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Ethical Decision Making in Emergent Emergencies under a Veil of Ignorance¹

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Abstract

In this paper we initially propose a scheme for the determination of threats due to the Covid19 pandemic, followed by appropriate response measures. In order to devise successful response actions, one should pay extreme care in identifying the actual threats posed and, as a matter of fact, prioritize them with respect to their severity on human life, societal risks, democratic operation of the institutions and the state and irreversible environmental impact.

But would everyone be benefited the same by these response measures? There lies the danger to be unfair of even ignoring socially disadvantaged groups and, thus, increasing social inequality gaps. And the new equilibrium attained runs the danger of being less stable than the old one, exhibiting degraded emergent behavior and capabilities for self-organization. In this case we would have achieved exactly the opposite of what we wished for, a system of lower resilience to perturbations.

Thus, we argue that the ethical element is the predominant factor that should determine all types of feedback responses and actions taken by decision-makers in all political, social, economic and environmental aspects during the process of returning to normality.

Towards this purpose, a method of determining the morality of response measures is required. A variation of the 'Veil of Ignorance' provides such a method, as introduced in this paper. It asks the decision-makers to make choices about social or moral issues related to the feedback responses to the pandemic and assumes that they have enough information to know the consequences of their possible decisions for everyone but would not know which person they will be themselves, in the new equilibrium. We believe that the proposed ethical framework will result to just and fair to all response measures.

Introduction

In a holistic-systemic view of social and political phenomena, several modelling conceptions help us grasp their extremely complex and interacting variables that lead to complicated, multi-faceted and sometimes chaotic behaviors. These conceptions include:

- Self-organization: A process where some form of overall order arises from local interactions between parts of an initially disordered system.

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- Resilience: The capacity of a broad array of complex adaptive systems to absorb, withstand and ‘bounce back’ quickly and efficiently from a perturbation by exercising their own inherent capacities of emergent self-organization (Zebrowski, 2019).
- Autopoiesis: The system’s capability of reproducing and maintaining itself.
- Emergent behaviors: Complex traits of a system that are not apparent from its components in isolation, but which result from the interactions, dependencies, or relationships they form when placed together in a system and are impossible to predict (Smith & Stevens, 1996).
- Equilibrium: The condition of a system in which competing influences are balanced, resulting in no net change.
- Feedback: Occurs when outputs of a system are routed back as inputs as part of a chain of cause-and-effect that forms a circuit or loop, leading either to non-linearities or new equilibria.

A state of equilibrium is reached when all, or most, political, social, economic, technological and environmental parameters are in balance. Such states have been reached throughout history, in certain civilizations and for specific time periods, usually followed by turbulence and imbalance leading to disasters of large scale. Physical phenomena play a significant role in tilting the scales and leading - eventually- to new equilibria. Mankind has experienced several types of equilibria and disasters in succession, attributed both to physical phenomena such as plagues, earthquakes, floods etc., as well as to man-made phenomena such as wars, environmental degradation, income inequality, breach of fundamental human rights, inappropriate use of technology etc.

It is within liberal democracies of the late century that a relatively stable environment was achieved in terms of most of the sociopolitical and environmental parameters. Although there exists great criticism to this critically balanced interaction of all parameters, which is mainly targeted towards ethical considerations concerning income inequality, the refugees’ problems, climate crisis etc., there is a consensus that these may be -historically- the best of times with respect to mortality, extreme poverty, providing education to larger audiences, raising awareness for human rights, environmental activism etc.

Catalytic Reactions

However, systems under equilibrium are experiencing severe disturbances and their resulting emerging behavior may lead them to totally different equilibria states. Such disturbances may act as catalysts accelerating the transition to the new equilibria, sometimes in violent manners. In this paper we consider the *Covid19* pandemic to have such a catalytic effect on all aspects of normal life.

Although we have experienced it for a relatively short period, and it would be risky to come to conclusions it is the severity and brutality of its manifestation and effects that make a first analysis attempt worthwhile.

Moreover, the uncertainty associated with its origins, its consequences, the force and its duration, pose a serious challenge to all scientific disciplines and a rather urgent one. Response measures are urgently required to be taken immediately, however to which direction and to what extent remains an open question to be answered mainly by scientists and decision-makers. In this paper we propose initially a scheme for the prioritization of threats due to the pandemic, followed by appropriate response measures. Then we propose the implementation of an ethical decision-making framework, which would result to just and fair to all response measures. We hope that our contribution will help towards this end.

Identification of the threats and resilience strategies

In order to design any line of successful response actions to the pandemic, one should pay extreme care and attention in identifying the actual threats posed and, as a matter of fact, prioritize them with respect to their severity on human life, societal risks, democratic operation of the institutions and the state and irreversible environmental impact.

Threats to human life imposed by the pandemic require the immediate action of decision-makers to tend the needs of the people on one hand and to restrict the spreading of the virus, on the other. Resilience strategies are required within a biopolitical imperative to '*make life live*' (Foucault, 1998, 2003). Obviously, Foucault's term refers to the intersection between power (political, economic, judicial etc.) and the individual's bodily autonomy. By enhancing the regenerative capacities of systems underpinning and constitutive of community life, such resilience strategies should aim to optimize the conditions under which life might quickly and efficiently bounce back from a systemic perturbation.

The uncertainties associated with the pandemic range well behind health safety. They spread to social, legal and any type of systemic uncertainties rising during the transition trajectory of the system from the old state to the new. After all, we are living in a '*Risk Society*', where we are increasingly preoccupied with the future, which generates the notion of risk (Giddens, 1999), whilst trying to find a systematic way of dealing with hazards and insecurities induced and introduced by modernization (Beck, 1992). However, there are differing opinions as to how the concept of a risk society interacts with social hierarchies and class distinctions (Caplan, 2000). Risks, much like wealth, are distributed

unevenly in a population and will influence quality of life. This calls for responses to the pandemic that take into consideration in a just and fair way the socioeconomic distributions.

An alternative insight to emergency governance, since the advent of the war on terrorism, was given by Giorgio Agamben. He claims that a permanent state of emergency (exception, siege, necessity) *'has become one of the essential practices of contemporary states, including so-called democratic ones'* (Agamben, 2005). Western civilization draws a fundamental biopolitical distinction between the politically qualified life (*bios*) and 'bare life' (*zoé*). If the state continues to operate in an 'inclusive-exclusion' mode, there runs the danger of individuals to be stripped by all their legal recognition and rights and placed in a legally sanctioned state of abandonment and exclusion (a 'bare' life, (Agamben, 2020)). Although his approach to the pandemic was heavily criticized as premature and exaggerated (Peters, 2020) in his own country (Italy), obviously if something like this would happen it would severely affect the operation of all democratic institutions that are fundamental to the functioning of the democratic society. Thus, recovery responses to the pandemic should consider optimizing trade off's between ethics, safety and speed of recovery.

Additionally, the impact of the pandemic to environmental decisions should be studied extensively. Rather than allowing further exploitation of natural sources at any cost, the intervention of the virus should serve as a *'dress rehearsal'* for the next crisis, the one in which *'the reorientation of living conditions is going to be posed as a challenge to all of us, as will all the details of daily existence that we will have to learn to sort out carefully'* (Latour, 2020, p.1) in a sense that the health crisis prepares, induces and incites us to prepare for climate change. Biopolitical consequences are obvious in this case as well.

Finally, it should be taken into account that in today's uncertain world, for any realistic response policy to succeed, we should take into consideration that the individual must act, plan actions and calculate the likely gains and losses of acting (or failing to act) under conditions of endemic uncertainty (the notion of *liquid modernity*, according to Baumann, (Davis, 2016)). Social forms and institutions no longer have enough time to solidify and cannot serve as unquestionable frames of reference for human actions and long-term life plans. Thus, individuals have to become flexible and adaptable and any form of decision making has to be made under conditions of at least some uncertainty.

A cohesive Decision-Making framework under the 'Veil of Ignorance'

It seems that the ethical element is the predominant factor that should determine all types of feedback responses and actions taken by decision-makers in all political, social, economic and environmental

aspects during the process of returning to normality and restoring part of the old equilibria while establishing new ones.

Universities and Research Centers already target their research potential to eliminate vital threats and (hopefully) will provide treatment for all, eliminating any biopolitics danger of any kind of discrimination. Communication and computer technologies can bring together people over long distances for business conferencing, teaching and learning in universities and schools and even provide cultural education, documentaries etc. aiding the needs for communication and entertainment whilst eliminating to some extent the need for direct contact, where unnecessary. Well established mathematical and computer tools can aid decision-making under uncertainty, in ways that may provide a greater than before insight to political and social phenomena.

The state is deemed the primary decision-maker in these cases. Different political scientists, philosophers and experts have tried to deconstruct and understand this changing nature of both the individual and collective which we call as 'state' today. Thomas Hobbes portrayed the commonwealth as a gigantic human form built out of the bodies of its citizens, the sovereign as its head. Hobbes calls this figure the "*Leviathan*" and this is responsible for protecting the security of the commonwealth (Schmitt, 2008). By accelerating the activities of tightly integrated agencies operating concurrently on varied aspects of a common response strategy, the modern state has to organize feedback responses to the pandemic and to quickly close down the 'disruptive' time of the emergency event and accelerate the return to 'normality'. Health and security are of paramount importance, but the state has to make the necessary trade-offs to guarantee the continuity of standard political and economic processes.

But would everyone be benefited the same by these response measures? There lies the danger to be unfair of even ignoring disadvantaged groups and, thus, increasing social inequality gaps. And the new equilibrium attained runs the danger of being less stable than the old one, exhibiting degraded emergent behavior and capabilities for self-organization. In this case we would have achieved exactly the opposite of what we wished for, a system of lower -instead of higher- resilience to perturbations.

Ethical decision making under uncertainty requires a different code of conduct if all people are to be satisfied and their needs taken into consideration. Thus, a method of determining the morality of response measures is required. A variation of the '*Veil of Ignorance*' (Rawls, 1999) provides such a method, as presented for the first time in this paper. It asks the decision-makers to make choices about social or moral issues related to the feedback responses to the pandemic, in order to re-establish the new equilibrium, and assumes that they have enough information to know the consequences of their

possible decisions for everyone but would not know, or would not take into account, which person they are themselves. Thus, not knowing one's ultimate position in society would lead to the creation of fair to everyone responses, as the decision-makers would not want to make decisions which benefit a certain group at the expense of another, as they could end up in either group themselves.

Although one could never eliminate all personal biases and prejudices, the proposed cohesive framework helps to minimize them by considering all individuals as rational, free, and morally equal beings. When policy-makers imagine that they know nothing about the particular talents, abilities, tastes, social class, and positions they will have within a social order (Rawls, 1999), this '*Veil of Ignorance*' will prevent them from conceiving response policies to the pandemic that differentiate, downgrade and limit the biological rights, positions, and resources, downgrade democratic institutions or increase uncertainty risks for any member in that society. Thus, resilience would be achieved in a morally just manner. Essentially, this is the true meaning of Social Auropoiesis (Fuchs & Hofkirchner, 2009). Society reproduces and produces man as a social being, and man reproduces and produces society by socially coordinating human actions: a dialectic of social structures and human actors.

Conclusions

The pandemic crisis is an utmost historical moment for the political distribution of public power and state authority. The art of politics is balancing among all interests of the stake holders. We cannot prevent such events from happening, but the state has to respond by quickly closing down the 'disruptive' time of the emergency event and restoring standard political processes. The use of all available technologies for health, communication, decision-making in risky and uncertain environments will help us attain the new equilibrium state, hopefully a more resilient one.

However, as argued in this paper, the desired resilience should be achieved through an ethical '*Veil of Ignorance*'. We should identify the challenges and dangers and see the world for the viewpoint of others, in order to achieve a fair, just and sustainable society. After all, this pandemic can be perceived as an urgent warning to act and transform our views of the world, in order to avoid upcoming catastrophes of colossal scale. Soren Kierkegaard's (Kierkegaard, 1987, p.30) famous quote is surprisingly relevant:

"A fire broke out backstage in a theatre. The clown came out to warn the public; they thought it was a joke and applauded. He repeated it; the acclaim was even greater. I think that's just how the world will come to an end: to general applause from wits who believe it's a joke."

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