

A Grotesque Calculation:

The Ethics of CV19 Governance and digital technologies.

Andreu Ulled¹, Ersilia Foundation

When the World Mobile Congress in Barcelona was cancelled the 12th February because of American corporations decided not to attend because of CV19, no policy-advisor was able to suggest the convenience to begin the preparation of a “worse-case” scenario.

When the CV19 pandemic moved from China to North of Italy, and the threat was obvious to all, political decisions that in normal times could take months or years of deliberation were approved in a matter of hours and “entire countries serve as guinea-pigs in large scale social experiments” (Harari, 2020). The decisions people and governments took had to face important choices. The first was between totalitarian surveillance or citizen empowerment to fight CV19, respecting individual freedom or protecting public health.

A Governance question: ¿Totalitarian Surveillance or Citizens Empowerment?

The policy responses to CV19 differed significantly from country to country, even among richer countries; shaped by historical legacies, political culture and social mores. Many governments in Asia (also Israel, points Harari, 2020) relied on ubiquitous sensors and powerful algorithms in centralised systems. The first most notable case was China, then South Korea, Hong-Kong, Taiwan or Singapore:

By closely monitoring people’s smartphones, making use of hundreds of millions of face recognising cameras, and obliging people to check and report their body temperature and medical condition, the Chinese authorities can not only quickly identify suspected coronavirus carriers, but also track their movements and identify anyone they came into contact with. A range of mobile apps warn citizens about their proximity to infected patients (Harari, 2020)

Byung-Chul Han (2020), highlighted the efficacy of the “Chinese” or “Asiatic Model”, a family-oriented well-disciplined society enjoying advanced technology:

¹ Andreu Ulled is MSc in Philosophy (UNED, 2020), MDeS in Planning (GSD HU 1994) and Dr. Engineer (UPC, 1996). President of Ersilia Foundation and Director of Multicriteria Planning (MCRIT).

There are 200 million surveillance cameras in China, many of them equipped with a very efficient facial recognition technique. They even capture the moles on the face. It is not possible to escape from the surveillance camera. These cameras equipped with artificial intelligence can observe and evaluate every citizen in public spaces, in shops, on the streets, at stations and at airports. The entire infrastructure for digital surveillance has now proved to be extremely effective in containing the epidemic (Han, 2020)

The Chinese governance model, based on a powerful and knowledgeable technocracy, seems more efficient than the liberal democratic model, if some private intimacy and individual freedom has to be sacrificed in order to avoid severe social welfare damages. Chinese policies are embedded into family-oriented, more communitarian than individualistic values. To protect elderly people from CV19 risks Chinese leaders were ready to face unavoidable constraints, in terms of short-term economic growth and people's rights, maybe because the perception of these constraints are not perceived as costly as they are perceived in Western democracies.

Italy, then Spain, applied the Chinese strict policy of confinement without having the technologic capacity to monitor people movements, after a long hesitation. It was the incapacity of the health system to deal with the situation the decisive factor. Hungary, and other European states adopted authoritarian measures to deal with the pandemic, like in the case of Poland. There was an important risk of excessive and disproportionate measures. ¿Without the Chinese experience, a strict confinement policy would have been adopted in Europe?

The American jurist Cass R Sunstein has proposed an in-between possibility, the so-called "Libertarian Paternalism" (2014). There is empiric evidence, according to Sunstein, that politicians, business leaders and citizens take wrong decisions, with negative consequences. Is not just because of information; there are also cognitive errors, wrong intuitions, biased emotions. If public administrations have to serve the public interest objectively, as most Constitutions state, then administrations have to be rational, intelligent enough, make use of all data available and apply the best artificial algorithms to maximise the efficiency of their decisions. Sunstein praise technocrat's sound decisions particularly when the welfare of all is the paramount value to protect: we can not let politicians, business leaders and ordinary citizens to take decisions against their own self interests, claim Sunstein, we have to "nudge" them².

The Swedish historian Sverker Sörlin, himself a Covid-19 survivor, noted in an article that there was never just one global pandemic but many, each shaped by its own national culture. Sweden opted for a calmer – and highly controversial – approach, empowering citizens. Instead of draconian lockdown, and digital surveillance, social distancing was a matter of self-regulation. Citizens were instructed to use their judgment, and to take

² The work of Sunstein favours the liberal and romantic visions of John Stewart Mill (1806-1876), but is also very attached to the pragmatism of Jeremy Bentham (1747-1832). While Bentham proposed a qualitative measure of social welfare (or happiness) to assess public policies, Mill rejected such a measure because welfare or happiness was subjective and qualitative and aggregated quantifications were simplistic and misleading.

individual responsibility within a framework that rested on mutual trust, rather than top-down control.

Digital technologies can support either the empowerment of people (providing information and facilitating that citizens can exchange data among themselves –like in the Swedish case) or techno-authoritarian governments (like in Asian economies, making feasible to centralise personal information and give even online customised mandatory controls to each person).

- ¿To what extent the intensive use of digital surveillance applied in the “Asian model” should be recommended in critical situations, if there is a second wave of CV19 or any other pandemic or a serious security threat?
- ¿Will the “Swedish model” have been successful if exported to countries such as Spain or Italy, where levels of social and institutional trust are much lower, where societies supposed to be less disciplined?
- ¿Would people, everywhere around the world, be ready to accept their intimacy being surveilled in order to increase public health and security?
- ¿Would citizens prefer a techno-authoritarian government based on data and black-box algorithms if improves their safety and wellbeing?
- ¿Is the future of governance up to people choices, or the spontaneous evolution of technology will drive us either to a techno-authoritarian government or to citizen’s empowerment?
- ¿To what extent governments can control the evolution of technology³?

An Ethical question: ¿The welfare of all or the rights of a minority?

“I want to stress that for the vast majority of the people of this country, we should be going about our business as usual” said Boris Johnson in March 3⁴.

³ See the discussions between Ray Kurzweil and Theodore Kaczynski in *The Singularity is Near*, 2005 p. 471-473

⁴ When Johnson refers to the “vast majority of the people” is applying a Classic Utilitarian ethics, aiming “the greater happiness for the greater number”, and therefore disregarding the rights of the minority of citizens vulnerable to CV19. Most countries (no in UK) have written Constitutions that recognise public health as universal rights governments have to protect above all, regardless the cost. The suffering of a minority can be justified, according to the classic utilitarian mind-set, if “the vast majority” will be better off because Classic Utilitarianism, as defined by Jeremy Bentham (1747-1832), proposes to balance pain and pleasure, suffering and relieve, cost and benefits, for each individual and for society as a whole. Is this view, a given decision is good if has as a more likely consequence that total social benefits exceed total costs. The Cost-benefit standard decision-making criteria developed from Jules Dupuy (1804-1866) provides a practical economic measure.

Other political leaders, in Europe and America, for similar reasons, were also reluctant to anticipate bold decisions, when still the number of people potentially affected by CV19 was expected to be small enough.

From a pure economic point of view, it is understandable that public administrations hesitated so much to engage in bold measures such as restricting mobility to the minimum and stopping the economic activity of the whole country for weeks. Measures to be taken by governments to flatten the CV19 growth curve would provoke a drastic reduction in economic activity, which would result in a reduced welfare for “the vast majority” of people, in particular low-income classes and youngsters. The most important social benefit was saving lives mostly from the elderly population. ¿Is this way of judging, balancing costs and benefits –pain and relieve- ethically acceptable in this case?

After monitoring the experience in China, a group of modellers at the Imperial College London concluded that if the epidemic was not aggressively contained in the UK, half a million people would die— and more than 2 million in the US. Models such as this one helped to persuade the British government to follow much of continental Europe, following the experience of China and South Korea in putting the economy into a coma (Tim Harford, Financial Times 27 March 2020). In the case of Italy and Spain⁵, total deaths after the application of strict measures and “putting the economy into a coma” for a few weeks, may be about 12.000 people; we may suppose a much higher figure if action was not taken by governments, around 10 times bigger, 120.000-250.000 people maybe.

Donald Trump argued at the White House the 23 March that the nation might have to accept drastic public-health consequences for the sake of economic growth. A few hours later, one of his Republican allies went quite a bit further down the same path. Dan Patrick, Texas' Republican lieutenant governor, on Monday night suggested that he and other grandparents would be willing to risk their health and even lives in order for the United States to “get back to work” amid the coronavirus pandemic. “Those of us who are 70 plus, we'll take care of ourselves. But don't sacrifice the country,” Patrick said on Fox News' Tucker Carlson Tonight. The GOP official, who'll turn 70 next week, went on to say, “No one reached out to me and said, 'As a senior citizen, are you willing to take a chance on your survival in exchange for keeping the America that America loves for its children and grandchildren?’ And if that is the exchange, I'm all in.”

The argument of Dan Patrick is ethically controversial since it seems to envision a dynamic in which the economy returns to normal even when hundreds of thousands of elderly Americans succumb to a deadly virus. It is against common sense to believe that it can be economic normalcy or whatsoever while a pandemic sweeps through the populace. The damage to the social values of the citizens may be devastating, because the rights of the minority of elderly people were disregarded after a life of work, once retired, and therefore everybody will learn that they should expect a similar future. This remains a consequentialist argument, but takes into account the long-term consequences even for people not yet born. In this sense, the moral argument becomes almost deontological:

saving lives is a moral duty regardless the consequences because human lives are ends in themselves⁶.

A Grotesque Cost-Benefit Calculation

In order to carry out a proxy of Cost-Benefit Analysis⁷, the standard utilitarian or consequentialist decision-making criteria, a “grotesque calculation” according to Taylor (1991, p. 6), let’s assume that a large majority of victims are elderly people, and therefore the average age of victims may be about 65 years-old; also let’s assume that many of the victims at any age would have a number of other illnesses and therefore a life expectancy inferior to the rest of the population, about 75 years. Let’s also assume following the recent Handbook of social costs issued by the European Commission the Value of Statistical Life to be 3.273.909 €⁸

Assume Spain will face about 100.000 CV19 cases and 12.000 deaths, and measures being taken saved ten times more victims so 120.000.

On the other hand, firsts estimates of the economic impact vary: the Organisation for Economic Co-operation and Development (OECD) predicted that COVID-19 will lower global GDP growth by one-half a percentage point for 2020 (from 2.9 to 2.4 percent); Bloomberg Economics that full-year GDP growth could fall to zero in a worst-case pandemic scenario, according to the Center for Strategic and International Studies (CSIS).

According to the European Commission (2020), the economy of the Union will record a capital rescission, followed by a deep and uneven rebound. They sentenced the fall of 9.4% of GDP in Spain, being one of the worst forecasts of the eurozone, along with Italy and France. The economy of the Union will record a capital rescission, followed by a deep and uneven rebound. They sentenced the fall of 9.4% of GDP in Spain, being one of the worst forecasts of the eurozone, along with Italy and France there is No expected a full recovery of all losses this year until the end of next 2021 because the investment

⁶ Ethical visions can be broadly classified as “teleological” (by Aristotle, related to the idea of “virtue”, and what’s a “good life”), “deontological” (by Immanuel Kant, related to the idea of “fundamental rights”, and “justice”), or “utilitarian or consequentialist” (by Jeremy Bentham, aiming to maximise “social welfare” or happiness, measuring it with a balance of costs and benefits). Philosophers such as John Steward Mill have elaborated ethical visions that somehow integrated these three approaches, reasons and sentiments, absolute and relative beliefs)

⁷ “Without some sense of both costs and benefits—both no monetized and monetized—regulators will be making a stab in the dark. Human beings have a great deal of difficulty in assessing risks, making them prone to both hysteria and neglect; CBA does not supply definite answers, but it can help to establish which risks are serious and which are not. By contrast, the Precautionary Principle approaches incoherence. Because risks are on all sides of social situations, and because regulation itself increases risks of various sorts, the principle condemns the very steps that it seems to require” (Cass R. Sunstein, *Risk and Reason*, Cambridge: Cambridge University Press, 2002)

⁸ How the European Commission managed to get this figure, with such a precision!, is needless to say controversial. It is somehow related to the added value that the European economy loses because of the premature death of an average person.

will be low and the labour market will not be recovered, as they predict a high level of unemployed people

Let's finally assume for the sake of simplicity that no more than 5,0% of the GDP will be lost in Italy and Spain in 2020, and the impact will not last for the next years (or there will be a gradual recovery process so the total lost will be 5% of 2020 GDP).

Cost		Benefit	
%GDP lost 2020	5,00%	Persons saved because of measures	120.000,00
		Statistical Value of Life	3.273.909,00 USD
		Life expectancy	80
		Average value per year lost by victims	20.461,93 USD
		Life expectancy those affected	75
		Average age victims	65
GDP 2019 (B\$)	1.500,00 USD	\$/saved person	204.619,31 USD
Costs 2020	75.000.000.000,00 USD	Benefits 2020	24.554.317.500,00 USD

Assuming GDP lost as welfare reduction

NPV proxy **-50.445.682.500,00 USD**

IRR proxy **-67%**

In these very simplistic conditions, the Net Present Value (NPV) and Internal Rate of Return (IRR)⁹ of the CV19 measures adopted in Spain, and very likely in the UK or USA, is going to be very likely negative, and therefore politician's hesitation was not irrational. They had good economic reasons if analysed from a classic utilitarian ethical mind-set, because the consequences of a severe economic recession is not just firms losing money, it is also people losing jobs, and salaries, growing unemployment and worsening of the overall wellbeing. In less developed countries than the European ones, stopping the economy would cause devastating social costs.

There are important positive and negative externalities to be also considered, some of them surprising; some analysts estimate that more lives were saved in Wuhan due to the reduction in air pollution than the numbers who have died from the virus – perhaps as much as 20 times as many¹⁰. On the other hand, forcing people to stay at home generates psychological stress that should also be considered, as social costs.

Han critically analysed the cultural impacts that digital surveillance may have:

⁹ NPV and IRR measures are calculated on socio-economic Cost-Benefit Analysis with the same formulation that in financial analysis.

¹⁰ As planes stop flying, people stop making unnecessary journeys, and streets are freed of cars, mobilities that are most often invisible (because taken-for-granted) become starkly apparent. One of the more spectacular visualizations of the first months of 2020 was a comparison of air pollution (nitrogen dioxide) around Wuhan before and after the strict quarantine measures were introduced. Nitrogen Dioxide is a product of the combustion of fuel. Some estimate that more lives were saved due to the reduction in air pollution than the numbers who have died from the virus – perhaps as much as 20 times as many. We rightly take emergency action to combat covid-19 but not to combat air pollution caused by automobility, or even climate change. Turbulence has made certain aspects of our normal, taken-for-granted and never questioned mobile worlds visible. "Turbulence is not a product of the system going wrong but of the system working." (Tim Cresswell, see <https://tjcrosswell.com/>)

There's a reason for the tremendous panic. Digitization eliminates reality. Reality is experienced thanks to the resistance it offers, which can also be painful. Digitization, the whole "like" culture, suppresses the negativity of resistance. And in the post-factual era of fake news and deepfakes, an apathy towards reality arises. So, here is a real virus, and not a computer virus, which causes a commotion. Reality, resistance, is once again noticed in the form of an enemy virus. The violent and exaggerated panic reaction to the virus is explained by this shock to reality (Han, 2020)

A matter of common sense and prudence?

Facing tragic dilemmas, a sense of prudence and common sense would recommend to apply measures gradually, sooner than later, to begin by not so expensive measures of buying all medical equipment necessary to face a worse-case scenario and providing right information for people to adapt their behaviour to the circumstances. This should have been the first reasonable decision on the 14th of February, after closing the World Mobile Forum. Google knew more.

Reference on CV19 (March-April 2020)

Han, Byung-Chul, *La emergencia viral y el mundo de mañana*, El País, 22 March 2020

Harari, Yuval Noah, *The world after coronavirus*, Financial Times, 20 March 2020

Trägårdh, Lars and Özkırımlı, Umut, *Why might Sweden's Covid-19 policy work? Trust between citizens and state*, 21 April 2020

Cheng, Cindy and others, *CoronaNet: A Dyadic Dataset of Government Responses to the COVID-19 Pandemic* April 24th, 2020

Bond, Ian and Gostyńska-Jakubowska, Agata, *COVID-19: Can the EU avoid an epidemic of authoritarianism?*, Centre for European Reform, 2020

European Commissio, *Spring 2020 Economic Forecast: A deep and uneven recession, an uncertain recovery*, 2020

Aaltona, Mika, *Covid-19 – a trigger for global transformation? Political distancing, global decoupling and growing distrust in health governance* 03/19/2020 · FIIA WORKING PAPER 113

Suggested Readings on Ethics and Governance in the Technologic Society

Adler, Matthew D., Posner, Eric A. *Cost-Benefit Analysis. Legal, Economic and Philosophical Perspectives*. Chicago & London: The University of Chicago Press, 2001.

Kurzweil, Ray. *The Age of Spiritual Machines*. London: Orion Business, 1999.

Mitchan, Carl, *Thinking Through Technology. The Path between Engineering and Philosophy*. Chicago: The University of Chicago Press, 1994.

- Pasquale, Frank, *The Black-Box Society: The Secret Algorithms That Control Money and Information*, Boston: Harvard University Press, 2016.
- Porter, Theodore M. *Trust in Numbers. The Pursuit of Objectivity in Science and Public Life*. Princeton: Princeton University Press. 1993.
- Rorty, Richard. *Philosophy and Social Hope*. Penguin Books, 1999.
- Sandel, Michael J. *Justice*. Penguin Random House. 2015.
- Sunstein, Cass R. ,*The Ethics of Influence. Government in the Age of Behavioural Science*, Cambridge University Press, 2016.
- Taylor, Charles. *The Ethics of Authenticity*. Cambridge & London: Harvard University Press, 1991