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Which lives should we save in corona times

25-05-2020 [Frits de Lange](#)

Kantians and Utilitarians hold opposing views in the debate during this corona crisis. They thrive on each other's weaknesses. Yet these two common ethical "schools" fall short in providing answers, says ethicist Frits de Lange. He makes a plea for consulting the ethics of care.

'In normal times, ethics slumber; when the community falls apart and the order of things is at stake, it will wake up', theologian Dietrich Bonhoeffer (1906-1945), widely commemorated this month, remarked in the middle of the war. In 1943 he was writing an ethics, with taking responsibility as a pivotal concept, when the Nazis took him away from his desk, put him in prison and then executed him. I think of him, as we are at war with an invisible enemy. The corona crisis has awakened ethics.

The moral foundation has two pillars

The public debate on government policy, from the lockdown up to the exit strategy, is fueled by two major ethical theories that laid the moral foundation of modern society: utilitarianism and Immanuel Kant's ethics. Utilitarianism aims at the greatest possible benefit for as many people as possible; for Kant on the other hand, the absolute value of the individual prevails. His vision inspired political philosopher John Rawls (1921-2002) to devise a theory of the social contract in which every citizen has equal rights and inequalities are justified only for long as they benefit the least privileged.

In the current debate, these two approaches are in a crippling stand-off. As we don't have any alternatives on the shelf so far, we'll have to make do with what we've got. Nevertheless, I advocate at least a radical update. We are in need of a different ethics, one that accounts for the fact that we are all fragile bodies depending upon care.

Underneath the Dutch government's corona policy, the contours of John Rawls' social contract theory are clearly recognizable. The country went into lockdown, according to Prime Minister Mark Rutte in his "historic" speech of March 16, in order to 'build a protective wall around frail elderly people and those in poor health'. In doing so, he lend to the lockdown a Kantian turn: every human life is of equal value, even if you are 80 years old and there are all sorts of things wrong with you. So we all should stay at home. There would be no reason to differentiate, because that could in no way benefit the vulnerable.

The cost of the remedy

The Prime Minister initially got the whole of the Dutch population on his side with his "keep it up" and "look after one another". As the number of deaths is decreasing and the ICU capacity is scaled down slowly, rebellion arises and the Utilitarians speak up. Based upon cool calculations, they arrive at the conclusion that government policy is counterproductive: the number of deaths now falls away against the social costs of a further lockdown. Donald Trump gave us the short version of the argument, 'The remedy should not be worse than the disease'. In the meantime we have come up with our own local version of this argument, as voiced by tv-presenter Jort Kelder: 'We are rescuing people of over 80 years of age who are too fat and have smoked all their lives. How much economic damage will we allow for, while saving people who will then probably go on to die within two years anyway?'

We also encounter the same reasoning in a more sophisticated manner, in places where a distinction is made between deaths, stemming directly from Covid-19 and deaths, indirectly attributed to insufficient care, poverty and hunger in the long run. Real estate investor Maarten de Gruyter clearly voices in Quote Magazine why Immanuel Kant should not be granted the monopoly on morality in this corona crisis: 'No one dares to say out loud in public that the price we currently pay for human lives is too high. [...] Of course I don't believe people should just die, but stifling any argument with this ethical sense of superiority in saying "every life counts" is simply unwise'.

Tar and feathers

In my right-minded Facebook bubble, anyone joining this choir was publicly exposed, tarred and feathered. Yet utilitarianism is a respectable theory in modern ethics, to which we owe a lot of good things. The English philosopher Jeremy Bentham (1748-1832) is considered to be its creator. One does the right thing if one's actions provide the greatest amount of well-being for the largest possible number of people. Well-being might be measured in a very elementary way in terms of pain and pleasure, but it may also be defined as happiness, in the way the somewhat more refined John Stuart Mill (1806-1873) saw it in times later on.

Utilitarians have played a major role in the development of liberalism. After all, politics seeking to maintain a utilitarian policy does away with the privileges of the rich and wealthy who believe they are entitled to public services, more so than others. Sanitation, clean drinking water and sewerage would have been inconceivable in the 19th century without politicians reasoning along utilitarian lines. Ultimately, everyone benefits from utilitarian measures in public health (for example, mandatory vaccination), including the strong and healthy, who in their myopia believed they could do without.

Utilitarianism is an ethics of consequences. Immanuel Kant (1724-1804), on the other hand, defended an ethics of duties. Everything comes at a price, Kant writes, yet people hold absolute value because they are free to be willing to do the right thing. You only do good because it is good. One of the definitions of his categorical imperative reads: 'Act in such a way as to use humanity, for yourself as well as for any other person, always it being an end, never solely being a means.'

Having an eye for the weak

Kant's ethics has its roots in the Christian tradition, which says that every person is created in the Image of God. Kantian ethics is at the heart of the secular principle of equality, the human rights and social contract theory by John Rawls, bearing the weak in mind.

Kantian ethics has proved so far to be the strongest impulse for the policy of our government: every individual counts, be it young or old, weak or strong. Nevertheless, if doctors would refuse older patients access to ICU because of their age, the cabinet will issue an emergency law against it, the Dutch Minister of Health Hugo de Jonge declared on April 8th.

However, as economy and public health are being pitted against one another, Utilitarians are stirring and calling for an uprising. Why hang in there? We cannot and will not put up with this any longer. Should the old and the weak in The Netherlands not be urgently requested to stay at home so as to help The Netherlands Inc. get back on its feet again? The lifespan of a few does not outweigh the happiness in the lives of the many others, according to what I've read in a petition under the motto: "The Hague, change your course on Corona!".

Public administration expert at Radboud University, Ira Helsloot, has calculated the government is now spending eight million Euros per life year gained. He argues that one should be able to account for "the many hundreds of years you are not willing to save, in favor of the few life years of the single corona victim."

In public debates, Kantian and utilitarian ethics thrive on each other's shortcomings: Kantians accuse Utilitarians of not respecting individual lives, of committing ageism (discriminating on the basis of age) and deliberately sending people to their death. Utilitarians, on the other hand, blame Kantians for ignoring in their abstract individualism the devil's choice with which we are faced in this crisis. Their ethics being an ethics of luxury.((1))

Surviving with 18th century theory

We try to morally survive this crisis with the help of two eighteenth-century theories, both of which have serious weaknesses. I will name a few. First of all: utilitarian calculations rely on hard results. Right being what will yield as much well-being as possible. Yet there is so much we don't know. Surrounding the virus and the consequences of the lockdown, there are so many uncertainties, one can only think in terms of 'scenarios' for the time being.

That in itself should render Utilitarians less adamant. Empiricism represents their advantage, but their Achilles heel at the same time. Another problem with utilitarianism is its readiness to make sacrifices – sacrificing other people, that is. The utilitarian calculus holds ancient papers; it's well known the high priest Caiaphas made the same calculation in his trial against Jesus: "Do you not realize it being in your best interest for one man to die for the sake of the people so as to not lose all of the people?" (John 11:50) Utilitarianism becomes a menace when falling into the hands of those in power or of demagogues, who are to decide who is to die.

Kantians, on the other hand, seem to have the most elevated standards of morality. Yet when tough choices need to be made, as to whom the scarce ICU beds are to be made available to, or as to when the economy could best be unlocked with the virus still around, then you won't hear them. Their ethics turns into an ethics seeking to have clean hands. One final weakness: also Kantians have a problem with making a sacrifice, in particular in sacrificing oneself. This is what many people have done over the past months, especially in healthcare. They did not care about themselves for the time being. Yet social contract theory is based on give and take. Underneath the ethics of Kant lies the Golden Rule: do unto others what you want to be done unto you. It will allow for people to voluntarily give in for a while, but it is not understood that sometimes there is nothing in return. As every person counts, so will I count as much as everyone else. Kantian ethics regards staying inside during the lockdown as an exercise in patience, not as an act of selfless charity.

In this crisis, utilitarian and Kantian ethics show the extent to which they are outdated. They are both designed to weigh the interests of individuals and groups in a liberal society, among themselves and against each other. They do not see to the entanglement we as humans physically experience with one another and with our environment. They look upon individuals as independent subjects isolated from the world, and not as part of its fabric. We have a body, they say, yet bodies we are not.

Then what, in corona times?

Post-corona ethics should at least depart from our fragile, dependent physicality. We are made of the same stuff as the animals that carried the virus, as the air that transmitted it, as the human who infected us with his breath.

One does not make up such an ethics sitting at a desk, it has to be rooted in practice. I propose to take the ethics of care as the starting point. Healthcare, informal care, home care, child care, the vulnerable and the elderly – in recent months care practice proved to be crucial to society.

In such care people will be aware of what physicality means. Already a broad movement in ethics deploys this point of view: care ethics. Political philosopher Joan Tronto (1992), one of its founders, defined care in the broadest sense of the word as “human activity that includes everything we do to sustain, maintain and restore our ‘world’ so that we can live in it as best we can”.

Care ethics regards care as the most fundamental characteristic of our humanity. Not just health care, also teaching and education, labor and economics, politics and security as well as the arts may be regarded as care practices that help to maintain the world and to live in it as well as possible.

Seldom has such a view of the world been as relevant as it is now. This crisis has meant the exposure of the autonomous individual stemming from liberal ethics; we turn out to be these fragile bodies, with lungs in open communication with the world, entangled in networks of interdependence with each other and with the earth. The primordial question for an ethic that sees us primarily as caring beings is not so much what rights individuals may assert, as it is who is responsible for the care for oneself as well as for others depending on his care.

The answer to this will differ in normal times from an answer given in times when – in Bonhoeffer’s words – “the community falls apart and the order of things is under threat.”

The hospitality industry

From this perspective, the hospitality industry (“many people see us as replacing the church”, I heard a manager say), as well as the arts, have their own responsibility for providing care, which they cannot exert when kept in lockdown. In a democratic debate, when seen from a care ethical perspective, the issue is no longer the weighing of interests (Prime Minister Mark Rutte: ‘the freedom of one versus the health of the other’), it is about a fair division of responsibilities, under the given circumstances, as well as how to shape such a fair division.

In a crisis such as this, it will obviously require a fair amount of debate, especially when the water is already up to our necks, so to speak. But then no one may claim being the sole party seeking justice. One has an obligation to take responsibility, according to the given circumstances and to the best of one’s abilities.

Now there are people who do much more than could reasonably be expected from them. Heroes who get applauded and saints who don’t care for that. Giuseppe Berardelli, a 72-year-old priest from Casnigo, refused the ventilator his parishioners had arranged for him and gave it to a younger corona patient he didn’t know. On Twitter, at his death people referred to John 15:13: “There is no greater love than giving up your life for the sake of your friends.” He too, took responsibility.

Note

In 2015, Frits de Lange published a book about ethics of aging: *Loving Later Life: An Ethics of Aging*, Grand Rapids MI/ Cambridge UK: William B. Eerdmans Publishing Company, 2015

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