

“Moral Priorities will Shift” — Disaster Justice through the lens of Powers and Faden’s Theory of Social Justice

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A general assumption exists that 'justice' is a crucial ethical issue in disaster planning, relief and research.

But what does it mean and how is it put into practice? We are concerned that 'justice' is uncritically and imprecisely invoked, leading to its use often being ambiguous and unhelpful.

Three Questions for Today:

1. Is there a prevailing approach to justice in the disaster literature?
2. What is (or are) the prevailing approach(es) to justice in the disaster literature?
3. How would Powers and Faden's theory of social justice apply in disaster contexts?

Systematic literature review

- Preliminary search of the literature

18 journals with 'disaster' in title

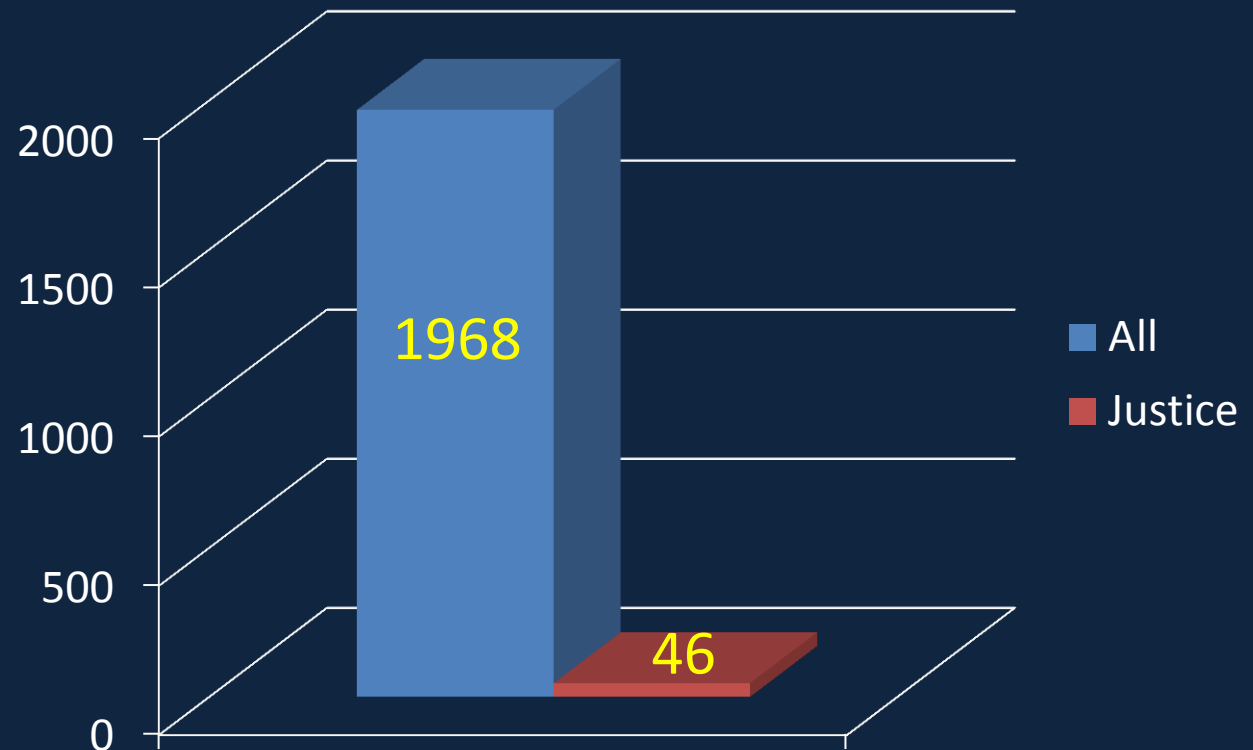
- American Journal of Disaster Medicine
- Annals of burns and fire disasters
- Asian Journal of Environment and Disaster Management
- Contemporary Disaster Review
- Disaster Advances
- Disaster Management and Response
- Disaster Medicine and Public Health Preparedness
- Disaster Prevention & Management
- Disaster Recovery Journal
- Disaster Research
- Disasters
- International Journal of Disaster Resilience in the Built Environment
- International Journal of Disaster Risk Reduction
- International Journal of Disaster Risk Science
- International Journal of Mass Emergencies and Disaster
- Journal of Disaster Research
- PLOS Currents Disasters
- Prehospital and Disaster Medicine

Narrowing down

- Focus on 2009-2013
- Excluded 8 for various reasons:
 - Ended before 2009 or began after 2013
 - Purely engineering or environment focus
 - Magazine or newsletter, not peer-reviewed
- Remaining 10 indexed in PubMed

Initial search

- Searched for total number of articles.
- Limited this to those with 'justice' in the title or text.





Journal (searched for 2009-2013)	All articles	Justice	Full discussion
American Journal of Disaster Medicine	161	3	
Annals of burns and fire disasters	187	0	
Disaster Medicine and Public Health Preparedness	367	1	1
Disaster Prevention & Management	196	14	1
Disasters	283	7	2
International Journal of Disaster Risk Reduction	60	10	
International Journal of Disaster Risk Science	66	6	
International Journal of Mass Emergencies and Disaster	66	1	
PLOS Currents Disasters	32	0	
Prehospital and Disaster Medicine	550	4	2
Totals	1968	46	6

6 articles on justice in disasters

- 1 argued for 'transitional justice' in the aftermath of conflict and war – Justice & Peace Law (Meertens, 2010).
- 2 argued that triage in disasters involves a utilitarian approach (Lin 2009; Geale 2012).
- 1 argued that in disaster research, justice means: 'Equals ought to be treated equally and those who are not equals treated unequally' (Jesus, 2009, p. 110).

- ‘We have concluded that a classic utilitarian approach to defining priorities, “the greatest good for the greatest number,” is not a morally adequate platform for pandemic influenza planning.’
- Ethics advisory committee to CDC recommends a procedural approach based on ethical principles that should lead to fair outcomes.
 - Kinlaw et al., *Disaster Med Public Health Prep.* 2009;3(suppl 2):S185-S192

- ‘Accordingly, post-disaster urban shelter actors need to step back from construction-based and product delivery approaches to find ways of integrating into their analytical, planning, implementation and monitoring tools questions about power, inequality, access and justice ...’

– Fan, *Disasters* 2012;36(S1):S64–S86

Disasters, Justice, and Public Health

- ‘Disaster preparedness and response’ has significant **public health** implications and is often understood as a major pillar of public health
- Many have called for a more robust understanding of the meaning and role of justice in public health

Disasters Justice: Unique?

“...some might argue that **thinking about just responses to disasters is pointless** precisely because disasters, by their very nature, tend to overwhelm a society's capacity for rational thought and planning...”

- Jennings & Arras, 2008, pg. 58

“...there must be an ‘escalator clause’ ...**the greater the threat, the greater the moral force of utilitarianism in making public health decisions.**”

- Kirkwood, 2010, pg. 1-2

“The question, therefore, is whether we should in disaster relief **retreat to the utilitarian ethic**, making an exception to the ethic of justice that generally prevails in American ethics.”

- Veatch, 2005, pg. 240-241

Disasters Justice: Unique?

For those who *have* thought about justice and public health, how have they treated the topic of disasters?

Powers and Faden's Theory of Justice

Madison Powers and Ruth Faden's theory of justice in
**'Social Justice: The Moral Foundations of Public Health
and Health Policy'** (2006)

- Constitutes one of the only normative theoretical accounts of justice developed **"out of an original concern with questions of justice in public health"** (pg. 80)
- Their normative theory is regarded as one of the **most significant contributions** to the emerging field of public health ethics



Powers and Faden's Theory of Justice

- Presented as a **“loose framework for deliberation,”** (pg. xi) attempting to capture what is fundamentally at stake in assessing issues of justice in concrete, real-world settings, that can be used for the assessment of public health policies and practices.
- P&F argue their theory **“provides a fine, if not perfect, fit with the commitments and practice of public health.”** (pg. 80)
- Thus, their theory ought to **(a)** be a useful framework with which to think about disaster justice, and **(b)** align with the commitments and practices of disaster preparedness and response.

Powers and Faden's Theory of Justice

Positive aim: the achievement of sufficiency in six dimensions of well-being (health; personal security; attachment; respect; reasoning; self-determination)

- Each dimension of well-being offers a different lens through which the justice of political structures, social practices, and institutions can be assessed
- Rejects equality for its own sake; Aims to achieve a decent minimum for the worst off, but still cares about relative inequalities above the level of sufficiency insofar as those inequalities contribute to deprivations in any of the dimensions of well-being

Powers and Faden's Theory of Justice

Remedial aim: vigilance against systematic patterns of disadvantage

- Threats to a sufficiency of any dimension of well-being is important, but increased moral urgency exists to prevent or mitigate densely woven patterns of systematic disadvantage.

Powers and Faden's Theory of Justice

Starting points:

- **Non-ideal theory** - starts from a consideration of the concrete, real-world circumstances of socially situated groups
- **No distributive principles** - Considers matters beyond the proper distribution of resources and micro-allocation to be relevant to justice (e.g., the nature of relations among persons, worries about social subordination and stigma, lack of respect, etc.)
- **Focus on well-being** - Considers a variety of aspects of well-being in addition to health to be the relevant ideal for justice

Powers and Faden's Theory of Justice

Starting points:

- **Focus on basic social structures** - Situates the analysis of justice and public health in the wider social and political context; concerned with basic social structures and institutions (including conventions and norms)
- **Denies separate spheres of justice** – Argues that any proposed distributive principle for any allocative schema cannot be isolated from larger issues of social justice

Powers and Faden's Theory of Justice

Other salient explicit claims:

- **No direct age-based criteria** - However, there is a “a special degree of concern for those disadvantages that occur early in life and for the welfare of children [and their parents].” (pg. 78)
- **No national boundaries** – “...as a basic human right, the claims of the right to health [and other dimensions of well-being] are not bounded by national borders but bind the human community, as a whole.” (pg. 85)

Powers and Faden's Theory of Justice

Which inequalities matter most?

- Empirical data provide “ineliminable” moral information
- The moral significance of inequalities depends, in part, on **how they interact with others** to reinforce disadvantage
- “Justice, in its remedial aims, needs to know, for example, if the poor health and poor prospects for health improvement is itself **a consequence of prior injustice**, either within health policy itself or more broadly.” (pg. 158)
- “Inequalities...are of most importance when they are **avoidable...**” (pg. 98)

Powers and Faden's Theory & Disasters

Does Powers and Faden's theory explicitly consider, discuss, or address justice in disasters/for disaster preparedness and response?

Powers and Faden's Theory & Disasters

- **Index search:** No entry for 'disaster', 'emergency', 'crisis', 'catastrophe', 'hazard', or related concepts
- **E-book word search:** Passing, insignificant mentions of disasters, hazards, emergencies, and epidemics
- **Textual analysis:** No explicit analysis or discussion of unique considerations of justice in the context of disasters, public health emergencies, etc.

Powers and Faden's Theory & Disasters

- **Literature search:** 280 citing articles accumulated from PubMed, Google Scholar, and JSTOR
- None explicitly apply or explore P&F's theory in light of disaster preparedness and response
- Faden has written additional articles related to pandemic planning where the theory is referenced

Powers and Faden's Theory & Disasters

In the absence of explicit analyses or guidance with respect to justice in the context of disasters, what can be inferred from Powers and Faden's theory of social justice / what might the implications of their theory be for disaster justice?

Moral Urgency of Disasters

“Just social systems will not simply be ones in which patterns of resources are not maldistributed, but **will require concentration of resources at the right time and in the right ways.**” (pg. 77)

- Disasters have a special effect on long-term well-being and can create/sustain densely woven patterns of disadvantage (e.g., personal security, health, education, attachment, self-determination)
- Disasters foreclose escape from systematic disadvantage by constraining many dimensions of well-being
- Due to the long-term, pervasive impacts of disasters, intervention must extend beyond mere response to immediate effects on health caused by disasters
 - A focus on prevention, relief, and recovery are integral to prevent and mitigate long-term systematic disadvantage

Moral Urgency of Disasters

- Disasters can be discrete threats that are **foreseen**, and often **disproportionately impact those most disadvantaged**
- A disaster will produce suffering, and suffering is itself sufficient cause for moral concern
 - “...from a moral point of view, of even deeper concern is the suffering associated with an injustice that could have been anticipated and ameliorated.” (pg. 181)
- A failure to take steps to mitigate the foreseeable, disproportionate impact of disasters on the disadvantaged would be unjust

Rejection of Separate Spheres

Implications for disaster justice:

- Justice in disasters cannot (and should not) be isolated from larger issues of social justice (i.e., the larger historical, social, and political context)
 - **What is just during a disaster can only be understood in relation to pre-existing patterns of disadvantage and inequalities of socially situated groups**
- The morally relevant concerns must be similar in every sphere (i.e., no sphere, including disaster preparedness and response, could be said to have a unique set of morally relevant concerns or distributive principles)

Prioritization & Resource Allocation

Implications for disaster justice:

- Cannot necessarily be answered in the abstract
- For the most part, these are questions that **require empirical information about existing inequalities and patterns of systematic disadvantage**
- Exception: “a special degree of concern [exists] for those disadvantages that occur early in life and for the welfare of children [and their parents].” (pg. 78)
 - “Where we can for the most part care about securing adults the capability to reach a sufficiency of well-being, for children we must be concerned with securing the sufficiency itself, as a lack of sufficiency here will lead to less capabilities in the future. – “...children matter differently than do adults.” (pg. 92) – a “first-call on resources” (pg. 92)

Prioritization & Resource Allocation

Priority to the worst-off and the ‘**unsalvageable**’

- “Our theory does not permit the abandonment of those whose health status can never be brought to the level of sufficiency, nor does it automatically grant a priority to those who can easily be brought to health sufficiency.” (pg. 176)
- “...we do hold fast to the view that there is a stringent, but not absolute, priority to the worst off such that those at the bottom no matter how this is defined, have an entitlement to scarce resources. Particularly when little can be done to improve the health of the worst off, or when what can be done would exhaust most if not all of the resources available (the so-called bottomless pit problem), then the needs of the worst off should yield to the needs of others, including those whose health can be brought closer to a level of sufficiency.” (pg. 176-177)
- Priority to the worst off may be appropriate in other dimensions of well-being, particularly where improvement to a level of sufficiency is possible.

Prioritization & Resource Allocation

- “...as patterns of social organization and systematic disadvantage alter and the greatest threats to health sufficiency and other dimensions of well-being shift, **the specific moral priorities for public health will also shift. And that is as it should be.**” (pg. 99)
- Patterns of social organization, systematic disadvantage, and the greatest threats to well-being will shift during a disaster, so **moral priorities will shift.**
- We must predict the greatest threats to sufficiency in each dimension of well-being as well as the ways in which patterns of social organization and systematic disadvantage will shift in order to critically reflect upon how our moral priorities will shift during a disaster.

Sufficiency of Well-being

Implications for disaster justice:

- Not necessarily possible to specify in the abstract
- Empirical realities/particulars matter: “We must consider what sufficiency requires in real-world, concrete social circumstances in order to say which inequalities are most urgent from the point of view of justice.” (pg. 9)
- What does sufficiency in each dimension of well-being require **in the context of a disaster?**

Sufficiency of Well-being

Does sufficiency require something **distinct** in the context of a disaster?

- Yes – for Powers and Faden the measure of sufficiency is **context-relative**

Sufficiency will be relative to:

- Level of social organization (e.g., derogation of rights, social distancing, infrastructure collapse)
- What is possible to obtain: technological and scientific feasibility in which well-being can be realized (what are the best average outcomes possible? – not all failures to protect a sufficiency of well-being will constitute injustices)
- “How some fare relative to others is not what makes it unjust. What is unjust is that some fall below the level of sufficiency, and **how some fare relative to others is crucial information for determining what aspirations are legitimate for justice** in any given social context.” (pg. 61)

Sufficiency of Well-being

Does 'sufficiency of well-being' make sense for disaster response, given uncertainty/empirical demands?

- Prioritarianism, (strict) egalitarianism, or a maximizing principle (utilitarianism) may be easier/more feasible

Well-being: Beyond Health

Implications for disaster justice:

- “Part of what may make such diverse things as war, social responses to natural disasters and environmental hazards, and political oppression unjust is their effects on health.” (pg. 83) However, “**...in some cases, the effects on other dimensions of well-being may be as or more important in making determinations about injustice as the effects on health.**” (pg. 83)
- Calling attention to a disaster’s impact on each of the essential dimensions of well-being identifies a separate kind of injustice and each may be invoked in attempts to provide a moral argument for a particular kind of disaster response in particular contexts.
- Disaster plans that only take health into account will not account for other salient harms that may constitute injustices.

Well-being: Beyond Health

Implications for disaster justice: **the rule of rescue**

- “...injustices of social abandonment can be as significant when they occur within the context of decisions of legislators and policy makers as those made at the bedside.” (pg. 175)
- “The devastating tsunami that rocked South Asia and the world in the closing days of 2004 produced an enormous immediate loss of life and left many more in need of rescue from imminent death and disease for lack of clean water, shelter, food, and medicine. Even if it were the case that the global public health responses to this extraordinary tragedy would have produced more QALYs had they been deployed elsewhere in the world, to have done so would have been profoundly unjust and not merely unseemly or lacking in compassion.” (pg. 176)
- ...due to the importance of preserving other dimensions of well-being, e.g., attachment (“the belief that we are living in a caring and human society” (pg. 175)).

Well-being: Beyond Health

- “...the adequacy of any distributive share of income and wealth, for example, depends on some more detailed account of what ends or purposes the distributive principles are meant to achieve.” (pg. 4)
 - For Powers and Faden, these ends to be achieved are a sufficiency in six dimensions of well-being
- **Would/should these ends change in the context of a disaster?**

Conclusions

- Powers and Faden's theory of social justice does not provide any **explicit** consideration, analysis, or guidance with respect to justice in the context of disasters.
- Their theory does not, **in principle**, treat disaster justice as distinct from justice in non-disaster scenarios (e.g., quotidian public health).
- However, **the measure of sufficiency of well-being will (and ought to) shift during a disaster** based on level of social organization and what is possible and feasible to achieve, and **moral priorities will (and ought to) shift during a disaster** according to empirical realities regarding patterns of social organization, systematic disadvantage, and the greatest threats to well-being.

Conclusions

- In order to adequately reflect upon our moral priorities for disaster preparedness, response, and recovery, we must not do so in the abstract or with current empirical information only (although this information is imperative).
- We must consider/predict the greatest threats to sufficiency in each dimension of well-being and the ways in which patterns of social organization and systematic disadvantage will shift during a disaster.

Conclusions

- Disaster justice must be understood in relation to the **broader historical, social, and political context** in which patterns of disadvantage and inequalities exist.
- Due to the potential for profound impacts on long-term well-being and the creation/maintenance of patterns of disadvantage, a **special moral urgency** should exist to prevent, respond to, and recover from disasters in a way that prevents and mitigates the systematic disadvantage of socially situated groups.
- Despite arguing that their theory provides a “fine, if not perfect, fit with the commitments and practice of public health,” (pg. 80) their theory provides little clarity with respect to how exactly it aligns with the **actual commitments and practices of disaster preparedness and response.**

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