

The Ethics of the Covid-19 Pandemic

Online Workshop

June 3-4, 2021

The Covid-19 pandemic raises a number of urgent ethical issues. For example, to what extent should individual freedoms be restricted to stop the spread of the virus? How should advantages and disadvantages of measures taken against the pandemic be distributed among the population? Who should be prioritized in vaccination, nationally and globally? What is the ethical significance of emotions or attitudes such as fear and hope in this situation? This workshop will gather philosophers and other scholars to discuss the ethics of the ongoing pandemic. We welcome submissions addressing normative issues as well as empirical issues with a bearing on normative questions. The workshop has a particular focus on the Nordic context, but international perspectives are also welcome.

The workshop marks the 20th anniversary of NTNU's [Programme for Applied Ethics](#). Papers presented at the workshop will be considered for publication in a special issue on Covid-19 of the journal *Etikk i Praksis – Nordic Journal of Applied Ethics*.

Keynote speakers:

- [Christy Simpson](#) (Dalhousie University)
- [Eivind Almaas](#) (NTNU)

Organizers:



Programme for Applied Ethics
Nordic Journal of Applied Ethics



Workshop Agenda

Thursday June 3

- 13.00 – 13.15: Welcome/intro
13.15 – 13.45: Lukas Meier (University of Cambridge), “Distributive Justice in Allocating Intensive-Care Resources during the COVID-19 Pandemic”
13.45 – 14.00: Coffee break
14.00 – 14.30: Erik Gustavson (Linköping University), “From scarcity to extreme scarcity”
14.30 – 15.00: Sindre Horn (University of Bergen), “Public Health Priority Setting: Special attention to the worse off in times of the COVID-19 pandemic”
15.00 – 16.00: Break
16.00 – 16.30: Chrysoula Gitsoulis (College of Staten Island/CUNY), “Ethical issues involving outpatient treatment for COVID-19 in the US”
16.30 – 17.00: Enzo Guerra (McMaster University), “The Moral Failings of Vaccine Procurement”
17.00 – 17.15: Coffee break
17.15 – 18.15: Keynote: Christy Simpson (Dalhousie University), “The Ethics of Hope During the COVID-19 Pandemic”
18.15 – 18.30: Coffee break
18.30 – 19.00: Benjamin Gregg (University of Texas at Austin), “Containing COVID-19: A Human Right to Privacy versus a Human Right to Health”

Friday June 4

- 08.30 – 09.30: Keynote: Eivind Almaas (NTNU), “How computational models of a pandemic can inform decision-making dilemmas”
09.30 – 09.45: Coffee break
09.45 – 10.15: Lisa Forsberg & Anthony Skelton (University of Oxford), “Vaccine mandates for children and adults”
10.15 – 10.45: Attila Tanyi and Magnus Egan (UiT The Arctic University of Norway), “The foreign virus? COVID and (open) borders: The (sad) case of Norway”
10.45 – 11.00: Coffee break
11.00 – 11.30: Henrik Andersson & Jacob Werkmäster (Lund University), “Who should be compensated for the effects of Covid-19?”
11.30 – 12.00: Carl-Johan Palmqvist (Lund University), “The Rationality of Fear in a Time of Crisis”
12.00 – 13.00: Lunch break
13.00 – 13.30: Elias Moser (Karl-Franzens University of Graz), “Against Draconian Penalties for Covid-19 Quarantine Infringements”
13.30 – 14.00: Roel Feys (Clayton State University), “COVID-Rules: Compliance and Justice”
14.00 – 14.15: Coffee break
14.15 – 14.45: Aksel Sterri (University of Oxford/OsloMet), “Non-discriminatory vaccine passports”
14.45 – 15.15: Summary/end

Lukas Meier “Distributive Justice in Allocating Intensive-Care Resources during the COVID-19 Pandemic”

University of Cambridge
During the first waves of the COVID-19 pandemic, medical resources that are in abundance in normal times suddenly became scarce goods. Should resources be allocated in a way that saves the most individual lives? Or should the focus be placed on maximising aggregated lifetime? Should young people be prioritised because they have more life phases still ahead of them or should ventilators be given to the elderly first because they have contributed most to the health-care system themselves? Should medical personnel take precedent since saving doctors and nurses can have instrumental value for curing others? We shall also be analysing the strengths and weaknesses of the various selection criteria that have been proposed. Some countries opted for hard cut-off indicators such as age or comorbidity, while others chose dynamic thresholds that are constantly being modified as the pandemic progresses. Finally, we shall look into the differences between ex-ante and ex-post triage and consider alternative ways of allocating resources, like the first come – first served-principle or the drawing of lots.

Erik Gustavson
Linköping University “From scarcity to extreme scarcity”

This talk focuses on the importance of the context in which principles for priority setting are to be applied and discusses to what degree the plausibility of priority setting principles are dependent on the context of scarcity.

Sindre Horn
University of Bergen “Public Health Priority Setting: Special attention to the worse off in times of the COVID-19 pandemic”

As a public health concern, the COVID-19 pandemic concerns everyone. Pandemic priority setting concerns both the distribution of goods (e.g., vaccines) and burdens (e.g., isolation, quarantine, etc.). It has been proposed that criteria for public health priority setting should include special attention to the worse off groups in terms of well-being, not only health (Norheim 2018). This article aims to examine and provide theoretical support for this special attention proposal.

Chrysoula Gitsoulis
College of Staten Island/CUNY “Ethical issues involving outpatient treatment for COVID-19 in the US”

This paper will evaluate the decisions made by national health organizations (e.g., the Food and Drug Administration, and National Institutes of Health), medical boards, state and federal agencies, pharmacists, hospitals, and others involved in medical decision-making in the US, as well as the World Health Organization, regarding the use of these drugs as a standard of care in outpatient settings, whether those decisions were morally justified, and how our medical practices involving outpatient treatment can be improved going forward.

Enzo Guerra
McMaster University “The Moral Failings of Vaccine Procurement”

This paper contends with the free market view and considers the morality of the way we procure vaccines on a global scale. Although what we are seeing may be “playing by the rules”, that is, adhering to the parameters set out in global business and global politics, it

nonetheless has severe moral shortcomings. I present two arguments, based on the principles of justice and non-maleficence, to suggest how our current approach fails morally.

Keynote:
Christy Simpson
Dalhousie University “The Ethics of Hope During the COVID-19 Pandemic” The current pandemic has presented us with a number of ethical issues and questions, in addition to the personal changes and challenges that we each have faced. In the midst of this, the desire for hope and the need to hope for something has arisen quite strongly for many. Yet, what does it mean to have hope during these times? Is the often-quoted platitude, “hope for the best, prepare for the worst,” for example, even appropriate or helpful? This keynote presentation will critically reflect on the interplay of addressing pandemic-related ethical issues and the role of hope(s), drawing upon a number of relevant and timely examples.

Benjamin Gregg
University of Texas at Austin “Containing COVID-19: A Human Right to Privacy versus a Human Right to Health”

In the context of the coronavirus pandemic, should data collection trump individual privacy rights or vice versa? I attempt to square the circle by arguing both for mandatory contact-tracing and for an improved legal basis for protecting privacy as much as possible under such a mandate. My goal is to motivate popular participation in mandatory contact tracing even as that participation temporarily infringes individual privacy rights. If a liberal democratic political community offered strong legal protection for persons who sacrificed some privacy rights for the sake of a more effective collective effort to contain the virus, and if citizens had good reason to trust both the state and the private sector with their private health information, then, from a consequentialist standpoint, a data-first strategy recommends itself over a privacy-first approach. I further argue that legally mandated contact-tracing is compatible with human rights, whereby an individual human right to privacy conflicts with a collective human right to health, a conflict resolvable, again, by consequentialist means. I develop this argument in six steps. (1) I describe the containment method in question: contact-tracing and (2) I propose contact-tracing without informed consent (because state mandated). I then address two ways to shore up a right to personal liberty that the individual has temporarily derogated: (3) forms of legal protection even in cases of temporary derogation of individual privacy by the state and (4) greater trust, on the part of affected persons, toward the state as well as in the private sector. (5) I then make a consequentialist argument for legally mandated contact-tracing, if legal protections were available and citizens had reason to trust the state and private sector. (6) I conclude by arguing that mandated contact-tracing is compatible with human rights, whereby an individual human right to privacy conflicts with a collective human right to health (a conflict I resolve in line with my consequentialist argument).

Keynote: "How computational models of a pandemic can inform decision-making dilemmas"

Eivind Almaas
NTNU

Computational models aim to capture enough aspects of reality that their predictions may be informative. Additionally, computational models allow the exploration of a vast number of potential future states - the "What if's". For the COVID-19 pandemic, we have used a computational model of spread in the Norwegian population to first investigate the effectiveness of different societal interventions to curb spread, and second to identify vaccination strategies that hinder spread with a limited number of doses available. I will connect the model-generated insights with ethical issues related to the use of non-pharmaceutical interventions, or lack thereof, in the Norwegian handling of the COVID-19 pandemic.

Lisa Forsberg &
Anthony Skelton
University of Oxford

"Vaccine mandates for children and adults"

In this paper we consider to what extent the justifications of mandating vaccination for children generalise to mandating the vaccination of adults. We consider three arguments in favour of mandating the vaccination of children, one based on the obligations parents owe to children, one based on the state's obligation to protect the vulnerable, and one based on the unique features of children's well-being. We then set out to determine whether these arguments may justify mandating vaccination more generally. In addition, we compare the arguments we consider with those commonly provided for mandating the vaccination of adults.

Attila Tanyi
UiT The Arctic
University of Norway

"The foreign virus? COVID and (open) borders: The (sad) case of Norway"

There is no necessary contradiction between safeguarding fundamental rights and infection control at border crossings. The government could introduce well-functioning systems for mandatory testing and quarantine, without denying access to family members and commuters. So, why is there almost no one in Norwegian politics, business, law and academia who criticizes the disproportionate closure of borders? Why are so few people worried about the consequences of this for international relations?

Henrik Andersson &
Jacob Werkmäster
Lund University

"Who should be compensated for the effects of Covid-19?"

In the paper we consider what exact recommendation that follows from the criterion: Should the elderly be compensated? Furthermore, we consider how much weight one should attribute to this criterion: Are there other considerations that are weightier?

Carl-Johan Palmqvist
Lund University

"The Rationality of Fear in a Time of Crisis"

Is it rational to fear covid-19 on a personal level? If it is rational for a senior citizen belonging to a group with heightened vulnerability to fear covid-19 and irrational for a healthy teenager to do the same, where should we draw the line between rational and irrational fear? I offer an analysis of fear and its rationality with the capability of answering these questions. I claim that fear is rational as far as it is based on a live epistemic possibility, but otherwise irrational.

Elias Moser
Karl-Franzens
University of Graz

"Against Draconian Penalties for Covid-19 Quarantine Infringements"

After the Covid-19 lockdown, in spring 2020, several countries implemented a policy of contact tracing and duties of self-isolation on individuals who got into contact with infected people. To enforce these duties, some states imposed very harsh monetary penalties for people who in fringe the duties. Behind harsh fines lies an instrumental rationale. With the help of "draconian fines", the state avoids implementing a system of labor-intensive and costly surveillance and control of obedience. However, in this article I argue that penalties to this extent are highly unjust.

Roel Feys
Clayton State
University

"COVID-Rules: Compliance and Justice"

In her work on the commons, Elinor Ostrom presents a number of design principles for successful commons institutions, three of which can be applied to COVID-rules: (1) effective monitoring mechanisms, (2) graduated sanctions, and (3) congruity between the benefits individuals enjoy and the costs they incur from following the rules. All three principles bear on individuals' experience of the rules as fair. Norman Daniels and James Sabin's accountability for reasonableness approach, which builds on the work of John Rawls, supplies three further recommendations for developing just rules: (1) publicity condition, (2) relevance condition, and (3) revisions and appeals condition. COVID-rules that are designed with these six principles in mind will be more just than rules that are heedless of issues of fairness.

Aksel Sterri
University of
Oxford/OsloMet

"Non-discriminatory vaccine passports"

Vaccine passports are contested. According to their proponents, they are requirements of justice and instrumentally beneficial. However, according to opponents, vaccine passports are discriminatory, unjust, and unduly inducing. In this paper, I argue that both proponents and opponents are partly correct. They are, more specifically, right under different conditions. I argue two requirements are needed for vaccine passports to be permissible. It has to be legitimate to prevent non-vaccinated access to the good, and giving access must not make the non-vaccinated non-comparatively worse off. These requirements both justify and limit the use of vaccine passports.