

In Times of Crisis: When Safety Precedes Liberty

The Charter of Rights and Freedoms guarantees citizens their civil liberties. However, section 1 of the Charter also maintains that some laws may violate the Charter, on the grounds that the violation ensues from necessity to “achieve an *important objective...*” (Charterpedia Section 1). The COVID-19 pandemic is a case in point, where civil liberties are infringed upon for the sake of public safety in democratic countries. Such infringement gives rise to a pressing issue: to what degree should democratic governments restrict freedom? I will argue that democratic governments should curtail citizens’ liberties in the name of health and public safety, to the extent that citizens are restricted necessarily, lawfully, fairly, and proportionately, for health and public safety precede liberty during times of crisis. Throughout, I will examine the perceived conflict between freedom and safety, address the moral obligations of governments during the pandemic, and discuss why the pro-choice slogan “my body, my choice” does not apply to vaccines.

First, it is important to consider the meaningful relationship between freedom and safety, and the significance they hold during the pandemic. Many may argue that freedom and safety are two concepts that conflict with each other. As expressed by Thomas Hobbes: “mankind exists on a continuum between two states”—that is, the authoritarian state and the pre-government state of nature (Stahl). From this, Hobbes argues that humans can *only* exist under one state or the other, for within the authoritarian state, humans may achieve complete safety through absolute governmental power, and within the pre-government state of nature, complete freedom. Although many individuals disagree with Hobbes’ answer for controlling the selfish nature of humans—the answer being an absolute sovereign designated to protect people—most accept his

idea regarding the continuum, thus choosing to seek balance between freedom and safety while gravitating towards a preferred political position on the political spectrum (Stahl).

While Hobbes' argument appears cogent, it errs in offering freedom and safety as political positions, and focuses on the relationship between freedom, safety, and the *state*, as opposed to focusing on the relationship between freedom and safety *themselves*. By declaring that safety amounts to the surrendering of an absolute sovereign, and that freedom amounts to a state of anarchy, Hobbes creates a false dichotomy, causing freedom and safety to appear incompatible. Nevertheless, by redefining the terms "freedom" and "safety", we can establish a meaningful relationship between the two. As Ayn Rand argues, "freedom has only one meaning: the absence of physical coercion" (Stahl). Individuals experience freedom when they are *unthreatened* and not physically restrained by others. To remain unthreatened, laws and regulations are *required*. It seems clear, then, that restrictions imposed by governments bring about freedom. In other words, individual liberties can thrive only when the safety of a society is first established. With respect to the COVID-19 pandemic, this principle proves true, since most individuals feel safe to partake in their civil liberties, such as attending religious gatherings and going to work, only when health and public safety is taken care of first appropriately.

At this point, we need to consider the degree to which democratic governments should curtail citizens' liberties. The government bears, to some extent, the responsibility of slowing the spread of COVID-19 through appropriate measures. Thus, every restriction imposed by democratic governments in the name of health and public safety should be done to the extent that they (the restrictions) are necessary, lawful, fair, and proportionate to the situation. That is, every restriction is imposed as a last resort by legitimate authority and in accordance with the Charter

of Rights and Freedoms, the restriction mirrors the severity of the situation, and the restriction does not discriminate against specific groups.

Although many democratic governments have implemented measures that align with the principles outlined above, there have still been numerous acts of civil disobedience conducted by anti-vaccinationists, particularly in response to the COVID-19 vaccine mandates. These anti-vaccinationists employ the pro-choice phrase “my body, my choice” taken from reproductive rights movements, arguing that the vaccine mandates infringe upon their bodily autonomy, and in turn, their civil liberties. However, what anti-vaccinationists fail to realize is that vaccine mandates do not *directly*, nor *indirectly*, infringe upon their bodily autonomy, and is thus not analogous to reproductive rights. It is crucial that a distinction be made between the terms “restriction” and “force”, for although individuals are *restricted* from attending public settings that require a vaccination passport, they are not *forced* into taking the vaccine to begin with, and thus their body autonomy is not violated. Basic essentials such as food and medicine and not withheld from those who are not vaccinated, with hospitals and grocery stores being open to all, regardless of whether one has the vaccine or not. Furthermore, the act of associating vaccine mandates with reproductive rights delegitimizes movements that have worked tirelessly to promote basic essential human rights for women and girls who have had their body autonomy directly violated. More importantly, receiving an abortion, which is focused on the body autonomy of the individual themselves, is a *personal choice issue*, whereas getting vaccinated is a *public safety and health issue*, since herd immunity must be achieved in order to protect the vulnerable, such as newborns and those who have compromised immune systems.

Given that tackling the pandemic entails the effort of an entire society, we must address moral obligations. Specifically, who possesses a moral obligation during the pandemic? And to

what point does this moral obligation extend? Bioethics moral philosopher Alberto Giubilini proposes that “...a state has the moral responsibility to protect and promote individuals’ health, especially that of the most vulnerable people (such as those who cannot be vaccinated), by at least controlling those factors that (1) affect individual health, (2) are not under an individual’s control, and (3) that the state can permissibly control,” (Sherman). Such a statement suggests that if able, governments must act upon their moral responsibility by putting in the utmost effort in confronting COVID-19, whether that be through establishing social distancing, masking, and even vaccine mandates. Likewise, citizens share the same moral responsibility to confront COVID-19 through obeying the rules and regulations established, for the concept of bodily autonomy in the context of a pandemic no longer exclusively revolves around the individual, but instead draws upon the relationship between one individual to the next within a given society. This concept can be illustrated through the following example: suppose there exists two individuals, individual A and individual B. Individual A obeys the laws and regulations imposed by their government; they socially distance themselves, wear a mask, and have been vaccinated at least once. Conversely, individual B does not follow the laws and regulations imposed by their government, choosing not to get the vaccine, social distance, or even wear a mask. One day, both individuals come into contact, and individual B, who has unknowingly contracted the virus, infects individual A. The question that now arises is this: was individual A’s body autonomy violated by individual B? According to Giubilini, it would be the case that, yes, individual A’s body autonomy *was* violated by individual B. Since individuals maintain the right not to be harmed by others, an obligation is placed upon us not to harm others; this is what Giubilini refers to as a “negative right” (Sherman). As citizens of a functional society, we are to refrain from

direct or indirect actions that could harm others, and are thus morally obligated to follow the laws and regulations outlined so that we may protect ourselves and others during times of crisis.

It should be clear by now that governments maintain the rights, and are morally obligated, to ensure the safety of their citizens, for public health and safety precede liberty during times of crisis. While citizens maintain moral obligations and must follow through with the laws and regulations imposed by their governments, governments must also make certain that the measures imposed are necessary, lawful, fair, and proportionate, as to avoid, to the utmost extent, the infringement of liberties. As John Stuart Mill is often credited with saying, “the right to swing my fist ends where your nose begins.” In terms of the COVID-19 pandemic, an individual’s liberty must be restricted when there exists the possibility of endangering others through the transmission of a communicable disease.

Works Cited

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