

1 **The COVID-19 Wicked Problem in Public Health Ethics:**
2 **Conflicting Evidence, or Incommensurable Values?**

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4
5 **Abstract**

6 While the world is facing a rapidly progressing COVID-19 second wave, a policy paradox emerges. On
7 the one side, much more is now known about the mechanisms underpinning the spread and lethality of
8 Sars-CoV-2. On the other side, how such knowledge should be translated by policymakers into
9 containment measures is much more controversial and debated now than during the first wave. Value-
10 laden, conflicting views in the scientific community have emerged about both problem definition and
11 subsequent solutions surrounding the epidemiological emergency, which underlines that the COVID-19
12 global crisis has evolved towards a full-fledged policy '*wicked problem*'.

13 With the aim to make sense of the seemingly paradoxical scientific disagreement around COVID-
14 19 public health policies, we offer an ethical analysis of the scientific views encapsulated in the Great
15 Barrington Declaration and of the John Snow Memorandum. We show that how evidence is interpreted
16 and translated into polar opposite advice with respect to COVID-19 containment policies depends on a
17 different ethical compass that leads to different prioritization decisions of ethical values and societal
18 goals. We then highlight the need for a *situated* approach to public health policy, which recognizes that
19 policies are necessarily value-laden, and need to be sensitive to context-specific and historic socio-
20 cultural and socio-economic nuances.

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25 **Competing Goals and Conflicting Values in the COVID-19 Wicked Problem**

26 At the time of writing (November 2020), while the world is facing a rapidly progressing COVID-
27 19 second wave, and governments are rushing towards the reintroduction of restrictive measures, the
28 consensus that almost monolithically surrounded the lockdown decisions – or slight variations of the
29 same formula – in Spring 2020, is visibly breaking apart. Roughly six months into the pandemic, a
30 paradox emerges. On the one side, we have more evidence about the mechanisms underpinning the
31 transmission, morbidity and mortality related to Sars-CoV-2. On the other side, how such knowledge
32 should be translated into containment policies is subject of fierce debates. In particular, a polarization of
33 views started to emerge within the scientific community, vividly illustrated by the Great Barrington
34 Declaration (Kulldorff et al. 2020; Lenzer 2020) on the one side and the John Snow Memorandum
35 (Alwan et al. 2020; John Snow Memorandum 2020) on the other side. The Great Barrington Declaration
36 was authored by Sunetra Gupta (University of Oxford), Jay Bhattacharya (Stanford University), and
37 Martin Kulldorff (Harvard University), and was written and signed at the American Institute for
38 Economic Research in Great Barrington, Massachusetts, on October 4th 2020. The document is co-signed
39 by a further 44 medical and public health scientists and medical practitioners working in the US, Canada,
40 Israel, Germany, India, New Zealand and Sweden. The declaration advocates against lockdown measures
41 to favour a containment approach based on a focused protection of the vulnerable, whilst allowing the
42 segments of the population nominally at lower risk of COVID-related complications to resume normal
43 life and boost population-level natural immunity. The John Snow Memorandum was published on the
44 Lancet on October 15th, 2020 as a reaction to the Great Barrington declaration, and was authored by a
45 team of 31 scientists from the UK, Switzerland, US, Canada, Germany, France, Australia. The
46 memorandum’s aim was instead to lay out empirical evidence to support and reiterate the importance of
47 restrictive lockdown-like measures to prevent the uncontrolled spread of the virus and the subsequent
48 collapse of healthcare systems.

49 Such value-laden, conflicting views about both problem definition and subsequent solutions are
50 typical of policy ‘*wicked problems*’ (Alford and Head 2017), a construct that increasingly applies to the
51 COVID-19 global crisis. The pandemic has created a context in which multiple urgent, interdependent
52 societal goals simultaneously exist, which generates a fundamental problem of prioritization of one aspect
53 over another (Camporesi and Mori 2020). Such goals can be identified in the short-term reduction of
54 COVID-19 morbidity and mortality, the mitigation of long-term social repercussions of containment
55 policies (rising social inequalities, mental health issues due to social isolation, intergenerational conflicts)
56 and financial adverse consequences, in the form of severe economic recessions, and subsequent rise in
57 unemployment, poverty levels, social tensions (Angeli and Montefusco 2020; Camporesi 2020). We are
58 currently witnessing how such prioritization choices generate conflicting stakeholder views about what

59 the problem is (e.g. catastrophic death toll vs potential economic meltdown) and the related solutions (e.g.
60 lockdown measures vs looser mechanisms of virus control). A full-fledged wicked problem has now
61 arisen. However, while wicked problems are normally associated to policy choices, the polarization of
62 views has now permeated the scientific community and the very process of translation of evidence into
63 policy advice, therefore illustrating – perhaps more than even before – the evolution from value-free to
64 value-laden science.

65 The prioritization of the shorter-term goals of reduction of COVID-19-related morbidity and
66 mortality in the Spring 2020 first wave has resulted into a multiplicity of policy interventions bundles in
67 different countries. These shared similarities in the way they restricted individual freedoms (Camporesi
68 2020) and varied in their combination of school closures, limitations on pubs and restaurants opening
69 times, use of face coverings, restrictions to socialization opportunities or individual mobility (Angeli and
70 Montefusco 2020). Now, as evidence about modes of contagion and manifestations of the disease
71 accumulates, the debate about how to use the scientific evidence to inform policy has reached the stage of
72 a polarized conflict. The shift away in narrative from the “we are all in this together” (United Nations
73 2020), to the “focused protection” (Kulldorff et al. 2020) shows that the wicked policy problem on how to
74 cope with the second wave of the pandemic requires more in-depth ethical considerations. In this piece,
75 we therefore offer an ethics-driven view of scientific advice for COVID-19 policy formulation, to
76 illustrate how specific ethical prisms can lead to different – even polar opposite - views on containment
77 policies. In this sense, we highlight the importance of ethics in decision-making and in the process of
78 evidence translation into policy formulation (Oliver and Boaz 2019). Our analysis also aims to provide an
79 interdisciplinary interpretative lens, as it addresses the problem of how decision-makers attend to multiple
80 objectives in space and time – a well-known area of research in management studies (Cyert and March
81 1963; Ocasio 1997; Rerup 2009), by theoretically drawing on the field of public health ethics (Abbasi et
82 al. 2018) and public policy formulation in the context of wicked problems (Head 2008; Waddell 2016).

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84 **Conflicting Policy Viewpoints: Different Priorities to Different Values**

85 Conflicting values are commonplace in the context of managerial decision-making (e.g. Levinthal and
86 Marengo 2020) and in public health, especially in relation to the management of infectious diseases
87 (Ortmann et al. 2016). Compulsory vaccination represents one emblematic example, in which individual
88 freedom is restricted to favour the public good, by way of boosting herd immunity towards specific
89 pathogens (Dawson et al. 2007). Public health policies revolve, although often implicitly, around a
90 compass of three key values, namely utility, liberty, and equity/equality. The principle of utility aims at
91 maximizing a certain value ‘X’ for the greatest number of people. Public health policies aim at
92 maximizing population health. In the context of measures aimed at the containment of disease outbreak,

93 ensuring population health translates into reducing the disease transmission, morbidity and mortality,
94 whether through vaccination, natural herd immunity, or restrictive measures aimed at reducing/modifying
95 citizens' socialization and interaction patterns, mobility and hygiene practices. Liberty is the freedom to
96 live one's own life free from interference from others. There are two main understandings of liberty, a
97 negative (liberty to act free from interference), and a positive one (liberty to shape one's own life
98 according to one's own values, and to have the opportunity to do so beyond and above the lack of others'
99 interference)(Berlin 1969). However, in the context of public health, liberty is generally understood as
100 negative liberty. Equity/equality is a value that is recognized as salient for public health policies, but also
101 of difficult operationalization and implementation. Egalitarianism is the theory that aims at ensuring a fair
102 distribution of benefits and harms across a given population, and hence to maintain distributive justice.
103 Equity and equality are often used as synonyms in public health ethics, however they point to different –
104 even opposite – concepts. Equity is a normative concept, grounded in distributive justice, while that is not
105 necessarily the case for equality (not all health inequalities are unfair) (Braveman and Gruskin 2003). In
106 the context of public health policies, equity means equal opportunity and implies that resources are
107 distributed in ways most likely to produce a fair distribution of harms and benefits across all segments of
108 the population. This often implies that societal groups are not offered the same services (as it would be in
109 the case of *equal* treatment) but rather receive differential care according to their differential needs. We
110 will focus in this piece on equity rather than equality.

111 Even if not explicitly acknowledged, the values of utility, liberty and equity underpin any public
112 (health) policy decision and particularly those aimed at containing the COVID-19 emergency. According
113 to a pluralistic approach to public health policy (Selgelid 2009b, 2009a) these three values should all be
114 considered independent socially legitimate public goals, and effective public health policies are tasked to
115 find creative ways to pursue all of them at the same time, through trade-offs that are socially and
116 culturally acceptable. This is naturally easier said, than done. What creates a broad spectrum of public
117 policy approaches in response to the COVID-19 pandemic is the different weight associated by different
118 decision-makers – and also by scientists - to the three value dimensions of the ethical compass, resulting
119 in different trade-off points. The recently published Great Barrington Declaration and John Snow
120 Memorandum exemplify two situations in which, provided the same available scientific evidence, this is
121 interpreted and translated by scientists into polar opposite advice with respect to COVID-19 containment
122 policies. We argue that such views can be best understood in view of a different ethical compass that
123 leads to different prioritization decisions. We can assume that signatories to both memoranda obviously
124 want to reduce COVID-19 morbidity and mortality, want to mitigate its socioeconomic repercussions, are
125 concerned about restrictions of personal freedom and increasing surveillance, appreciate the differential
126 impact of the policies across the population. However, the signatories assign a different weight to each of

127 the three values of utility, liberty and equity, hence they look at scientific evidence with a different, value-
128 laden ethical prism. The fact that the process of normative weighting assigned to empirical data remains
129 implicit creates a polarization only apparently based on disagreements about empirical data.

130 The Great Barrington declaration takes a stance against restrictive measures aimed at controlling
131 the community spread of the virus and instead proposes to focus policies and societal resources towards
132 ‘focused protection’ of the older demographics – notably those who are several times more likely to die
133 from COVID-19 or to suffer from long-lasting complications. According to the signatories, this approach
134 would also favour the development of herd immunity, hence further shielding the older people from the
135 possibility of contracting the disease. This position has sparked a strong reaction from the signatories of
136 the John Snow Memorandum, which highlights instead that herd immunity arguments based the
137 assumption that natural infection from the virus will boost lasting protective immunity are flawed and
138 lack supporting evidence. Moreover, the uncontrolled spread of Sars-CoV-2 within communities would
139 lead to an excessive burden on healthcare systems and workers, and compromise the diagnosis and
140 treatment of several acute and chronic conditions, with long-lasting consequences. As a consequence, the
141 John Snow Memorandum argues that it is important to extend social distancing, targeted restrictions of
142 mobility and socialization, face coverings and strengthened hygiene practices to the whole population.

143 With its emphasis on ‘focused protection’ the Great Barrington declaration prioritizes values of
144 liberty and equity, as it views the wide imposition of restrictive measures as violating individual freedom
145 in a way that is unfair to the less vulnerable individuals, such as young generations. The herd immunity
146 argument – widely decried by the scientific community (Aschwanden 2020) and public opinion alike (The
147 Guardian 2020) – is highly controversial, and mostly for an ethical rather than a scientific reason. The
148 technical possibility that a population develops natural protection from the infection exists, however for
149 Sars-CoV-2 it is unclear what the threshold is as this depends on the transmission rate and how long the
150 immunity could last (Fontanet and Cauchemez 2020). Although from a technical point of view the pursuit
151 of (short-term) herd immunity is not, in theory, an unattainable policy goal, there is widespread societal
152 consensus that it would be an unacceptable policy goal from an ethical point of view in the absence of
153 improved patient management and in the absence of optimal shielding of individuals at risk of severe
154 complications. In the absence of these two key factors, current modelling of transmission dynamics
155 predict that letting Sars-CoV-2 epidemic run its course without non-pharmaceutical interventions (i.e.
156 social distancing, facemasks, heightened hygiene measures) would lead to catastrophic consequences in
157 terms of death toll, both direct from COVID-19, and indirect, due to the overwhelming burden on the
158 healthcare systems (hospital capacity) (Brett and Rohani 2020).

159 The signatories of the John Snow Memorandum are in fact more concerned with utility, namely
160 the short-term reduction of COVID-19-induced mortality and morbidity and the long-term health

161 repercussion of delayed treatments. Interestingly, by problematizing the definition of ‘vulnerable’
162 individuals, John Snow supporters implicitly defend the egalitarianism of their position, as evidence is
163 still scant around the reasons underpinning the wide individual variation in COVID-19 adverse outcomes
164 – with some developing grave complications until death and other showing only mild symptoms or
165 remaining completely asymptomatic. Concluding that everyone is equally at risk, the John Snow
166 Memorandum implicitly assumes that it is fair for restrictive measures to be applied to everyone,
167 therefore leaning towards a solution geared towards equality rather than equity. Instead, the Great
168 Barrington Declaration implicitly proffers that vulnerability to the virus is only one aspect that should be
169 taken into account. Vulnerabilities within the population instead should be specified taking into account
170 vulnerability towards negative repercussion of the economic recessions – such as BAME minorities in the
171 UK (Institute for Fiscal Studies 2020) - , as well vulnerability towards the negative effects of lockdown-
172 induced isolation and alienation, as in adolescents (Lee 2020). The prioritization of short-term gains in
173 terms of physical health with respect to impeding longer term socio-economic disadvantage and mental
174 health consequences therefore becomes less straightforward.

175

176 **Contextualizing Values and Policies in Time and Space**

177 In dealing with a highly complex situation – a wicked problem - such as the COVID-19 pandemic, it is
178 important to understand how values – hence societal goals - are formulated and understood, and the
179 influence of temporality. The value of utility can be specified short-term, as the reduction of the number
180 of COVID-19 related deaths at a given time. However, a more encompassing, forward-looking view will
181 also consider the total number of COVID-19-induced deaths in the medium-long run. The need to
182 prioritize COVID patients in the hospital will necessarily lead to other collateral deaths because of missed
183 appointments and delayed surveillance or surgeries (Maringe et al. 2020). Economic recession is
184 widening inequalities and increasing poverty levels (Kirby 2020; Van Lancker and Parolin 2020), while
185 the mental health repercussions induced by isolation especially in young people might lead to forms of
186 addiction and depression (Lee 2020). While deaths from the infectious disease are short-term, indirect
187 casualties which will occur down the line need to be taken into account. Public health policies cannot
188 afford the myopic of discounting the future, a well-known individual cognitive bias (Trout 2007). The
189 public health ethics framework also demands that the management of infectious diseases outbreaks
190 follows the key principle of proportionality in restricting individual freedoms to promote the public good
191 (World Health Organization 2020). This means that, as epidemiological and clinical evidence becomes
192 more conclusive around the disease’s transmission, prevention and diagnosis patterns (Manigandan et al.
193 2020), on the variability of outcomes (Chen et al. 2020), on the effect of non-pharmaceutical interventions
194 to reduce community spread becomes more clear (Li et al. 2020), and on the long-term consequences of

195 lockdown measures such as school closures (Bayham and Fenichel 2020; Viner et al. 2020), the same
196 restrictive policies might not be as suitable, justified or acceptable as they were in the early stage of the
197 pandemic. This principle is implicit in the Great Barrington declaration.

198 What degree of personal infringement of liberty is justified? This is where policy comes in.
199 Expert groups will offer a range of possible ethically justified policies, but, we argue, it is the
200 policymakers' task to do the normative weighting and to decide which policy approach is best suited to
201 the local socio-economic, socio-cultural and socio-political context (Angeli and Montefusco 2020). While
202 in some national settings the Great Barrington Declaration proposal could be more attuned to the existing
203 social dynamics, individual mindsets, healthcare infrastructure and economic development, in other
204 contexts the prescriptions of very same proposal would not be applicable nor recommended, while the
205 solutions proposed by the polar opposite John Snow Memorandum would be more suitable. For example,
206 a policy of *focused protection* is not practical in settings – such as Italy – where inter-generational
207 exchange is very high, grandparents often babysit grandchildren and even share living space with younger
208 generations. A *focused protection* approach, which also aims at achieving high levels of community
209 spread of the disease in less vulnerable societal segments, will likely lead to higher burden on the
210 healthcare system, which is only sustainable in settings where healthcare infrastructures are strong and
211 widely accessible. In a similar way, restrictions to individual freedom are more difficult to implement in
212 countries where personal liberty is culturally highly valued and utility – intended as the public good –
213 comes second. A case in point is the use of face coverings, which, despite mounting evidence related to
214 the importance of the measure to prevent COVID-19 transmission (Cheng et al. 2020; Lyu and Wehby
215 2020), remains highly debated (Martin et al. 2020). And in fact more individualistic cultures such as the
216 United States, the United Kingdom or the Netherlands (Hofstede 1983), have seen a more patchy and less
217 widespread imposition of such measures (Royal Society 2020; Statista 2020), combined with higher
218 societal resistance and rising social tensions (CNN 2020).

219 Finally, questions of equity and justice. Public health measures aimed at containing an infectious
220 disease outbreak should aim to take into account to what degree the measures are disproportionately
221 affecting certain groups of the population. This is where the concept of vulnerability comes in and can be
222 used to operationalize the equity principle. Defining who qualifies as vulnerable is difficult, but by no
223 means impossible, as research ethics literature demonstrates. One approach that we think could be well
224 suited here is the layered approach to vulnerability (Luna 2019), which is context dependent, and
225 dynamic. One could identify, for example, the following three layers of COVID-19 related vulnerability:
226 • A biological axis: likelihood of developing severe/critical symptoms after contracting COVID-19.
227 Evidence widely supports that older people and people with pre-existing co-morbidities are at higher
228 risk of COVID complications;

- 229 • Socio-economic axis: likelihood of being severely affected by restrictive measures. Studies have
230 highlighted how disadvantaged groups and communities (such as BAME minorities in the UK) are
231 disproportionally more severely hit by the economic crisis ensuing from lockdown measures;
- 232 • Mental health axis: likelihood of developing severe mental health repercussions related to
233 containment policies. School closures and extended lockdown periods have increased mental health
234 issues in the population, with children and adolescents at particularly high risk.

235 Age, gender and also race remain transversal axes here, as the approach rejects applying the label
236 vulnerability to specific groups. That does not mean that is impossible to define who is vulnerable,
237 contrary to the JW memorandum positions. However, who counts as vulnerable to COVID-19 will
238 change depending on the context, over time and through what layers one decides to look at this question.
239 While in the first COVID-19 wave the priority has been given to the biological axis, the attention is now
240 importantly shifting towards socio-economic and mental health repercussions.

241 With the purpose of illustrating the longitudinal evolution over time of value prioritization, and
242 its cross-sectional cross-country variation, we have selected a number of containment measures that can
243 reflect how the values of liberty, equality and utility are incorporated into scientific advice and then
244 translated into policy. Restrictions to individual freedom can be appreciated for example through the
245 presence of restrictions to jogging activities; the presence of a ban on amatorial sports activities; the
246 extent of face covering obligation, whether it applies only indoor or also to outdoor settings; the
247 restrictions on household mixing, and whether a social bubble is allowed. The value of equity can be
248 operationalized into whether the measures have been prescribed to the whole population indistinctively or
249 whether there has been a differential application to more or less vulnerable sub-groups or taking into
250 account the different morbidity and mortality levels across regions. This aspect can be appreciated by
251 considering whether restrictions have been imposed nationally or following a regionalization rationale;
252 whether face coverings have been prescribed also to children under 11, notably less amenable to infect,
253 get infected and develop severe symptoms from COVID-19; whether specific measures have been
254 adopted to strengthen protection of older demographics; whether youth sport activities have been allowed;
255 whether business closures have been imposed indistinctively or have instead followed an occupational
256 health risk assessment. Finally, utility can reflect into governments' advocacy practices, namely the
257 presence of a stay-at-home advice, the emphasis of COVID-19 as a burden for healthcare workers and
258 systems, the clear and frequent communication of COVID-19 epidemic progression, the level of
259 surveillance and sanctioning of non-compliant individual behaviours. We will consider the
260 presence/absence as well as strength of the above aspects at the highest point of first and second wave of
261 COVID-19, in Italy and in the UK.

262 Table 1 represents the comparison of measures between COVID-19 first and second wave in the
263 two countries, as derived from the original policy documents. Based on the nature of the containment
264 measures, and the effect to which they reflected values of equity, utility and liberty, we computed scores
265 on each dimension, for each country across the two waves, on a total of 20 points for each value
266 dimension. We then plotted the results in Figure 1. The graphs highlight how values are differentially
267 embedded into containment policies through context- and time-specific trade-offs. The figure highlights
268 how two countries started from very different positions, with measures in Italy in the first wave almost
269 entirely guided by utility (public health) considerations, with strong restrictions of individual freedoms
270 and little appreciation of differences in vulnerability levels across populations and regions. In the second
271 wave, we notice the evolution of Italian policies towards more consideration for liberty and equity value
272 dimensions. The United Kingdom has experienced a similar evolution, albeit starting from a much more
273 libertarian stance. Its policies show an evolution towards liberty and equity considerations against a slight
274 reduction of utility-focused measures.

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281 **Conclusion**

283 Public health policies – and particularly those aimed at the containment of a highly infectious disease
284 such as COVID-19 - revolve around a compass of moral values, which are often implicitly given different
285 weight by both policymakers and scientific advisors. Both the understanding of these values, and the
286 normative weighing of the values will always necessarily be context dependent, and dynamic. Public
287 health policies should aim to take into account to what degree the proposed measures to preserve the
288 public good are socio-culturally acceptable in restricting individual freedom, in what way they
289 disproportionately affect certain groups of the population, according to what aspect of vulnerability is
290 most relevant. An approach of *situated policy* is there most salient, which promotes policymaking that is
291 attuned with idiosyncrasies that are both spatial (the socio-cultural and socio-economic local context) and
292 temporal (given the rapid evolution of COVID-related scientific evidence). A situated approach to
293 policymaking in the context of wicked problems reflects that there cannot be a one-size-fits-all approach
294 to COVID-19 public health policies.

295 This analysis has aimed to propose an ethics-driven perspective to better comprehend how
296 evidence is used to inform policymaking and how disagreement on policy can emerge within scientific
297 communities. In doing so, we have offered an interdisciplinary view at the intersection between
298 management studies, public policy and bioethics disciplinary boundaries. Whilst the debate around
299 evidence-based policymaking has been a core focus of science and technology studies (Frickel and Moore
300 2006), this commentary offers an alternative perspective that is less concerned with the *politics* of science
301 – hence the influence on knowledge production of socio-political factors and power dynamics (Hoppe
302 2005) – and is instead more focused on how evidence is filtered through a situated ethical prisma to
303 inform policymakers’ prioritization decisions. The recognition that policymaking is shaped by socio-
304 contextual factors and that policymakers engage into processes of interpretation of evidence in light of
305 their knowledge, norms and values and towards their economic and political goals is not new (Sohn
306 2018). This commentary suggests however that an ethical perspective is salient to understand such
307 processes, that interestingly affect not only policymakers but also prominent representatives of the
308 scientific community. Our analysis thus highlighted how evidence-based public health containment
309 measures to address the pandemic can be ethically justifiable and understood through a clear and
310 transparent understanding of the values underpinning policy decisions, and the evolution of acceptable
311 trade-offs over time.
312

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