

Precaution, not Deterrence. The Political Justification of Quarantine Policies

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The politico-philosophical debate following the Covid outbreak in Western countries has focused on a variety of issues, especially those concerning the political legitimacy of prolonged containment measures and the role of expert knowledge in public health policies. In this talk, I consider how quarantine measures affects the public perception of acceptable trade-offs between public safety and individual rights. I will argue that while compulsory quarantine measures are often perceived as a way to deter people from engaging in risky behaviors, the rationale for implementing these measures lies in the principle of precaution.

The precautionary principle is often invoked in the context of decision-making, where policymakers have limited knowledge of the likelihood of different scenarios. In a nutshell, the principle requires that, in circumstances of uncertainty where knowledge is scattered or inconclusive, policymakers should act preemptively based on the hypothesis that the worst-case scenario will occur. While the precautionary principle seems too strong for policy in general, it can offer guidance in extraordinary circumstances when there is no way to assess the risk to incur in a catastrophe (Sunstein 2007: 5).

The situation we were plunged into in early 2020 with the original Covid outbreak was indeed perceived as a scenario of such a kind, dominated by widespread fear and a limited heuristic regarding the existential risks in the absence of a vaccine. However, the public support to quarantine measures in the early outbreak seems now to have lost its momentum. Due to the prolonged cohabitation with the virus, dissatisfaction, discontent, and even resistance have emerged against the extension of quarantine and other forms of confinement. Quarantine measures are now more often perceived by the public opinion as deterrent governments enforce, often with the help of police, to discipline citizens whom they cannot fully trust. The same distrust also seems to have found its way around the issue of vaccine safety and the corporate interests lying behind universal vaccination.

Governments in Western countries might have partly contributed to this circle of distrust by delivering inconsistent messages, especially with regard to the safety of vaccines. However, I believe that this evolving perception in public opinion is highly inaccurate. No matter the responsibility governments have in feeding the distrust, we are still very much part of a scenario dominated by limited knowledge of the risks and effects of the virus. Since the uncertainty of the current scenario is not significantly different from that of the early outbreak, the precautionary argument still justifies the implementation of quarantine measures, and thus normatively overrides concerns due to distrust. As a consequence, the doubts that the emergency politics of quarantine will have long-term effects on rights and freedoms, or even the suspicion that private interests lurk behind the vaccine campaigns, rests in the background. As long as the precautionary principle provides the best justification to quarantine and confinement in the current scenario, the trade-off between liberty and public safety should tilt towards the latter.

I conclude that, given this argument, it is open to discussion whether we can justify compulsory vaccination by the same principle of precaution.

Sunstein, C. *Laws of Fear*. Beyond the Precautionary Principle. Cambridge University Press, 2005