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# Social dilemmas and conflicting moral principles

## Reflections on social justice

A case study:

The ethical implications of herd immunity and compulsory vaccination in relation to Covid 19

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# The background of my presentation

I have been working on the sociological aspects of social justice for a long time

In 2021 the COVID 19 pandemic has begun

- Our regular daily life stopped
- The end was not visible, things were impossible to plan, uncertainty of the future, not calculable
- global crisis
- the size and scope of the epidemic was enormous
- worldwide sense of fragility of human existence
- everyone can be infected
- everything becomes uncertain: life, human relations, social integration, the usual social actions

What a sociologist can do if he wants to do research, locked up at home

- I decided to do a research on social justice, which is linked to the crisis
  - How the pandemic raises the question of justice
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# Social research in the time of COVID 19

- The astonishing speed of change in the world is beyond the scope of empirical sociology
  - Not enough accurate data and information
  - Data collection is difficult
  - What remains is the theoretical approach
  - Let's examine the ethical dilemmas
    - The moral dilemmas of pandemic decisions
  - Key words:
    - compulsory vaccination
    - herd immunity
    - public good
    - social justice principles
    - Ethical consequences
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# Scientific aspects of Covid 19 epidemic

## Science and medicine

- medical, epidemiological research
- biological, chemical, virological research
- public health issues
- **Bioethical considerations**

## Human sciences

Because the impact of epidemics has a dramatic effect on human and social conditions, social science research also has an importance:

- Psychological approach
- social psychological approach
- Sociological, societal approach
- economic approach
- legal approach
- political approach
- **moral, ethical approach**

## Dilemmas:

- Equality of access to healthcare
  - Ethical considerations in the care of critically ill patients in limited hospital settings (**Survey**)
  - Vaccination strategies in the shortage of vaccines (global justice, social justice)
  - Transparency to patients, families and staff
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- Global justice and nation-state differences
  - Social inequalities and equal chances of survival
  - Exceptional legislation and epidemic management
  - Generational consequences of the Covid19 pandemic
  - Access to vaccines and pharmaceutical companies
    - Private interest vs. public good
  - Vaccination based on citizenship
  - The care of refugees under Covid19
  - **Herd immunity and compulsory vaccination**

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# Theoretical context: justice as competing principles

- John Rawls: A systemic understanding of justice in societal level
    - "A set of principles is needed..., these principles are principles of justice: they provide a way of defining rights and duties in the basic institutions of society, and of determining the appropriate distribution of the benefits and burdens of social cooperation."
    - Rawls' perspective is essentially philosophical and universal
  - Michael Waltzer: Justice is essentially an empirical and distributional issue, where distributive justice is central category
    - "the principles of justice are themselves pluralistic in form; that different social goods should be distributed for different reasons, according to different procedures, by different actors,,"
  - David Miller: In concrete social situations, the principles of justice are very diverse and complex, often covering conflicting or even contradictory perspectives
    - three characteristic aspects: the essential principle of community in solidarity, the existence of instrumental association, the principle of citizenship
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# Justice as a fundamental moral principle of modernity in decision-making among conflicting approaches

- **Pluralism of principles of justice in modernity**
    - Such is the principle of equality (i.e. egalitarianism);
    - or the principle of merit and utility (i.e. utilitarianism);
    - or the principle of priority of the least advantaged (i.e., prioritism) and the principle of necessity;
    - or the principle of equal opportunity (i.e. progressivism);
    - or the principle of meritocracy (merit earned);
    - or the fairness of the rules and procedures that operate the institutions, which can be captured by the concept of procedural justice
  
  - **Aristotle: the complexity and context-dependence of principles of justice**
    - The starting point is the role of moral principles in people's lives and in society
    - From a justice perspective, in judging a situation, what characteristics and principles should be taken into account in deciding whether individuals are in a similar situation and what factors should be given priority in a given situation.
    - The moral judgement depends on our ability to identify the factors that are most important in a situation and to judge the moral implications of these factors, comparing the ends, causes and consequences
  
  - **Rawls: Justice as fairness**
    - In society, all values should be equally distributed, unless the inequality is beneficial to all
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# Analytical frame

## ■ Actors

- The state
- The individuals
- The society

## ■ Justice principles

## ■ Social dilemmas

- Can compulsory vaccination be made compulsory?

## ■ Ethical consequences

- Pros and cons arguments
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# The role of the state in epidemic management and in achieving herd immunity

- the state controls a significant share of resources needed for epidemic management
- legitimacy of the democratic state derives from the principle of popular sovereignty
- the role of the state in epidemic management and in achieving **herd immunity**:
  - moral duty and responsibility to protect and promote the health of individuals
  - to protect vulnerable people from infectious diseases caused by viruses
- state must implement policies that ensure that sufficient numbers of people contribute to the achievement of **herd immunity as a social public good** and to use all possible means to prevent the opposite outcome
- to achieve herd immunity, the state must ensure that **people are vaccinated**

## Questions:

- Does the state have the right to impose compulsory vaccination on members of society, or on certain groups of society? (**yes?;no?**)
- Where are the limits of state intervention and coercive measures?

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a **public good** (also referred to as a **social good** or **collective good**) is a good that is both non-excludable and non-rivalrous. For such goods, users cannot be barred from accessing or using them for failing to pay for them. Vaccines are public good



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## Limits to state intervention in a democratic political systems

- The rule of law and the system of democracy provide a strict framework for the limits of state action
  - The state cannot quarantine vaccine refusers in violation of their constitutional right to freedom of movement
  - Institution of special legal orders cannot be maintained unnecessarily and without democratic authority
  - thereby the state has an extensive power to manage a society, but this is not unlimited
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## The moral expectations and obligations for the individual

- Individuals have a duty **to contribute to the achievement of a desirable collective social goal**, in our case universal vaccination
  - There is a moral obligation for the individual **to accept and justify the political actions of the state** to achieve herd immunity
  - Individuals must accept and justify the political actions of the state to achieve herd immunity, the aim of which is for the state to vaccinate most of the society, even through **certain coercive measures**.
  - Individuals have a right to expect the state to implement policies that ensure that sufficient numbers of people contribute to the achievement of herd immunity
  - (the fact is that in many countries a significant proportion of **people refuse vaccination (statistics)**)
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# The social dilemma of compulsory vaccination: pros and cons arguments

## ■ Arguments against compulsory vaccination

- ❑ vaccines unnatural, and that natural immunity is more effective
- ❑ Covid 19 no more dangerous than seasonal flu
- ❑ vaccines have not been sufficiently tested.
- ❑ business interests of pharmaceutical companies control countries' vaccination strategies
- ❑ the most important universal objection, however, is that the **freedom of a person cannot be restricted** by state
- ❑ compulsory vaccination violates the constitutionally protected freedom of religion
- ❑ in a free society people are free to control their own bodies

## ■ Arguments pro compulsory vaccination

- ❑ vaccines are safe and effective against the virus and that side effects are negligible
- ❑ herd immunity is the only effective way to fight infection
- ❑ the sustainable functioning of the economy, normal living, and social integration is a common interest
- ❑ existential security of families and the safe lives of people can only be achieved through vaccination or if it needs, universal vaccination
- ❑ to vaccinate children aims to protect the health of future generations

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## Main issue

- Herd immunity is often not achieved through the free willingness of individuals to vaccinate, which would require a shared will and commitment from all members of society
  - How far does the power of politics and the state extend to favoring certain rights over others?
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# Ethical public measures

- the state has a duty to 'protect the **common good**', meaning achieving herd immunity.
- this allows **to protect people** whose health status is at risk from potential harm.
- **compulsory vaccination** is a means to this end
- On the other hand, the state should adopt the **least restrictive policy** which least interferes with individual autonomy and freedom.
- the state **must tolerate objections** to a certain number of vaccinations, such as when some disease or religious requirement is a barrier to vaccination
- **the lower degree of state coercion is always preferable**
- **the restrictions must be temporary, proportionate, tolerable and fair**
  - measuring temperature of individuals
  - wearing a mask in closed public places and in public transport
  - social distancing rules
  - visiting bans in hospitals and social institutions
  - curfews with specific exceptions
  - closure of entertainment venues, travel restrictions

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# Ethical social justice dilemmas in vaccination

- justice between the pro and con arguments raises two different aspects of social justice,
    - **distributive justice aspects** that lead to a fair sharing of the burden
    - **retributive justice**, coercive aspect in achieving herd immunity, to what extent are restrictive measures by the state acceptable in disease management
  - The crux of the dilemma can be summarized as follows: one side argues that the **autonomy over our bodies** is a fundamental right of freedom and therefore the state has no justification for infringing on the bodily autonomy of the individual, even for an important public good that is otherwise very important to the community.
  - The counterargument is that the state may be justified in implementing coercive policies that infringe certain individual rights if those policies are necessary **to prevent harm to others**.
  - These two positions represent the two extremes of the interpretation of the dilemma, where the principles of **liberty and equality are in conflict**.
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## Justice as fairness

- But there is also a third aspect, namely the **principle of equity**.
  - Fairness is an important ethical and social value that is about **sharing the burden** of preserving public goods.
  - Fairness is a value that should not and must **not be compromised by weighing it against other values** in policymaking, such as individual freedom and expected utility.
  - **Equitable sharing of the burden** of collective responsibility for achieving herd immunity is one where everyone who has no specific, verifiable medical or other contraindication to vaccination is vaccinated
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## Conclusion

- "The State has an institutional responsibility to guarantee at least the achievement of herd immunity in its policy of implementing vaccination. Important public goods such as herd immunity are based on the principle of fair burden sharing. The state should require each individual to be vaccinated or to have their children vaccinated unless there is a legitimate medical reason for an exemption. In other words, it is the **ethical duty of states** to enforce compulsory vaccination without medical exemption." (Giubilini 2019:120)

It is still an open question as to what role herd immunity played in the containment of Covid 19

- The point we have made so far is that if compulsory vaccination should not be seen as a political intervention by a restrictive state, but as a difficult decision taken in the light of the importance of the common good, which requires individual and collective contributions from citizens, social solidarity and the moral aspect of justice. This would not only make a significant contribution to the effective management of the epidemic but would also **strengthen the moral foundations of social cohesion** and community coexistence.



Even if we accept that herd immunity played an important role in the management of the pandemic, the global injustice of this is still striking until today

