.* may invade all domains of public and private life, thereby resulting in the Big Brother Is Watching You phenomenon that continues to appeal to paternalism but which, in fact, constitutes an inappropriate practice, at least according to liberally-minded stakeholders who will also be treated as dangerous dissenters. Paternalism and utilitarianism typically operate together, but the end-goal of the application may still be one that makes advocates of utilitarianism as ethically concerned as defenders of liberalism. Once again, the test is the welfare of the public. If a cost-benefit analysis of mass surveillance shows the health sector is burdened by stress treatment of citizens a fact which, in turn, is linked with low productivity, the loss incurred by society is probably not worth it. But, if an undemocratic arrangement arguably is in the best interest of the people – as evaluated by quantifiable standards like money and resources and market products – then utilitarianism is forced to override alternative criteria for conflict-resolution that coincide with intrinsically-inferior responses, qualitative variables (*cf.* freedom, dignity, equality, respect, *etc.*) that cannot be measured, weighed, and calculated.

Issues of major importance are traditionally addressed in free and open elections in Western countries, and only the future will show which direction or development the populations there support.

Meanwhile, one of the main challenges will be to separate cause and consequence in a manner that makes it possible to reach a fair conflict-resolution as regards the West-East blame game. The previous section mainly paid attention to the country-specific criticisms. However, within countries like the U.S., the domestic debate and dispute sometimes mimics the blame game

from international relations. For example, using his freedom to criticize Western countries and the U.S. President openly, Sachs stresses that:

Western countries were far less attentive to the novel coronavirus when it first appeared. The US Center for Disease Control and Prevention (CDC) was in contact with the China CDC on January 3. The first US case was confirmed on January 20. And yet it was not until January 31 that US President Donald Trump announced travel restrictions with China.<sup>91</sup>

Some may claim that this case of U.S. complacency competes with China's delayed recognition of its now famous COVID-19 whistleblower, Dr. Li Wenliang from Wuhan Central Hospital.<sup>92</sup> Other may disagree.

In either case, a blame game involves a denial of reality. Otherwise, it would not serve effectively the *meta*-goal of attracting attention to X rather than Y (*cf.* strategy of deflection).

The role of the leading Coronavirus Ostridge that Sweden has been associated with also amounts to a denial of reality, albeit played without an international fight to (re-)distribute accountability. Notwithstanding, a case of escapism amid a Scientific Count Down – recycling the Swedish open society model in circumstances that have led other countries to a lockdown – may be construed as a (bad) excuse for a social experiment. If so, the ethical judgment may be that the official Swedish approach translates into preferential wrongdoing, of preferring to gamble with medical risks in a context where vulnerable stakeholders are disproportionately affected. Others may counter-argue that such a judgment is an instance of jumping to conclusions, of implicitly accusing Sweden of selective insensitivity, as-if some lives matter less. The country's recent effort to reach out to immigrant and minority communities with educational information about the coronavirus in their native

language demonstrates that there is a good will to do what is right – and to do what is right for the right reason, namely inclusive, equal and non-discriminatory stakeholder consideration.<sup>93</sup>

On a broader note, medical progress as an instance of trial and error is not only consistent with Popper’s view of scientific discovery, it is also the short-cut to fallibilism – for it may be that a country-specific contextualization of truth is unavoidable. A method that works for China may not improve the situation for Sweden.

Other countries may express frustration, even resentment because of the conduct of another building-block in the global order.<sup>94</sup> In turn, this affects international relations. However, the process of ongoing scientific and medical discovery that has taken place as a kind of parallel reality to the coronavirus crisis has had at least one humbling effect: that no Absolute Truth-Recognition Authority on COVID-19 can be identified. Empirically, no country can make a claim to knowing with (absolute) certainty that one country-specific approach is the universally effective one. China’s work for China. But, if Sweden’s state epidemiologist is correct that critics are getting the numbers wrong, then it may be equally correct that Sweden’s approach work for Sweden.<sup>95</sup>

Different countries are now working on medicines and vaccines. Different outcomes may result. Once again, though, this may not entail a subtraction from the treatment’s benefit. That granted, some of the hardest facts about the coronavirus are likely to rise above the inter-subjectivity that Popper outlined in his theory. However, perceived and described, these will pass through the knowledge filter and emerge as aspects of the human condition, C. As such, they can gradually “arrest” any lack of acknowledgement (*cf.* an inability and/or unwillingness to ascertain C) and, for that matter, any subsequent unfounded (bad) reasons for ambiguity and ambivalence in the approach to the situation.<sup>96</sup>

Environmentally, globalization is, in fact, a Ticking Bomb if the Scientific Count Down that the coronavirus started is *not* stopped. For the same reason, it may be tempting to compare the coronavirus to the plagues and pandemics in the Middle Ages and to connect biological doomsday scenarios with religious end-time prophecies, if nothing else to capture the enormity of what is at stake for humanity. Undoubtedly, dysfunctional international relations add dramatically to the ethical concerns, especially since the coronavirus situation is becoming more volatile. At the international level, China increased its support for the WHO on 24 April, apparently motivated by a pro-solidarity desire to close to funding gap left by the U.S., but amid speculations if appearances are deceptive, meaning that the continuation of power politics may, in fact, have mattered more than principle.<sup>97</sup> Furthermore, Australia's Prime Minister Scott Morrison sided with the U.K. by calling on the member states to support an investigation into the origins of the COVID-19 pandemic and the (WHO) organization's response, just as he brought ethics to bear by expressing the view that the member states "should be required to participate in a review".<sup>98</sup> Australia's largest trade partner, China, described the step as "politically motivated".<sup>99</sup> Obviously, this immediately delegitimizes any effort to get to the truth, depriving this value (*cf.* truth), *a priori*, of its impartiality, credibility and scientific authority.

Setting aside the anxiety that failure in the state response system is bound to cause in circumstances of global interdependency (*cf.* the fact that inadequate preventive and protective measures of one country come with spillover effects for other countries), any intended or unintended deviance from a common agenda of contributing to the war against COVID-19 threatens to undermine *our* reciprocal stakes. The tension is not so much between egoism and altruism as in "America first responses make no sense"; instead, it is between amorality and immoral arrogance – for thinking that "we know best" is as childish as it is

contrary to meaningful collaboration. For the species and its future survival in a complex environmental context, the combination of ethical immaturity and a lack of common sense is more dangerous than the coronavirus. The first rule of survival is to be prepared to admit errors and then continue with humility – because we know we may all make (more) mistakes. That is why fallibilism is an ethics tool too. It indirectly teaches us the virtues we need in a life-and-death situation like the global COVID-19 pandemic. Perhaps U.K. Prime Minister Johnson’s personal coronavirus experience will be a game-changer, away from trivializing the disease and toward a more realistic assessment. One indicator is the discussion about his recovery and return to work after almost one month’s of serious illness. On 23 April, President Trump described his colleague as “ready to go” – based on a telephone conversation – whereas the Prime Minister himself made it clear that he would follow the advice of his medical team before making a decision.<sup>100</sup> – That is the difference. It is subtle, but it is significant. It is a learning lesson in its own right: about being cured for a frightening disease and about not having respected its devastating effect enough in the past.

For those commentators who may respond that this sounds like the Socratic philosophy that “all I know is that I don’t know anything”. However, that is to overstate fallibilism. Rather than making this mistake, the morale of the coronavirus story is about realizing our human limitations. Going forward, the importance of this insight may save us all.

Otherwise, the verdict on international relations and the ethicizing effect of the global COVID-19 pandemic is as pessimistic as it can possibly be. If anything, the pandemic has reinforced pre-existing divisions – to the detriment of the populations of the different nations – for nobody can reasonably expect good outcomes from bad choices. All stakeholders know that the coronavirus is reshaping the world as we know it. With more



discord, with the United Nations Security Council's Permanent Five as a vehicle of East-West deterioration, and with predictions of a recession, there is unfortunately no basis for the French President Emmanuel Macron's words that "we will be stronger morally" *unless* dreams that the pandemic can change capitalism and, *eo ipso*, the way of globalization, are made to count.<sup>101</sup> However, dreams are different from the idealistic aspirations that may motivate politicians to assume the role as change-agents. As also pointed out by President Macron, this transition requires humility; and so far, those who depend on leaders to get things right have only been witnesses to the opposite.

### **Epilogue:**

Members of the civil society deserve that materials of substantive morality be integrated into the legal, political, economic, and cultural reality, with the purpose of ethicizing the current state of affairs locally, regionally, nationally, internationally, and globally. Ethics is a transformative power; but it cannot work without the human will to secure compliance with humanistic and universal prescriptions.

The question is whether the coronavirus pandemic is the final wake-up call for members of the civil society... that they, that *we* have to be engaged citizens who insist on activating the United Nations rule of law mandate for our stakeholder constituency – for *our* participation is *our* responsibility.<sup>102</sup> If we are all to blame for globalization, then we all have a role to play in the effort to correct the imbalance that explains the symptoms of the problem, the COVID-19 pandemic. As for the root of the problem, capitalism, the different states that are currently paying the blame game in international relations may have too much of a common interest in maintaining a version of the market-driven economy to also have an interest in putting humanity

over profit, power and prestige. Obviously, passivity is an advantage for amoralism, which that depends on the goodness of others. However, passivity is not the same as humanistic morality. In the context of the global COVID-19 pandemic, it rivals the arrogance of agents who have stepped outside the territory of ethics.

Perhaps some would accuse the devil's advocate of extremism again. Be that as it may, the test premise of the devil's advocate entails no commitment for or against a particular position. The point is that so-called extremism may simply be what is objectively required by the situation.

## References

<sup>1</sup> For Karl R. Popper, "truth is correspondence with the facts or with reality". But, because description and observation is theory-impregnated, objectivity is inter-subjectivity. See KARL R. POPPER, *CONJECTURES AND REFUTATION: THE GROWTH OF SCIENTIFIC KNOWLEDGE* 39, 44, 361 (1963); KARL R. POPPER, *OBJECTIVE KNOWLEDGE: AN EVOLUTIONARY APPROACH* 71, 73 (1972); Anja Matwijkiw and Willie Mack, *Making Sense of the Right to Truth in Educational Ethics: Toward a Theory and Practice that Protect the Fundamental Interests of Adolescent Students*, 2 *INTERCULTURAL HUM. L. REV.* 329, 374 (for basic human needs, truth, and qualified absolutism) (2007). Note that the more authoritative (empirical) truth-recognition procedure is consistent with both fallibilism and with the claim of the absence of an absolute authority on universal truth.

<sup>2</sup> "The voice of the Devil's Advocate is, at least in part, the voice of reason". See S. MORRIS ENGEL, ANGELIKA SOLDAN & KEVIN DURAND, *THE STUDY OF PHILOSOPHY* 349 (2008).

<sup>3</sup> Mohammed Jamjoom, *WHO's Dr. Mike Ryan: Coronavirus vaccine 'at least a year' away*, AL JAZEERA, 27 Mar. 2020, <https://www.aljazeera.com/programmes/talktojazeera/2020/03/dr-mike-ryan-coronavirus-vaccine-year-200325093707677.html>.

<sup>4</sup> For a stakeholder theory analysis of Friedman's outlook, see Anja Matwijkiw & Bronik Matwijkiw, *BiLaw Stakes, Activist Jurisprudence, and (Presumed) Limits for Protected Interests*, in (special issue entitled) PAVING THE BIOLAW PATH IN INTERNATIONAL CRIMINAL LAW, 17/6 INTERNATIONAL CRIMINAL LAW REVIEW 1070, 1072 (Anja Matwijkiw ed., Brill-Nijhoff 2016-2017 (online) and 2017 (paperback)).

<sup>5</sup> For China as the U.S.'s candidate for blame, see this article's section entitled *The COVID-19 Pandemic's Ethicizing Effect – Fact or Fiction?*

<sup>6</sup> E.g., domestically, China has blamed Africans in Wuhan for the outbreak. Furthermore, Africans in China are complaining about racist and xenophobic treatment in the wake of the COVID-19 pandemic. See Natashya Gutierrez & Koh Ewe, *What It's Like to Be Black in China During the Coronavirus Pandemic*, Vice, 24 Apr. 2020, [https://www.vice.com/en\\_us/article/jge7p4/racism-in-the-time-of-coronavirus-what-its-like-to-be-black-in-china](https://www.vice.com/en_us/article/jge7p4/racism-in-the-time-of-coronavirus-what-its-like-to-be-black-in-china); Danny Vincent, *Africans in China: We face coronavirus discrimination*, BBC NEWS, 17 Apr. 2020, <https://www.bbc.com/news/world-africa-52309414>.

<sup>7</sup> Anja Matwijkiw & Bronik Matwijkiw, *[Human] Values and Ethics in Environmental Health Discourse and Decision-Making: The Complex Stakeholder Controversy and the Possibility of 'Win-Win' Outcomes*, in ENVIRONMENTAL HEALTH IN INTERNATIONAL AND EU LAW: CURRENT CHALLENGES AND LEGAL RESPONSES 13 (Stefania Negri ed., Routledge-Giappichelli Studies in Law 2019).

Note that Fabricio Guariglia, Director of Prosecutions, Office of the Prosecutor, International Criminal Court, encouraged experts on international criminal law and international criminal justice to engage in “careful reflection” as regards the link between the COVID-19 pandemic and impunity and, furthermore, *jus cogens* crimes like war crimes and crimes against humanity. Besides developing the category of international environmental crimes, he recently stated:

Epidemics and international crimes, more often than not, feed from the same toxic elements: systemic poverty, lack of education, of basic services, of state protection, of respect for individual rights, including the most basic socio-economic human rights. The groups and communities that are particularly vulnerable vis-à-vis epidemics tend to be those at the heart of the victimization in war crimes or crimes against humanity scenarios. And as real life examples show, the actors behind those crimes are rarely sensitive to public health considerations: armed groups who extensively victimize civilians for military, political and/or financial gain are prone to forcibly remove anything or anyone that they perceive to be a potential threat to their criminal plans... Meanwhile, as we are starting to see as the impact of COVID-19 goes global, systemic crimes strip communities and states of the resources and resilience needed to effectively react.

*See* Fabricio Guariglia, *COVID-19 Symposium: COVID-19 and International Criminal Law*, OPINIO JURIS, 4 Apr. 2020, <http://opiniojuris.org/2020/04/04/covid-19-symposium-covid-19-and-international-criminal-law/>.

<sup>8</sup> This is an analogy to the economic marketplace, although the differences between the two marketplaces include the fact that the marketplace of ideas

competes for truth (without censorship because it holds that “the market makes no judgment”) whereas the economic marketplace competes for growth and expansion (*cf.* a larger market share) on the way towards profit-maximization.

<sup>9</sup> Thomas Gammeltoft-Hansen, *Refugee policy as ‘negative nation branding:’ the case of Denmark and the Nordics*, DANISH FOREIGN POLICY YEARBOOK 99, 109 (2017).

<sup>10</sup> *Id.* 100, 108, 118.

<sup>11</sup> Folketinget [National Parliament], Lov om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love (law L 140 as adopted 21 February 2019), [https://www.ft.dk/ripdf/samling/20181/lovforslag/1140/20181\\_1140\\_som\\_vedtaget.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/1140/20181_1140_som_vedtaget.pdf).

<sup>12</sup> National Parliament, Lov om ændring af lov om dansk indfødsret og lov om danskuddannelse til voksne udlændinge m.fl. (law L 80 as adopted on 20 Dec. 2018), [https://www.ft.dk/ripdf/samling/20181/lovforslag/180/20181\\_180\\_som\\_vedtaget.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/180/20181_180_som_vedtaget.pdf); Fie Dandanell, *Idag blev første håndtryksceremoni afholdt: Jeg ville have givet hånden som tak alligevel*”, BERLINGSKE, 17 Jan. 2019, <https://www.berlingske.dk/samfund/i-dag-blev-foerste-haandtryksceremoni-afholdt-jeg-ville-have-givet-haanden>; Ilvy Njiokiktjien, *Denmark, With an Eye on Muslims, Requires New Citizens to Shake Hands*, NEW YORK TIMES, 20 Dec. 2018, <https://www.nytimes.com/2018/12/20/world/europe/denmark-muslims-handshake-law.html>.

<sup>13</sup> National Parliament, 3. Behandling af L 219: Om et tildækningsforbud. Endelig vedtagelse 2017-18 L 219 [3. Reading of L 219: Ban to cover. Final adoption], 31 May 2018, [https://www.ft.dk/ripdf/samling/20171/lovforslag/1219/20171\\_1219\\_som\\_vedtaget.pdf](https://www.ft.dk/ripdf/samling/20171/lovforslag/1219/20171_1219_som_vedtaget.pdf).

<sup>14</sup> Emil Gjerding Nielson & Teis Jensen, *Danish Parliament bans the wearing of face veils in public*, Reuters-World News, 31 May 2018, <https://www.reuters.com/article/us-denmark-religion/danish-parliament-bans->

the-wearing-of-face-veils-in-public-idUSKCN1IW115.

<sup>15</sup> Anja Matwijkiw, *Justice versus Revenge: The Philosophical Underpinnings of the Chicago Principles on Post-Conflict Justice*, in VOL. I. THE PURSUIT OF INTERNATIONAL CRIMINAL JUSTICE: A WORLD STUDY ON CONFLICTS, VICTIMIZATION, AND POST-CONFLICT JUSTICE 215 (M. Cherif Bassiouni ed., Intersentia, 2010).

<sup>16</sup> Anja Matwijkiw & Bronik Matwijkiw, *Illiberal versus Liberal State Branding and Public International Law: Denmark and the Approximation to Human(itarian) Rightlessness*, 18 GLOBAL COMMUNITY YILJ 228 (Giuliana Ziccardi Capaldo gen. ed., Oxford University Press 2019).

<sup>17</sup> Ida Nathan & Rasmus L. Hansen, *Borgmester dropper håndtryk: Det minder mig meget om nazisme*, DR, 25 Feb. 2020, <https://www.dr.dk/nyheder/politik/borgmester-dropper-haandtryk-det-minder-mig-meget-om-nazisme>; Rikke Gjør Mansø, Ida Nathan & Rasmus Lindegård Hansen, *Støjberg vil stramme håndtrykslov: Kommuner må ikke tilbyde valgfrit kvinde- eller mandehåndtryk*, DR, 26 Feb. 2020, <https://www.dr.dk/nyheder/politik/stoejberg-vil-stramme-haandtrykslov-kommuner-maa-ikke-tilbyde-valgfrit-kvinde-eller> (for high-level political opposition in Denmark to a discretionary margin for Danish mayors as regards the handshake).

<sup>18</sup> If the facial mask serves to protect its wearers from the coronavirus, it can be subsumed under “a recognizable purpose” which would therefore constitute a legally justifiable reason for its use.

Note that Muslim *burqa*-wearers were found to be in violation of the Danish *burqa* ban during the coronavirus crisis in spite of the lack of facial masks. See Helene Kristine Holst, *I strid med burkaforbuddet sneg to kvinder sig ud for at hamstre: “I aften er jeg home safe, hvis de kommer”*, BERLINGSKE, 26 Apr. 2020, <https://www.berlingske.dk/samfund/i-strid-med-burkaforbuddet-sneg-to>

kvinder-sig-ud-for-at-hamstre-i-aften; Ritzau, *Forsvarsminister: Tørklædeforbud står ved magt i Forsvaret*, BORNHOLMS TIDENDE, 7 Feb. 2020, <https://www.tidende.dk/tidende/politik/2020/02/07/forsvarsminister-toerklædeforbud-staar-ved-magt-i-forsvaret-20200207070450/> (for an example of the Danish military's internal enforcement in February of 2020); Women in Dialogue, *Face Masks*, FACEBOOK, 11 Mar. 2020, <https://www.facebook.com/kvinderidialog/photos/ansigtsmasker-siden-tild%C3%A6kningsforbuddetr%C3%A5dte-i-kraft-har-vi-som-muslimske-kvi/497776234247859/> (for an anti-ban organization's invitation to reflection and reconsideration in the light of the "stay at home" provisions, Alone Together measures and social distancing rules that now affect the majority of non-Muslim Danes during the country's lockdown).

<sup>19</sup> SHELDON ANDERSON ET AL, *INTERNATIONAL STUDIES: AN INTERNATIONAL APPROACH TO GLOBAL ISSUES* 195 (Westview Press 2014); *RELIGION AND PRACTICAL REASON: NEW ESSAYS IN THE COMPARATIVE PHILOSOPHY OF RELIGIONS* (Frank E. Reynolds & David Tracy eds., Sunny Press 1994).

<sup>20</sup> *Id.*

<sup>21</sup> JEFF JORDAN, *PASCALS' WAGER: PRAGMATIC ARGUMENTS AND BELIEF IN GOD* 7 (Oxford University Press 2006).

<sup>22</sup> ROBERT L. WINZELER, *ANTHROPOLOGY AND RELIGION: WHAT WE KNOW, THINK AND QUESTION* 64 (AltaMira Press 2012).

<sup>23</sup> National Parliament, Retsudvalget, *Betænkning over forslag til lov om ændring af straffeloven (Tildækningsforbud)* [Parliamentary report on proposal for amendment of the penal law (Cover Ban)], 24 May 2018, 2, <https://www.retsinformation.dk/Forms/R0710.aspx?id=201598>.

<sup>24</sup> See *supra* note 12 (for the handshake as a confirmation of Danish values). For a commentary on the phenomenon of Danishness in the context of an analysis of Danish values, see Matwijkiw & Matwijkiw, *Illiberal versus*

*Liberal State Branding and Public International Law: Denmark and the Approximation to Human(itarian) Rightlessness*, *supra* note 16, at 219-221.

<sup>25</sup> Ministry of Health, [E]ndeligt svar på spørgsmål 34, 12 Mar. 2020, <https://www.ft.dk/samling/20191/lovforslag/1133/spm/34/svar/1642199/2162549.pdf>.

<sup>26</sup> Ritzau, *Regeringen er klar med håndtryksceremoni for statsborgerskab*, AVISEN-DK, 31 Aug. 2018, [https://www.avisen.dk/regeringen-er-klar-med-haandtryksceremoni-for-statsb\\_513699.aspx](https://www.avisen.dk/regeringen-er-klar-med-haandtryksceremoni-for-statsb_513699.aspx). [Author's emphasis].

<sup>27</sup> Anja Matwijkiw, *COVID-19: Illiberal Restrictions May Become Too Illiberal*, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, publication for "COVID-19 & Human Rights" (Online Essay Collection), 21 Apr. 2020, <https://rwi.lu.se/2020/04/covid-19-illiberal-restrictions-may-become-too-liberal/>.

<sup>28</sup> Harm functions as a bridge-concept in that it forms part of the definition of basic human needs as facts. *See* Matwijkiw & Matwijkiw, *[Human] Values and Ethics in Environmental Health Discourse and Decision-Making: The Complex Stakeholder Controversy and the Possibility of 'Win-Win' Outcomes*, *supra* note 7.

<sup>29</sup> Anja Matwijkiw & Bronik Matwijkiw, *International Relations Begin at Home: A Humanitarian Learning Lesson from the Kingdom of Denmark*, 15/1 INT'L STUD. J. 103 (2018).

<sup>30</sup> This expression is borrowed from the title of one of Paul Feyerabend's books. *See* PAUL FEYERABEND, *FAREWELL TO REASON* (Verso Books 1987).

<sup>31</sup> In Parliament and prior to the adoption of the paradigm-shift, Kenneth Kristensen Berth from the Danish People's Party (DF) presented the claim as a question that came with its own answer "Isn't the [widely recognized] fact simply that integration of people from predominantly Muslim countries is



impossible?” See Rikke Struck Westersø-Ritzau, *Kjærsgaard står fast efter reprimande: Man må ikke kalde andre ”racistisk” i Folketinget*, TV2 (POLITIK), 22 Feb. 2019, <http://nyheder.tv2.dk/politik/2019-02-22-kjaersgaard-star-fast-efter-reprimande-man-ma-ikke-kalde-andre-racistisk-i>. [Author’s transl.].

Note that the Danish MP in question was accused of being racist by another MP, who was then criticized by the Speaker for using an inappropriate description (*cf.* racist).

<sup>32</sup> Staff Writer, *UN panel condemns French ban on full-face veils as violation of human rights*, FRANCE 24, 23 Oct. 2018, <https://www.france24.com/en/20181023-france-un-ban-full-veil-human-rights>.

<sup>33</sup> Trump, “There’s going to be a lot of death” in coming weeks, LIVE CNN-NEWSROOM, 4 Apr. 2020, <https://www.youtube.com/watch?v=OBWDNY2GiSA>.

<sup>34</sup> Staff Writer, *I shook hands with everybody*, THE GUARDIAN, 27 Mar. 2020, <https://www.theguardian.com/world/video/2020/mar/27/i-shook-hands-with-everybody-says-boris-johnson-weeks-before-coronavirus-diagnosis-video>.

<sup>35</sup> The U.K. Prime Minister recovered and thanked the NHS for the medical health care he had received. See Ivana Kottasová, Simon Cullen & Lauren Kent, *Boris Johnson hospital, saying ‘things could have gone either way’*, CNN, 12 Apr. 2020, <https://edition.cnn.com/2020/04/12/uk/boris-johnson-coronavirus-discharged-from-hospital-intl-gbr/index.html>.

<sup>36</sup> Lizzie Dearden, *Islamophobic Incidents Rose 375% after Boris Johnson compared Muslim women to ‘letterboxes’, figures show*, INDEPENDENT, 2 Sep. 2019, <https://www.independent.co.uk/news/uk/home-news/boris-johnson-muslim-women-letterboxes-burqa-islamphobia-rise-a9088476.html>.

<sup>37</sup> “Washing your hands is the crucial thing... before you shake hands obviously”. See Boris Johnson, THE GUARDIAN/YOUTUBE, 3 Mar. 2020,

<https://www.youtube.com/watch?v=n3NAX3tsy-k>.

<sup>38</sup> Haven Orrechio-Egresitz, *Sweden had resisted mandatory social distancing measures. That changed on Wednesday*, INSIDER, 2 Apr. 2020, <https://www.insider.com/sweden-a-scandinavian-hold-out-finally-set-distancing-guidelines-2020-4>.

<sup>39</sup> On April 1, Sweden's Public Health Agency made a formal announcement about rules which are not optional, but for which there is also "no official punishment for violating them". The agency's general director Johan Carlson said that: "The new general advice means that larger contexts should be avoided where several people meet, such as parties, weddings and other events. It is also important that people keep a distance from one another at, for example, sports venues, gyms, shopping malls, in public transport and other locations". *See id.*

<sup>40</sup> Jason Horowitz, *'We Find Ourselves Afraid'. The Pope Confronts Coronavirus*, NEW YORK TIMES, 27 Mar. 2020, <https://www.nytimes.com/2020/03/27/world/europe/coronavirus-vatican-pope-francis.html>.

Note that the devil's advocate historically was appointed as a cannon lawyer by the Roman Catholic Church to present reasons for dismissing a candidate for canonization, thereby making certain that only the right or truly deserving candidate was eventually elevated to the relevant religious rank.

<sup>41</sup> Matwijkiw & Matwijkiw, *International Relations Begin at Home: A Humanitarian Learning Lesson from the Kingdom of Denmark*, *supra* note 29, at 121.

<sup>42</sup> James Mackenzie, *Italians defy coronavirus with mass singing, applause for doctors*, REUTERS, 14 Mar. 2020, <https://www.reuters.com/article/us-health-coronavirus-italy/italians-defy-coronavirus-with-mass-singing-applause-for-doctors-idUSKBN21100V>.

<sup>43</sup> Lisa Krasnova Skov, *Danmark takker hinanden for hjælpen under corona*, DR, 28 Mar. 2020, <https://nyheder.tv2.dk/video/dnpMQWFYbUMzUWZ5NnF5aVFORGU5Tlg3TmJMbnFsREw>.

<sup>44</sup> Lori Hinnant, *Europeans sing healthcare workers' praises nightly from windows*, ABS NEWS, 19 Mar. 2020, <https://abcnews.go.com/International/wireStory/europeans-sing-health-workers-praises-nightly-windows-69692400>.

<sup>45</sup> In the case of Danish initiatives, subtractions from altruism necessarily follow because the argument for these were that “We will also get old one day... (and therefore need the help and assistance of other people)”. See Jacob Carlsen Mazor, *Unge køber ind for ældre i coronatiden*, TV-LORRY, 4 Apr. 2020, <https://www.tv2lorry.dk/koege/unge-koeber-ind-aeldre-i-coronatiden-smaapenge>.

<sup>46</sup> Staff Writer, *Coronavirus: How China Built Its 'Saviour' Image While the West Stayed in Denial of Global Health Crisis*, NEWS18-WORLD, 2 April 2020, <https://www.news18.com/news/world/coronavirus-how-china-built-its-image-of-saviour-while-the-west-was-in-denial-of-global-health-crisis-2561765.html>; Anja Matwijkiw, *The Reverse Revenge Norm in International Law: The Chicago Principles of Post-Conflict Justice*, 78/3-4 REVUE INTERNATIONALE DE DROIT PÉNAL 565, 589 (2007) (for concentric-circle morality).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Delegation of the European Union to China, *EU HRVP Josep Borrell: The Coronavirus pandemic and the new world it is creating*, 23 Mar. 2020, [https://eeas.europa.eu/delegations/china/76379/coronavirus-pandemic-and-new-world-it-creating\\_en](https://eeas.europa.eu/delegations/china/76379/coronavirus-pandemic-and-new-world-it-creating_en); Stuart Lau, *EU fires warning shot at China in coronavirus battle of the narratives*, SOUTH CHINA MORNING POST, 24 Mar.

2020, <https://www.scmp.com/news/china/diplomacy/article/3076728/eu-fires-warning-shot-china-coronavirus-battle-narratives>.

<sup>50</sup> Staff Writer, *Iran leader refuses US help; cites coronavirus conspiracy theory*, ALJAZEERA, 23 Mar. 2020, <https://www.aljazeera.com/news/2020/03/iran-leader-refuses-cites-coronavirus-conspiracy-theory-20032214512275-2.html>; Brian Katulis & Peter Juul, *Why America Should Save Iran from Coronavirus*, NEW YORK TIMES, 9 Apr. 2020, <https://nationalinterest.org/blog/middle-east-watch/why-america-should-save-iran-coronavirus-145842> (for Iran's accusation that the U.S. is accountable for Iran's coronavirus crisis); Nic Robertson, *'Maximum pressure' on Iran amid coronavirus could backfire for Trump*, CNN, 8 Apr. 2020, <https://edition.cnn.com/2020/04/08/middleeast/coronavirus-iran-us-donald-trump-intl/index.html> (for Iran's criticism of U.S. sanctions as contributions to "medical terrorism"); Kylie Atwood, *US ready to block Iran's requests for coronavirus aid from the IMF, officials say*, CNN, 9 Apr. 2020, <https://edition.cnn.com/2020/04/09/politics/iran-us-imf-corona-aid/index.html> (for U.S. opposition to the Iranian government's loan from the International Monetary Fund (IMF) on account of its alleged state-sponsored terrorism, which uses corruption as a strategy to divert money away from humanitarian aid and assistance and towards politically inappropriate *cum* oppressive goals).

<sup>51</sup> Staff Writer, *Coronavirus: How China Built Its 'Saviour' Image While the West Stayed in Denial of Global Health Crisis*, *supra* note 46.

<sup>52</sup> Veena Dubal, *The expansion of mass surveillance to stop coronavirus should worry us all*, THE GUARDIAN, 18 Apr. 2020, <https://www.theguardian.com/commentisfree/2020/apr/18/mass-surveillance-coronavirus-technology-expansion>.

<sup>53</sup> Miroslav Nincic, *The National Interest and Its Interpretation*, 61/1 THE REVIEW OF POLITICS 29 (1999).

<sup>54</sup> Mehran Kamrava, *Qatari Foreign Policy and the Exercise of Subtle Power*, 14 INT'L STUD. J. 91, 114 (2017).

<sup>55</sup> Staff Writer, *Coronavirus: Africa will not be testing ground for vaccine, says WHO*, BBC NEWS, 6 Apr. 2020, <https://www.bbc.com/news/world-africa-52192184>.

<sup>56</sup> Horowitz, *'We Find Ourselves Afraid'. The Pope Confronts Coronavirus*, *supra* note 40; Staff Writer, *Brazil's President Exempts Churches from Lockdown as COVID-19 Surges*, DEMOCRACY NOW: INDEPENDENT GLOBAL NEWS, 27 Mar. 2020, [https://www.democracynow.org/2020/3/27/headlines/brazils\\_president\\_exempts\\_churches\\_from\\_lockdown\\_as\\_covid\\_19\\_surges](https://www.democracynow.org/2020/3/27/headlines/brazils_president_exempts_churches_from_lockdown_as_covid_19_surges).

<sup>57</sup> *Id.*

<sup>58</sup> Staff Writer, *Brazil court blocks quarantine exemption for churches*, THE NEWS-INTERNATIONAL, 2 Apr. 2020, <https://www.thenews.com.pk/print/636221-brazil-court-blocks-quarantine-exemption-for-churches>.

<sup>59</sup> *Supra* note 38.

<sup>60</sup> Unlike the non-controversial measure of integration, assimilation entails a complete exchange of one's own values (e.g., replacement of one's Muslim values for a handshake with male public authorities). Integration implies co-existence of different values, including those that are one's own; thereby presupposing a practice (policy, law, *etc.*) of mutual tolerance. See EUROPE AND THE REFUGEE RESPONSE: A CRISIS OF VALUES? (Elżbieta M. Goździak, Izabella Main & Brigitte Suter eds., Routledge 2020).

<sup>61</sup> Horowitz, *'We Find Ourselves Afraid'. The Pope Confronts Coronavirus*, *supra* note 40.

Note the trend in helplines that acknowledge this and therefore offers psychological support and assistance during the medical crisis that affects

mental health too. For one example of a provision at the domestic level (U.K.), see Anxiety.Uk, <https://www.anxietyuk.org.uk/coronanxiety-support-resources/>.

<sup>62</sup> Staff Writer, *Brazil court blocks quarantine exemption for churches*, *supra* note 58.

<sup>63</sup> Paul W. Franks & Peter Nilsson, *Sweden under fire for “relaxed” coronavirus approach - here’s the science behind it*, LUND UNIVERSITY, 30 Mar. 2020, <https://www.lunduniversity.lu.se/article/sweden-under-fire-for-relaxed-coronavirus-approach-heres-the-science-behind-it> (for the original publication in THE CONVERSATION on 27 Mar. 2020, see <https://theconversation.com/sweden-under-fire-for-relaxed-coronavirus-approach-heres-the-science-behind-it-134926>; Maddy Savage, *Lockdown, what lockdown? Sweden’s unusual response to coronavirus*, BBC WORLD NEWS, 29 Mar. 2020, <https://www.bbc.com/news/world-europe-52076293>; Hannah Wise, *Sweden’s maverick approach to COVID-19: Sweden criticized for not issuing more severe measures*, CNN, 2 Apr. 2020, <https://www.cnnmoney.ch/shows/big-picture/videos/swedens-maverick-approach-covid-19>; Tim Lister & Sebastian Shukla, *Sweden Challenges Trump --- and scientific mainstream by refusing to lock down*, CNN, 10 Apr. 2020, <https://edition.cnn.com/2020/04/10/europe/sweden-lockdown-turmp-intl/index.html>.

<sup>64</sup> Franks & Nilsson, *Sweden under fire for “relaxed” coronavirus approach - here’s the science behind it*, *supra* note 63.

<sup>65</sup> Hans Bergstrom, *The Grim Truth About the Swedish Model*, PROJECT SYNDICATE: THE WORLD’S OPINION PAGE, 17 Apr. 2020, <https://www.project-syndicate.org/commentary/swedish-coronavirus-no-lockdown-model-proves-lethal-by-hans-bergstrom-2020-04> (for Sweden’s death toll as being twice as high as Denmark’s, five times higher than Norway’s, and nine times higher

than Finland's – and also exceeding that of the U.S.).

Note that Hans Bergstrom is a former editor-in-chief of DAGENS NYHETER, Sweden's leading daily newspaper, a professor of political science at the University of Gothenburg, and a member of the Royal Swedish Academy of Engineering Sciences.

<sup>66</sup> The Swedish government also added sanctions for non-compliance. *See id.*

<sup>67</sup> *Id.*

<sup>68</sup> Note that the expression “everyday life continues” means that schools remain open, restaurants remain open, healthcare professionals working with the elderly are not required to use infection control equipment, no mass testing of health personnel are carried out – although “major public events such as the start of the Swedish soccer season are postponed and the physical building of universities are closed”. *See Bergstrom, The Grim Truth About the Swedish Model, supra* note 65; David Nickel, *Sweden: 22 Scientists Say Coronavirus Strategy Has Failed As Deaths Top 1,000*, FORBES, 14 Apr. 2020, <https://www.forbes.com/sites/davidnikel/2020/04/14/sweden-22-scientists-say-coronavirus-strategy-has-failed-as-deaths-top-1000/#67c3b93a7b6c>.

<sup>69</sup> Nickel, *Sweden: 22 Scientists Say Coronavirus Strategy Has Failed As Deaths Top 1,000, supra* note 68.

<sup>70</sup> Sally Sattel, *Inside the Controversy over “the Chinese Virus”*, NATIONAL REVIEW, 23 Mar. 2020, <https://www.nationalreview.com/2020/03/inside-the-controversy-over-the-chinese-virus/>.

<sup>71</sup> *Id.*

<sup>72</sup> World Health Organization, *WHO issues best practices for naming new human infectious diseases*, 8 May 2015, <https://www.who.int/mediacentre/news/notes/2015/naming-new-diseases/en/>.

<sup>73</sup> President Donald J. Trump, TWITTER, 7 Apr. 2020, <https://twitter.com/realDonaldTrump/status/1247540701291638787>.

<sup>74</sup> Kim Hjelmggaard, *Fact check: President Donald Trump vs. the World Health Organization*, USA TODAY, 13 Apr. 2020, <https://eu.usatoday.com/story/news/factcheck/2020/04/11/coronavirus-fact-check-donald-trump-vs-world-health-organization/5128799002/>.

<sup>75</sup> The White House, *President Donald J. Trump Is Demanding Accountability From the World Health Organization*, FACT SHEETS, 15 Apr. 2020, <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-demanding-accountability-world-health-organization/>.

<sup>76</sup> *Id.*

<sup>77</sup> Scott McDonald, *Trump Says China Should Face Consequences for knowingly Spreading Coronavirus, Unless It Was a 'Mistake'*, NEWSWEEK, 18 Apr. 2020, <https://www.newsweek.com/trump-says-china-should-face-consequences-knowingly-spreading-coronavirus-unless-it-was-mistake-1498775>; Staff Writer, *Donald Trump says China should face consequences if it was 'knowingly responsible' for coronavirus pandemic*, SBS NEWS, 19 Apr. 2020, <https://www.sbs.com.au/news/donald-trump-says-china-should-face-consequences-if-it-was-knowingly-responsible-for-coronavirus-pandemic>; Foreign Staff, *Donald Trump warns of consequences if China was knowingly responsible for coronavirus*, THE TELEGRAPH, 19 Apr. 2020, <https://www.telegraph.co.uk/news/2020/04/18/donald-trump-warns-consequences-china-knowingly-responsible/>; Bloomberg, *China may be 'knowingly responsible' for coronavirus: Donald Trump*, GULF NEWS, 20 Apr., 2020, <https://gulfnews.com/world/china-may-be-knowingly-responsible-for-coronavirus-donald-trump-1.1587372741702>.

<sup>78</sup> Weizhen Tan, *US-China relations at a low as 'blame-shifting' sets back war against virus*, CNBC, 21 Apr. 2020, <https://www.cnbc.com/2020/04/22/coronavirus-trump-blames-china-virus-impact-on-trade-war.html>.



<sup>79</sup> Nancy Cook, *Trump pursues impeachment vendetta amid coronavirus crisis*, POLITICO, 5 Apr. 2020, <https://www.politico.eu/article/trump-pursues-impeachment-vendetta-amid-coronavirus-crisis/>.

<sup>80</sup> Caitlin Yoshiko Kandil, *Asian Americans report over 650 racist acts over last week, new data say*, NBC NEWS, 26 Mar. 2020, <https://www.nbcnews.com/news/asian-america/asian-americans-report-nearly-500-racist-acts-over-last-week-n1169821>.

<sup>81</sup> James D. Walsh, *Why Trump Deserves More Blame for the U.S. Coronavirus Crisis Than the WHO or China*, INTELLIGENCER, 22 Apr. 2020, <https://nymag.com/intelligencer/2020/04/how-trumps-coronavirus-blame-for-who-and-china-falls-flat.html>.

<sup>82</sup> Weizhen Tan, *US-China relations at a low as 'blame-shifting' sets back war against virus*, CNBC, 21 Apr. 2020, <https://www.cnbc.com/2020/04/22/coronavirus-trump-blames-china-virus-impact-on-trade-war.html>.

<sup>83</sup> James Green, *China and the United States Are Both Losing the Blame Game*, FOREIGN POLICY, Apr. 22, 2020, <https://foreignpolicy.com/2020/04/22/china-united-states-relations-coronavirus-crisis-distraction/>; The Associated Press, *China didn't warn public of likely pandemic for 6 key days*, 15 Apr. 2020, <https://apnews.com/68a9e1b91de4ffc166acd6012d82c2f9>.

<sup>84</sup> Joel Gehrke, *Tom Cotton: US intelligence investigating possible Wuhan lab origin of coronavirus pandemic*, WASHINGTON EXAMINER, 22 Apr. 2020, <https://www.washingtonexaminer.com/policy/defense-national-security/tom-cotton-us-intelligence-investigating-whether-coronavirus-pandemic-originated-in-wuhan-lab>; David Culver & Ben Westcott, *CNN correspondent returns to Wuhan, China, 3 months after sudden departure before lockdown*, CNN, 23 Apr. 2020, <https://edition.cnn.com/2020/04/23/asia/wuhan-coronavirus-after-lockdown-intl-hnk/index.html>; Staff Writer, *Wuhan Lab Denies Any Link to*

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<sup>85</sup> Andrew Woodcock, *Coronavirus: UK cannot go back to 'business as usual' with China after pandemic*, INDEPENDENT, 16 Apr. 2020, <https://www.independent.co.uk/news/uk/politics/coronavirus-uk-china-dominic-raab-huawei-business-a9469351.html>.

<sup>86</sup> Staff Writer, *Now Trump says it's wrong to compare coronavirus to regular flu*, FRANCE 24, 1 Apr. 2020, <https://www.france24.com/en/20200401-now-trump-says-it-s-wrong-to-compare-coronavirus-to-regular-flu>; Staff Writer, *Is It Like the Flu? Is It a Major Threat? Trump's Changing Coronavirus Message*, NEW YORK TIMES, 22 Jan. 2020, <https://www.nytimes.com/video/us/politics/100000007067717/trumps-coronavirus-statements.html>; Toby Helm, Emma Graham-Harrison & Robin Mckie, *How did Britain get its coronavirus response so wrong?* THE GUARDIAN, 19 Apr. 2020, <https://www.theguardian.com/world/2020/apr/18/how-did-britain-get-its-response-to-coronavirus-so-wrong>; David Biller, *Brazil's Bolsonaro makes life-or-death coronavirus gamble*, THE ASSOCIATED PRESS, 28 Mar. 2020, <https://apnews.com/b21a296383694c6726d03e027134daf1> (for reference to the coronavirus as “a little flu”).

<sup>87</sup> Jeffrey D. Sachs, *The East West Divide in COVID-19 Control*, PROJECT SYNDICATE: THE WORLD'S OPINION PAGE, 8 Apr. 2020, <https://www.project-syndicate.org/commentary/west-must-learn-covid19-control-from-east-asia-by-jeffrey-d-sachs-2020-04>.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> MILTON FRIEDMAN, *CAPITALISM AND FREEDOM* (University of Chicago

Press 2002 (1962)).

<sup>91</sup> Sachs, *The East West Divide in COVID-19 Control*, *supra* note 87.

<sup>92</sup> Li Wenliang was a Communist party member, not a so-called ‘anti-institutional figure’, an unnamed

Party official told the state-run news agency Xinhua. ‘Those with ulterior motives who want to stoke

the flames, deceive people, and stir up emotions are doomed to fail’.

Public pressure and anger at the Communist Party seem to have been the main motivation for the change in China’s official response to the whistleblower Dr. Li, from detaining and reprimanding him, accusing him of spreading false rumors and disrupting the social order --- to a comprehensive investigation into the problems reported by the public, an apology to Dr. Li’s family, holding the deputy head of the police station and one officer accountable for not having followed the correct procedures when Dr. Li was reprimanded, and making a promise to “conscientiously draw lessons and improve”. While Dr. Li was exonerated, the use of “anti-establishment” labels like “hero” and “awakener” to describe him was also denounced. See Staff Writer, *Chinese Inquiry exonerates coronavirus whistleblower doctor*, THE GUARDIAN, 20 Mar. 2020, <https://www.theguardian.com/world/2020/mar/20/chinese-inquiry-exonerates-coronavirus-whistleblower-doctor-li-wenliang>.

<sup>93</sup> Nathalie Rothschild, *The Hidden Flaw in Sweden’s Anti-Lockdown Strategy*, FOREIGN POLICY, 21 Apr. 2020, <https://foreignpolicy.com/2020/04/21/sweden-coronavirus-anti-lockdown-immigrants/>;

<sup>94</sup> Darren McCaffrey, *Analysis: Is Sweden right in its handling of COVID-19?* EURONEWS, 22 Apr. 2020, <https://www.euronews.com/2020/04/21/analysis-is-sweden-right-in-its-handling-of-covid-19>.

<sup>95</sup> Although we must wait for complete data, modelling by

country's authorities suggests that the infection rate

in Stockholm peaked on 8 April. If so, we need to consider the implication, namely that, once basic hygiene and distancing measures are in place, tightening the screw further perhaps makes little difference. Which would be good news for the rest of us. Adopting Sweden's more laissez-faire response might not restore our economies to full health, but it would at least allow us to bring them out of their induced comas...

If so, Sweden's approach works for other countries too. See Daniel Hannan, *If Sweden succeeds, lockdowns will all have been for nothing*, THE TELEGRAPH, 25 Apr. 2020, <https://www.telegraph.co.uk/news/2020/04/25/sweden-succeeds-lockdownswill-have-nothing/>; supra note 68.

<sup>96</sup> Among the new pieces of scientific information in April, we find the following: (1) the coronavirus spreads more easily than first assumed, namely through talking and breathing. This resulted in the use of a face mask as a necessary precaution, together with a social distancing norm of six feet; and (2) while the fact that the COVID-19 affects different people in different ways was (re-)confirmed, new information shows that being younger (as opposed to elderly) and being healthy and free from underlying medical conditions or issues does not necessarily mean that people are less vulnerable or less at risk. The latter stakeholders may be among the most seriously affected, those who become critically ill with pneumonia and respiratory failure; and (3) the medical professionals and experts cannot explain, not yet anyway, why some are more affected than others. According to Dr. Peter Drobac from the Saïd Business School, Oxford University, the ongoing discovery really demonstrates "how little we know". See CNN (via Skype), 3 Apr. 2020; Elizabeth Cohen, *Expert tell White House coronavirus can spread through talking or even just breathing*, CNN, 4 Apr. 2020,

<https://edition.cnn.com/2020/04/02/health/aerosol-coronavirus-spread-white-house-letter/index.html>.

<sup>97</sup> Staff Writer, *China increases coronavirus funding to WHO after US pulls support*, RFI (FR), 25 Apr. 2020, <http://www.rfi.fr/en/international/20200424-china-increases-coronavirus-funding-to-who-after-us-pulls-support-world-health-organization-covid-19>; Charles Dunst, *Beijing's Propaganda Is Finding Few Takers*, FOREIGN POLICY, 20 Apr. 2020, <https://foreignpolicy.com/2020/04/20/coronavirus-propaganda-china-developing-world/>.

<sup>98</sup> Staff Writer, *China increases coronavirus funding to WHO after US pulls support*, *supra* note 96.

<sup>99</sup> *Id.*

<sup>100</sup> Staff Writer, *No 10 casts doubt on imminent return to work for Boris Johnson*, THE GUARDIAN, 23 Apr. 2020, <https://www.theguardian.com/politics/2020/apr/24/boris-johnson-sounds-incredible-ready-to-go-says-donald-trump>.

<sup>101</sup> Like China, Russia blames the U.S., whereas France – on the one hand – does not join the U.S., U.K., and Australia in calling for an investigation during the pandemic and – on the other hand – told the FINANCIAL TIMES that “it would be ‘naïve’ to think China had handled the pandemic well”, thereby leaving the impression that it is merely a matter of getting the timing right. *E.g.*, initiatives to have the members of the two powerful blocks signing a global ceasefire during the pandemic should take priority. See Zlatica Hoke, *Analysts: Russia Using Virus Crisis to Sow Discord in West*, VOANEWS, 20 Mar. 2020, <https://www.voanews.com/science-health/coronavirus-outbreak/analysts-russia-using-virus-crisis-sow-discord-west>; Patrick Wintour, *Coronavirus: Who will be winners and losers in the new world order?* THE GUARDIAN, 11 Apr. 2020, <https://www.theguardian.com/world/2020/apr/11/>

coronavirus-who-will-be-winners-and-losers-in-new-world-order; Thomas Colson, France says Trump has agreed to a global ceasefire during the coronavirus pandemic and Putin will sign up as well, 16 Apr. 2020, BUSINESS INSIDER, [https://www.businessinsider.com/coronavirus-us-russia-china-uk-global-truce-during-covid-pandemic-2020-4?r=US &IR=T](https://www.businessinsider.com/coronavirus-us-russia-china-uk-global-truce-during-covid-pandemic-2020-4?r=US&IR=T); Victor Mallet & Roula Khalaf, *Emmanuel Macron says it is time to think the unthinkable*, FINANCIAL TIMES, 16 Apr. 2020, <https://www.ft.com/content/3ea8d790-7fd1-11ea-8fdb-7ec06edeef84>.

<sup>102</sup> United Nations, Civil Society, <https://www.un.org/en/sections/resources-different-audiences/civil-society/index.html>; Otto Spijkers, *The world's citizens get involved in global policymaking: global resistance, global public participation, and global democracy*, 1/1 INTERGENTES: THE MCGILL JOURNAL OF INTERNATIONAL LAW & LEGAL PLURALISM 18 (2016).