

# The puzzle of masked liberals

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As I am writing this paper, the Covid-19 pandemic of 2020 rages on. Its economic and social effects in the vast majority of countries around the world are palpable. Furthermore, there are some emerging and, as I will argue, paradoxical cultural effects of this pandemic in some parts of the world, which, in my view, warrant some philosophical reflection. I am talking about the US, with which I am more familiar. Since the reopening of the economy that started in mid-April, 2020, promoted by the Trump administration under the slogan “Opening up America Again”<sup>1</sup>, the issue of wearing a protective face mask in public has gained prominence, no less because it (and its absence) has in fact become a symbol and a signal in the culture wars between liberals<sup>2</sup> and conservatives. Wearing a mask is, of course, recommended by the government, but on the street<sup>3</sup> it has gained new and unexpected powers: if you are not wearing a mask, you are seen by liberals as a selfish and criminal Trump supporter who does not care about his/her fellow human beings; and if you wear one, you are seen by conservatives as a virtue-signaling, moral grandstanding arrogant liberal.

I am not interested in participating in this culture war, but rather I want to point out a philosophically interesting feature of the

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<sup>1</sup> The White House guidelines under this heading were launched on April 16, 2020: <https://www.whitehouse.gov/wp-content/uploads/2020/04/Guidelines-for-Opening-Up-America-Again.pdf>

<sup>2</sup> I will use the term “liberals” throughout the essay as denoting American supporters of the Democratic Party or of Left ideologies and organizations within the US, not people with classical liberal or libertarian leanings. This use of the term is an anomaly, of course, but it is yet another manifestation of American exceptionalism.

<sup>3</sup> To say nothing of social media. Indeed, as I’m writing this sentence I have my Facebook page open in a tab, and I see a liberal dear friend’s post containing the photo of a mask with the following text under it: “A mask is not a political statement. It is an IQ test”. This creative *political statement* is, as it is apparent to the intelligent reader, self-defeating.

liberals' attitude toward wearing masks, namely, that it is incoherent, given what the liberal consensus seems to have been with respect to one of the most discussed issues in applied moral philosophy: women's right to abort. In what follows, I will first explain why the issue of wearing or not wearing a mask is indeed a moral one (section 1), then briefly review the liberal position on whether women have a right to their own body in a way that permits abortion of a fetus; Judith Jarvis Thomson's seminal paper defending the liberal position will be used as the test case for one's liberalism. In the third section I will argue that the two issues—mask-wearing and abortion—are perfectly analogous (or rather *more than analogous* – to be explained in due course) morally speaking, and that a liberal should not consider wearing a mask as a moral obligation; hence, liberals should refrain from morally criticizing those who refuse to wear it.

### **1. The moral issue of mask-wearing during a pandemic**

There is substantial and growing empirical evidence that wearing a face mask during a viral epidemic reduces the risk of human-to-human transmission of the viral pathogens, including that of the Influenza virus and the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (Cowling *et al* 2010, Eikenberry *et al* 2020, Liu *et al* 2020). In other words, although the mask does not protect you much from contacting the virus, it does protect *others* from you transmitting it and thus infecting them. During such an epidemic or pandemic, you, even when asymptomatic, are a potential negative externality for other people's health, and so is everyone else. This means that, *prima facie*, your choice of wearing or not wearing an appropriate mask is a moral choice. Indeed, more authoritarian countries (e.g. China, Turkey) have temporarily imposed wearing a mask in *all* public spaces, including open-air ones, whereas even very liberal ones (e.g. the US and the UK) recommend citizens to wear one in closed spaces.

The media is no less active in promoting mask-wearing, and opinion makers, bloggers, influencers make free use of the rhetoric of moral responsibility towards others, especially the vulnerable ones, with low immune response to viral exposure –“wear a mask, you're killing Grandma!”.

If mask-wearing is a moral issue, we can frame it in terms of two deontic notions, permission and obligation. It is morally obligatory to wear a mask (equivalent to “it is not morally

permissible not to wear one”) if you care about your fellow human beings. This claim has a conditional form, and thus it is not the strongest way to formulate the alleged moral obligation to wear a mask. What we need is the unconditional “You ought to care about others’ health!” It is this deontic command that becomes problematic in the context of the peculiarities of the liberal consensus on an (I will argue) analogous moral issue, that of abortion and its relation to responsibility towards an entity other than yourself.

## 2. Liberalism about abortion

In 1971, Judith Jarvis Thomson published the most influential paper in applied moral philosophy “A defense of abortion”. Among other seminal ideas, the essay was groundbreaking in that it offered a new venue for liberals to defend abortion. The orthodoxy prior to Thomson’s paper used to be that the moral defensibility of abortion depends on a good reason to deny that fetuses have the right to live, just like born babies, who are considered persons.<sup>4</sup> Thomson argued that even if the fetus has a right to live, that does not entail that the woman pregnant with it has an obligation to carry it to term. The main thought experiment she put forward was that of the world-famous unconscious violinist who you find yourself one morning in bed with. He has a fatal kidney ailment and the Society of Music Lovers has connected his circulatory system to yours without asking for your consent first. Thomson argues that it is morally permissible to unplug yourself from the violinist even if this will cause his death, the reason being that the violinist’s right to life does not include a right to use your body contrary to your will. Your right to your own body trumps his right to life in such a case, so if you decide to keep him alive that is morally supererogatory: “if you do allow him to go on using your kidneys, this is a kindness on your part, and not something he can claim from you as his due” (Thomson 1971: 55). In effect, the crucial distinction that Thomson’s paper succeeded in revealing via the violinist thought experiment is that between the

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<sup>4</sup> As it turns out, it is not clear whether the assumption that newborns are persons with rights is that obvious. Michael Tooley (1974) made an argument for infanticide notorious, arguing that if the liberal about abortion is to be consistent, she should also support infanticide since birth is not really a metaphysical dividing line between non-personhood and personhood. The argument has recently been revived and created a media storm in the American conservative press in guise of an essay on what the authors called “after-birth abortion” (Giubilini and Minerva 2013). Peter Singer (1993) is also a defender of the argument. My own criticism of it is in REDACTED.

right to life and the right to whatever is needed to sustain life, and that forms the basis of a coherent liberal position on abortion that combines its permissibility (which only violates an alleged right to access whatever is required to sustain life) with the existence of a right to life.

Most of the criticism directed at Thomson's argument over the five decades since its publication centers around whether the violinist analogy is legitimate. I want to pick one out as relevant to our topic of mask wearing. The *responsibility objection* (Davis 1983, Silverstein 1987, Boonin-Vail 1997, McMahan 2002: ch. 9), to which Thomson already offered another original and insightful thought experiment: the people-seeds. The objection is that there is an important disanalogy between the violinist case and pregnancy, namely, the former is involuntary whereas the latter, except when a consequence of rape, is the result of a voluntary act, undertaken in full knowledge of the chance a pregnancy might result from it. If this disanalogy exists and if it is morally relevant, then except for the case of rape, the pregnant woman has a moral obligation to carry to term, which obligation is grounded in her knowledge of possible consequences and hence responsibility for those consequences. Thomson puts forward the following thought experiment:

“(...) suppose it were like this: people-seeds drift about in the air like pollen, and if you open your windows, one may drift in and take root in your carpets or upholstery. You don't want children, so you fix up your windows with fine mesh screens, the very best you can buy. As can happen, however, and on very, very rare occasions does happen, one of the screens is defective, and a seed drifts in and takes root. Does the person-plant who now develops have a right to the use of your house? Surely not--despite the fact that you voluntarily opened your windows, you knowingly kept carpets and upholstered furniture, and you knew that screens were sometimes defective. Someone may argue that you are responsible for its rooting, that it does have a right to your house, because after all you could have lived out your life with bare floors and furniture, or with sealed windows and doors. But this won't do—for by the same token anyone can avoid a pregnancy due to rape by having a hysterectomy, or anyway by never leaving home without a (reliable!) army.” (1971: 59)

There could be a lot to discuss here but let me focus on two points. One is about the criteria for the correct application of the predicate “\_\_\_ is responsible for \_\_\_”, the other about the crucial importance of the cost conditions for the whole Thomson-style argumentation for the permissibility of abortion to get off the ground.

The people-seeds thought experiment nicely brings forth the need to argue for a threshold of thoroughness of precautionary measures beyond which it becomes unreasonable to hold someone responsible for a certain consequence. The idea is that, intuitively, there are a lot of risks around, some quite small but with serious consequences, and there is a limit of reasonableness of how much effort and resources one is supposed to invest in order to avoid those risks. Indeed, pregnancy can happen even if one took reasonably serious precautionary measures, and in those cases, even though one’s actions were not sufficient for avoiding the consequence, one is not to be considered responsible, let alone *blamable* for those consequences.

The second point is that the Thomson-style argument for the permissibility of abortion can only even get off the ground on the condition of there being a serious enough cost of not aborting. Indeed, at the end of her paper, Thomson makes this clear by pointing out that her argument was not that all abortion is permissible, but that some is; there are, on the other hand, cases when it is impermissible, namely, when there are no costs in keeping the fetus alive, for example, when the woman aborts just to avoid the nuisance of postponing a trip abroad (1971: 65–66), or perhaps if/when in the future we will have alternatives to pregnancy to carry fetuses to term.<sup>5</sup>

The liberal consensus, in effect, seems to be that (a) the woman has no obligation to provide life support to anyone, including her own fetus, and that (b) pregnancy is costly enough for the woman to justify the permissibility of abortion, if there are no alternative methods for the fetus to be carried to term.

### **3. Liberalism about mask-wearing**

Here is how the situation of the Covid-19 pandemic is analogous to the data in the Thomson type argument.

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<sup>5</sup> Cf. McMahan 2002: 378.

First, we have at least one person (typically many such persons around us) whose health depends to a certain extent on our protecting them from contracting the virus. My mask does not protect me much, but it protects those I interact with.

Second, I have reason to wear a mask to the extent that I am a good Samaritan (to use Thomson's own way of putting it). That is, if I wear it to protect others, it is because I am kind, not because I have a moral obligation to do it. The reason is the same as in the violinist case: the separateness of persons. It is the same reason why it would be immoral for the government to impose some serious burden on my body, against my will, to keep some people alive.

Third, there is a serious enough burden in wearing a face mask. It is important to understand that we are not talking about wearing a face mask for an hour a day or so, but about wearing it all the time whenever in the vicinity of people, changing it every four hours, as they become ineffective (at least the surgical ones), making sure we have spare masks with us all the time. All this for several months, if experts are right that the pandemic situation is going to last months if not years. I think the costs, though not the same, are at least comparable to those of the nine months of pregnancy.

Fourth, vulnerable people, e.g. the elderly, the immunosuppressed, and the ill, are comparably dependent for life support on us, healthy subjects, protecting them by wearing a mask. Again, the dependency is less strong, but it is comparable.

Fifth, there are no alternatives, at the moment, to the three types of protective measures we know to work: personal hygiene, social distancing, and mask-wearing. If there were, we would not have reason to put up with mask-wearing and social distancing at all.

Finally, here is the way in which the case of mask-wearing is, from a liberal perspective, more than analogous to the case of abortion when it comes to practical consequences: whereas in the abortion case there is a *prima facie* case to be made for the existence of a special and tight emotional and social connection between the subjects involved in the conflict of rights (the pregnant woman and the fetus), in the case of wearing a mask on the street and at the grocery store to protect complete strangers such a connection is clearly out of question. In this sense, what I claim is not merely that if you are a liberal about abortion, then *mutatis mutandis* you should not hold the view that wearing a mask during a pandemic is a moral obligation, but that *a fortiori* you should reject such a moral

obligation. In other words, if there are disanalogies between pregnancy and mask-wearing from the point of view of the conflict of rights, they actually point in the direction of there being an *even clearer case against* mask-wearing as a moral obligation than there is against carrying fetuses to term.

It is therefore paradoxical, or, to be more accurate, a practical inconsistency on the part of American liberals (and liberals in other parts of the developed world, to the extent that there are such counterparts of the American ones, who make a moral fuss about mask-wearing) to be so invested in the attitude of mask-wearing and in the moral condemnation of Trump supporters who refuse to wear it. If the argument from personal and bodily autonomy works well in supporting a woman's right to terminate pregnancy and not care about the fact that another being, with a right to life, needs life support, then it should work *even better* in the case against an alleged moral obligation to change one's behavior, clothing, and lifestyle for the sake of protecting other people's health.

Of course, I am not saying that there is no argument for the moral obligation to wear a mask during a pandemic, but that there is no such *liberal* argument. It is easy to imagine *prima facie* such arguments by Kantians, by communitarians, and by utilitarians. Indeed, as an example of the last one, Peter Singer already formulated the Utilitarian case against the permissibility of abortion in Thomson style situations:

In rejecting Thomson's theory of rights, and with it her judgment in the case of the violinist, the utilitarian would also be rejecting her argument for abortion. Thomson claimed that her argument justified abortion even if we allowed the life of the fetus to count as heavily as the life of a normal person. The utilitarian would say that it would be wrong to refuse to sustain a person's life for nine months, if that was the only way the person could survive. Therefore, if the life of the fetus is given the same weight as the life of a normal person, the utilitarian would say that it would be wrong to refuse to carry the fetus until it can survive outside the womb. (1993: 149)

It is easy and straightforward to apply this utilitarian reasoning to the issue of mask-wearing. By wearing a mask, one clearly

maximizes public utility as compared to not wearing it – protecting *many* people rather than only oneself. This is true even on the simplest form of act-utilitarianism and even more so on rule-utilitarian versions.

To conclude, the liberal attitude and behavior toward mask-wearing during the Covid-19 pandemic proves to be more based on animus than on a coherent applied liberal moral view.

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