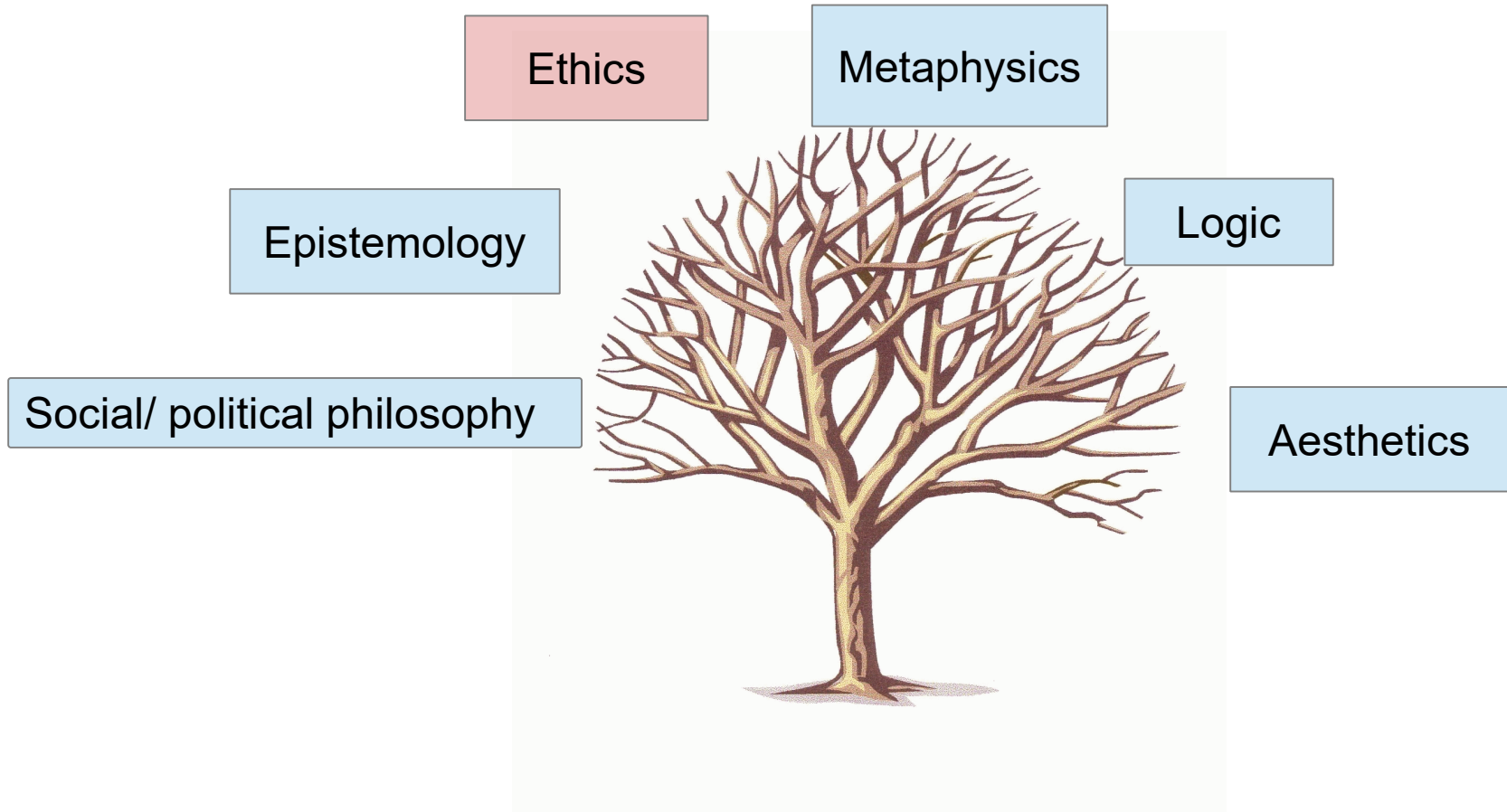


**Global Studies 287, fall 2020, Pacific Lutheran University**

# **Ethical Decision Making During a Pandemic**

Sergia Hay (philosophy) and  
Paul T. Menzel (philosophy emeritus)

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## Major branches of philosophy

# Ethics

The study of values that govern our moral character and our relationships with ourselves, other people, other organisms, and our ecosystem.

Ethical concepts include right and wrong, good and bad, just and unjust, fair and unfair, responsible and irresponsible.

Moral theories help us understand the foundations of ethical judgment and establish frameworks to evaluate actions.

## **Some general ethical questions related to COVID-19 not covered in this presentation**

- How can our health system become more just?
- What should be society's role in minimizing caregiver suffering?
- What are our duties to the natural world and animals if they play a role in the spread of disease?
- What is the obligation of medical providers to disclose the truth?

# **Ethical questions about COVID-19 (cont'd)**

**Tension: limited resources vs. increasing need**

- Who should receive priority if there are a limited number of respirators available?
- Should I donate my N95 mask to health care workers?
- Who should pay for vaccine research and production?

# Ethical questions about COVID-19 (cont'd)

## **Tension: patient will vs. need to act**

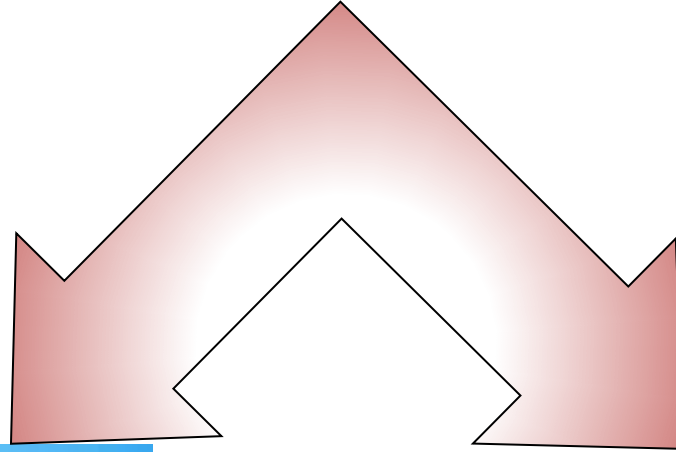
- Who should make end of life decisions when emergency time or lack of decision-making capacity prevents discussion with patient? Or when clinicians cannot reach patient's health care agent (proxy)?
- What criteria should be used to decide?

# Ethical questions about COVID-19 (cont'd)

**Tension: individual interest vs. group interest**  
(primary focus for rest of session)

- Should I wear a mask?
- Should we be required to follow stay-at-home orders?
- Should you be allowed to assume risk to participate in a challenge trial?

# What matters?



**CONSEQUENCES**



# Utilitarianism

A moral theory that claims we should act to promote the greatest possible total amount of happiness (and least amount of suffering) for all those affected.

# Kantian Ethics (Deontology)

A moral theory which asserts that moral judgments should be based on a notion of duty, or moral rule-following, rather than on the anticipated consequences of actions.

**Universalization:** you must be willing for all others to act in the same way for the same reasons.

**Respect for persons:** treat others as dignified persons, never merely as means to others' ends.

# Utilitarianism and Kantian Ethics sometimes draw different conclusions

Ex. What is the obligation of medical providers  
to tell painful truths?

**Utilitarian:** would the truth bring about the  
greatest amount of happiness and least  
suffering?

**Kantian:** can you will the withholding of  
painful truths to be universalized?

# Rights in Utilitarianism

- Individual rights of two basic kinds
  - liberty rights not to be interfered with
  - rights to be provided certain basic goods
- Does recognizing a right minimize harm and enhance total well-being more than not recognizing it?
- Practices creating greater overall well-being
  - rights to free speech
  - rights not to be interfered with about one's primarily self-affecting choices (“paternalism”)

# Rights in Kantian Ethics

- Universalization
  - can I will that all others have a similar right?
  - “maximal liberty compatible with like liberty for all” (John Rawls)
- Respect for individual persons
  - Is the right needed to treat persons with dignity, as “ends in themselves” and never merely as a means to achieve other people’s ends?
- Both justifications yield
  - rights to free speech, to political participation, to universal basic education, against torture ....

# The Unfairness of Free-Riding

- Fundamentally about fairness (Kantian)
- “Public goods”: benefits everyone receives from an enterprise even if they do not contribute to it.
- Anti-Free-Riding principle (AFR):

*A person should pay her fair share of the costs (including time sacrifice and inconvenience) of a collective enterprise that produces benefits from which she cannot be feasibly excluded. If she refuses to contribute, she may be required to.*

# Public Health and Free-Riding

- **Air pollution.** To say “but *my* not complying won’t make any real difference” is no defense (not complying is still unfair).
  - Sometimes the solution is indirect (e.g., auto manufacturer MPG fleet standards).
- **Vaccination and “herd immunity.”** Again, “but *my* not complying won’t matter” is no defense.

Fairness is the core problem, even when marginal non-participation does not destroy effectiveness.

# Free-Riding and COVID-19

- Mask wearing: unfair for some to gain benefits from others' mask wearing without doing it themselves.
- Social distancing: similar.
- Vaccine compliance: benefits come even to those who don't vaccinate once Herd Immunity is achieved,.
- All three have a role in achieving COVID Herd Immunity
  - % needed is quite disease specific (60-90%)



# Full Anti-Free-Riding Principle

- Some who resist contributing may be “honest hold-outs.” To them, benefits are not worth the costs.
- Full AFR principle: “...unfair... *unless the person would actually prefer to lose all the benefits rather than pay her fair share of costs.*”
- How do we know whether an objector’s resistance is based on an a genuine preference for losing all benefits rather than paying her fair share of costs if she cannot be excluded from the benefits?

# Utilitarian View: Collective Protection

- Many enterprises require participation of a large portion of the people they are for (e.g., paying taxes). Non-participation erodes others' incentive to participate. Maximum effectiveness and stability are achieved by universal requirements.
- When harms are “statistical” it is especially difficult for people to see what is being risked, for both themselves and others. Hard to absorb what they are and difficult to identify with.
- The harms still happen – real consequences.

# Issues re COVID

- “Why can’t I just act on what the risk is to me?”
- Risk to others is harder for people to incorporate into their decisions than direct harm to others. Thus the actual full risk for the society is difficult to see.
- Facts, facts, facts. Reasonable disagreements about them, but standards of truth should be used.
- Doing applied moral philosophy well depends on the facts and getting them right. *There is no right to ignorance.*

# Concluding Summary

Utilitarianism and Kantian ethics sometimes draw different conclusions on particular moral questions. For the questions of public health that we have considered, however, where individuals' interests compete against the interests of the group, both theories arguably arrive at the same conclusion. They just use different reasons.

Strong and persuasive ethical reasons can be provided for mask wearing, following stay-at-home orders, and vaccine compliance.