Ohio Northern University

DigitalCommons@ONU

Philosophy and Religion Faculty Scholarship

Philosophy and Religion

2022

Mike DeWine, Mask Mandates, and the Value of Moral Philosophy

Jonathan Spelman Ohio Northern University, j-spelman@onu.edu

Follow this and additional works at: https://digitalcommons.onu.edu/phre_faculty



Part of the Ethics and Political Philosophy Commons

Recommended Citation

Spelman, Jonathan, "Mike DeWine, Mask Mandates, and the Value of Moral Philosophy," Ohio under Covid: Lessons from America's Heartland in Crisis, edited by Katherine Sorrels, Vanessa Carbonell, Danielle Bessett, Lora Arduser, Edward Wallace, and Michelle McGowan, University of Michigan Press, forthcoming.

This Book Chapter is brought to you for free and open access by the Philosophy and Religion at DigitalCommons@ONU. It has been accepted for inclusion in Philosophy and Religion Faculty Scholarship by an authorized administrator of DigitalCommons@ONU. For more information, please contact digitalcommons@onu.edu.

Spelman, Jonathan, "Mike DeWine, Mask Mandates, and the Value of Moral Philosophy," *Ohio under Covid: Lessons from America's Heartland in Crisis*, edited by Katherine Sorrels, Vanessa Carbonell, Danielle Bessett, Lora Arduser, Edward Wallace, and Michelle McGowan, University of Michigan Press, forthcoming.

The following is the pre-print version of the above article (i.e., the submitted version prior to peer review). To cite it, please use the published version, which is forthcoming.

"Mike DeWine, Mask Mandates, and the Value of Moral Philosophy"

1. Mike DeWine and Mask Mandates

In the early days of the Covid-19 pandemic, *The Washington Post* published an article titled "Ohio Gov. Mike DeWine's coronavirus response has become a national guide to the crisis" (Witte and Zezima 2020). In support of this claim, its authors pointed to the fact that Governor DeWine was one of the first governors in the country to cancel a large-capacity event (on March 3, 2020), to recommend the suspension of in-person college classes (on March 10), to announce the closing of public schools (on March 12), and to order the closing of restaurants and bars to in-person dining (on March 15).

Why was DeWine ahead of the curve? When asked, DeWine cited his experience. He acknowledged that his biggests mistakes had stemmed from not "digging deeply enough into the facts" and from not "trusting experts" (Witte and Zezima 2020). To avoid making those same mistakes in his response to the coronavirus, DeWine was in constant contact with experts like Dr. Amy Acton, the Director of the Ohio Department of Health, since the beginning of the pandemic. The article goes on to quote DeWine as saying, "I have a basic belief that if you have the right facts you're probably going to make the right decision" (cited in Witte and Zezima 2020).

On March 22, DeWine announced his "Stay at Home" order that prohibited nonessential travel. Then, on April 27, as Ohio prepared to reopen, DeWine announced his reopening plan, which would have required both employees and customers of Ohio businesses to wear masks while indoors. That evening, however, DeWine received pushback, and by the next day, he had changed his position. When his "Stay Safe Ohio" order was issued on April 30, only employees were required to wear masks while indoors.

In explaining why he decided to exempt customers from his mask mandate, DeWine initially noted that mask-wearing would be unreasonably difficult for some people. In particular, he referenced a conversation he had with the mother of a child with autism who described how hard it would be for her son to wear a mask (DeWine, April 28, 2020). But later in that press conference, when a journalist pressed him to explain his decision, DeWine gave a slightly different explanation. After referencing the difficulties of mask-wearing, DeWine emphasized the amount of critical feedback he had received. He said, "I heard from a lot of different people who felt that, 'I may wear a mask or I may not wear a mask but the government should not be telling me what to do" (DeWine, April 28, 2020). Although he did eventually extend his mask mandate to customers, that was not until July 23, 2020.

DeWine's leadership during the early days of the pandemic was admirable, but in this paper, I want to focus on his decision in April to exempt customers from his mask mandate. This, I want to argue, was a mistake. But it was not just a *public health* mistake; it was also a *moral* mistake. In fact, I contend that it was a *glaring* moral mistake, that is, the sort of moral mistake that would have stood out to the vast majority of ethicists or moral philosophers.

In the process, I try to show that, contrary to what DeWine said, having the "right facts" is not sufficient for making the right decision. Making the right decision also requires the ability to sort through the moral dimensions of the relevant issue. If that's right, then it would be valuable for leaders throughout our society to listen not only to those with expertise in science, but also to those with expertise in moral philosophy.

2. Promoting Public Health and Respecting Autonomy

At the beginning of the Covid-19 pandemic, there was uncertainty about how SARS-CoV-2 spread and about what Americans should do to reduce its transmission. On February 29, 2020, the then surgeon general, Dr. Jerome M. Adams, took to Twitter to actively discourage people from purchasing masks because "They are NOT effective at preventing the general public from catching #Coronavirus" and because "if health care providers can't get them to care for sick patients, it puts them and our communities at risk" (cited in Fazio 2021). Similarly, throughout March, the CDC did not encourage healthy people to wear face masks unless they were caring for others who were sick (CDC, March 31, 2020).

On April 3, 2020, however, the CDC officially changed its position and encouraged all individuals, even healthy ones, to wear cloth face coverings, especially in situations where social distancing was difficult. It is important to note that this was not because they thought that mask-wearing was effective at *protecting individuals from infection*, but because of growing evidence suggesting that mask-wearing was effective at *preventing individuals from infecting others*. In particular, they pointed to evidence suggesting that asymptomatic and pre-symptomatic individuals could transmit the virus as justifying their new stance (CDC, April 3, 2020).

Despite having this information, Governor DeWine decided, on April 28, to exempt customers from the mask mandate he had announced the day before. As I indicated above, I think this decision (or *DeWine's decision* for short) was a mistake.

One way to argue against DeWine's decision (to exempt customers from his mask mandate) is to point out that it would be bad for public health. Exempting customers from his mask mandate would reduce mask-wearing, which would increase SARS-CoV-2 infection rates,

which would increase hospitalization and death. I'll call this the *public health argument* against DeWine's decision.

The public health argument against DeWine's decision is plausible at first blush, but it presupposes that there is something wrong with any policy that is bad for public health. I doubt that anyone would accept this principle on reflection. Consider cigarette smoking. Allowing people to smoke is bad for public health, but we do not infer from this that we should ban smoking altogether since we also want to respect people's autonomy; that is, we want to give them the freedom to make their own choices. So, if people enjoy smoking, and they think it is worth the increased risk of chronic obstructive pulmonary disease (COPD) and lung cancer, then they are welcome to do so. What this tells us is that the public health argument against DeWine's decision is unsound. Sometimes policies that are bad for public health are, nevertheless, justified in virtue of the fact that they respect people's autonomy.

When we look carefully at DeWine's justification for his decision, we see that he is making a similar sort of argument, which I will call the *personal autonomy argument*. Although he encourages customers to wear masks, essentially acknowledging that doing so is best for public health, he defends his decision to exempt them from that requirement by appealing to the number of people who called him to say that the government should not tell them what to do.

Although the personal autonomy argument, like the public health argument, is plausible at first blush, it depends on the principle that the government is not justified in telling people what to do. But while we may *generally* think that the government is not justified in telling people what to do, there are some cases in which we think that the government is justified in telling people what to do. Although Ohio's government allows people to smoke, for example, it does not allow them to smoke in public places or places of employment. This is because smoking is dangerous not only to the smoker, but also to those nearby. So, even though the government is

not always justified in telling people what to do, it is at least sometimes justified in telling people what to do when that is necessary to prevent those people from harming others. In other words, sometimes policies that restrict people's autonomy are, nevertheless, justified in virtue of the fact that they prevent people from harming others.

The analogy between mask mandates and smoking bans can be instructive.¹ If a mask mandate is like a law that bans smoking *altogether*, it would suggest that DeWine's decision to exempt customers from his mask mandate is justified. If, however, a mask mandate is like a law that bans smoking *in public*, this would suggest that DeWine's decision to exempt customers from his mask mandate is not justified.

Which is it? If the primary purpose of mask-wearing was to protect mask wearers from infection, then requiring customers to wear masks would be like banning smoking altogether, since the primary purpose of the law would be to protect people from themselves. But the primary purpose of mask-wearing is not to protect mask wearers from infection. It is to prevent mask wearers from infecting others. Accordingly, requiring customers to wear masks is more like banning smoking in public, since the primary purpose of the law is to prevent people from harming others.

If this analogy holds, then DeWine's decision was morally equivalent to exempting customers from the law that bans smoking in public. But no state that bans smoking in public, Ohio included, makes an exemption for customers. Moreover, it is hard to see how such an exemption could be justified. For not only would such an exception endanger employees and other customers, but it would also be unfair to employees insofar as it would require them to

¹ The analogy between mask mandates and smoking bans is not original to me. Many others have highlighted the similarities between the two. Two of the earliest to do so, as far as I can tell, were Josh Quinn (2020) and Doug Buchanan (2020), both of whom use the analogy to make an argument that is similar to the one I make here.

protect customers without requiring customers to protect employees. This suggests that DeWine's decision was not just a public health mistake, but was also a moral mistake.

I can imagine a public health official, such as Dr. Amy Acton, giving Governor DeWine something like the public health argument presented above. This could explain why DeWine initially planned to require both employees and customers to wear masks. But I can also imagine DeWine finding his constituents' personal autonomy argument plausible. Maybe that is why he changed his position.

I have tried to show, however, that both of these arguments are weak. One need not be a moral philosopher in order to see this, but the training that moral philosophers receive (including, but not limited to, training in how to identify weaknesses in moral arguments) makes them especially well-suited for this task.

I have also highlighted an analogy between mask mandates and smoking bans, and I used that analogy to argue that DeWine's decision to exempt customers from his mask mandate was not only a public health mistake, but also a moral mistake. This ability to identify and use analogies as I have done here can not only help leaders such as DeWine sort through the moral dimensions of an issue, but they can also be of use to leaders when they justify their policies to others. Again, this ability to identify and use analogies is not exclusive to moral philosophers, but it is a skill that their training helps them develop.

3. Glaring Moral Mistakes

In this section, I want to argue that DeWine's decision was not only a moral mistake, but that it was a *glaring* moral mistake, that is, the sort of moral mistake that would have stood out to the vast majority of experts in moral philosophy. This is not just because DeWine's justification for

his decision was weak. Many leaders have difficulty justifying their decisions. Additionally, this is not because there is a strong analogy that speaks against it. Not all moral philosophers would have noticed that analogy.

Instead, the reason why DeWine's decision was a glaring moral mistake is that none of the leading ethical theories (viz., consequentialism, libertarian and contractarian versions of deontology, and virtue ethics) would seem to support it. After explaining why this is, I will say more about why it is significant.

Consequentialism is a theory on which actions or policies are justified if and only if they are expected to produce better consequences for society than the alternatives.² The public health argument presented above is an example of a consequentialist argument, and as we saw there, it speaks against DeWine's decision. Although it is easy to see why DeWine's decision to exempt customers from his mask mandate would have been expected to have better consequences *for him* than the alternatives (since it would have appeased those on the right wing of his party), it is hard to see why it would have been expected to have better consequences *for society* than the alternatives. DeWine himself seemed to know this, as evidenced by the fact that, even after exempting customers from his mask mandate, he strongly encouraged them to wear masks to protect employees.

Libertarianism is a theory on which actions or policies are justified if and only if they are respectful, where actions or policies are respectful, roughly, as long as they do not infringe on

_

² In order to use consequentialism to evaluate actions or policies, consequentialists need to identify what makes one set of consequences better than another. According to the most popular version of consequentialism, utilitarianism, a set of consequences is better than another if it includes more net pleasure or net happiness than the other. This view goes back to Jeremy Bentham and John Stuart Mill.

anyone's liberties or freedoms.³ The personal autonomy argument presented above is an example of a libertarian argument, and as we saw there, it provides DeWine with a partial defense. Because requiring customers to wear masks would infringe on their liberty, libertarianism entails that DeWine's decision to exempt customers from that requirement was justified. At the same time, however, libertarianism entails that DeWine should have gotten rid of his mask mandate altogether, for just as a mask requirement for customers would infringe on their liberty, a mask requirement for employees would infringe on their liberty. So, while DeWine's decision may have respected customers, it did not respect employees, and if that is right, then even libertarians would be critical of DeWine's decision.

Contractarianism is a theory on which actions or policies are justified if and only if they are fair, where actions or policies are fair, roughly, if and only if people would agree to them even if they did not know how those policies would affect them. For example, since I know that I have brown hair, I might happily agree to a policy that exempts brown-haired people from paying taxes. However, if I did not know whether I had brown hair, I would not agree to that policy. Thus, this policy is unfair, and since it is unfair, it is unjustified according to contractarianism. A similar argument entails that DeWine's decision was unjustified according to contractarianism. If a person knows that he lives and works in a rural area and that he is not particularly at risk of being hospitalized or dying from Covid-19, then he might happily agree to a policy that exempts customers from DeWine's mask mandate, especially if he finds masks uncomfortable. However, if that person did not know where he lives, where he works, or whether he is at risk of being

³ This view goes back to John Locke. Robert Nozick is a more contemporary proponent of this theory.

⁴ This way of understanding fairness comes from John Rawls, though he is drawing on Immanuel Kant's principle of universalizability, and Kant is drawing on the Golden Rule.

hospitalized or dying from Covid-19, he would not agree to that policy. Thus, this policy is unfair, and since it is unfair, it is unjustified according to contractarianism.

Finally, virtue ethics is a theory on which actions or policies are justified if and only if they promote virtue and the flourishing of society.⁵ That DeWine's decision did not promote virtue is relatively obvious. If people appreciate the fact that the purpose of mask-wearing is not to protect the wearer from infection but rather to prevent the wearer from infecting others, then even if they do not think that customers should have to wear masks, they would have to grant that maskwearing is virtuous. Again, DeWine himself seemed to see this given that he strongly encouraged customers to wear masks. But his decision made it less likely that people would wear masks, so it did not promote virtue. DeWine's decision also did not promote the flourishing of society. According to virtue ethicists, a flourishing society is one where people live in harmony, where they use their talents to work together for the common good. At times, this means that certain individuals or groups of individuals have to face greater dangers than others. For example, a society may send its soldiers into battle to protect it from an invading army. This is justified because something of great value is at stake, namely, the lives of its people or their way of life. DeWine's decision, like a society's decision to send its soldiers into battle, forces a certain group of individuals (viz., employees) to face greater dangers than others. What is different, however, is that DeWine did so, not because something of great value was at stake, but simply because customers wanted to avoid the discomfort of wearing a mask.

In the preceding paragraphs, I have suggested that DeWine's decision was expected to have bad consequences, that it was disrespectful (to employees), that it was unfair, and that it did not promote virtue or the flourishing of society. Moral philosophers regularly defend policies that

_

⁵ This view goes back to Socrates, Plato, and Aristotle.

have one or two of these flaws. For example, they might defend a policy that is unfair to a certain group by appealing to its good consequences, or they might defend a policy that does not promote virtue or the flourishing of society by appealing to the fact that it respects people's autonomy. But rarely do they defend policies that have all four of these flaws. This suggests that few moral philosophers would have supported it. This does not entail that his decision was wrong, but this does create a strong presumption against it. But maybe that presumption can be overcome.

Just as arriving at good policies requires "digging deeply enough into the facts," it also requires taking a closer look at the moral principles at play. In the next section, then, I want to investigate the arguments both for and against DeWine's decision a bit more carefully. To begin, I highlight two features of DeWine's decision that made it particularly problematic. Then, I consider how DeWine or someone else who supports his decision would respond to my criticisms of his decision. In the process, I demonstrate the sorts of skills that moral philosophers have, particularly their ability to sort through the more nuanced features of an issue.

4. Digging Deeper

The analogy I presented earlier, between Governor DeWine's decision and a policy that would exempt customers from a law that bans smoking in public, suggested that DeWine's decision was unfair. Libertarianism and contractarianism did as well. These arguments, in addition to the consequentialist and virtue ethical ones, give us good reasons to think that it was a moral mistake. But there are, I contend, two additional features of DeWine's decision that make it particularly problematic.

We can see this by looking at two differences between DeWine's decision and a policy that would exempt customers from a law that bans smoking in public. First, whereas smoking is known to be dangerous to one's health, not wearing a mask was not thought to be particularly dangerous to one's health, at least at the time of DeWine's decision. (Remember that, at the time, masks were not thought to be effective at protecting wearers from infection.) This is significant because it means that whereas people have a good reason not to smoke regardless of whether it is banned in public, people did not have a good reason to wear a mask unless it was banned, again, at least at the time of DeWine's decision.

If mask-wearing was comfortable, this might not be significant. But mask-wearing is not comfortable. This means that, at the time of DeWine's decision, in addition to not having a good reason to wear a mask, people *had* a good reason *not* to wear a mask. This creates a collective action problem. Whereas it was in society's collective interest that everyone do a certain thing (viz., wear masks to slow the spread of Covid-19), it was simultaneously in each individual's interest not to do that thing (viz., not wear masks since mask-wearing was uncomfortable and was not thought to provide people with significant protection against Covid-19).

Solving a collective action problem requires finding a way to align each individual's interest with the society's collective interest. Governments are well-positioned to do this because they can use incentives or the threat of punishment to change people's incentives. And that is what DeWine could have done here by requiring both customers and employees to wear masks. This would not only have aligned each individual's interest with society's collective interest, but it would have also distributed the risk of infection more evenly across the members of society. Instead of doing that, however, DeWine chose sides. By exempting customers from his mask mandate, he forced employees to sacrifice both their comfort and their safety while requiring customers to sacrifice neither their comfort nor their safety.

To return to the analogy, DeWine's decision was not quite like exempting customers from a ban on smoking in public. It was more like exempting customers from a ban on smoking in public in a world where smoking is not dangerous to smokers. In our world, there's already an incentive for customers not to smoke in public, namely, that it's dangerous. So, even if the government doesn't ban customers from smoking in public, relatively few people are going to do it. But in a world where there's no incentive not to smoke in public, if the government does not ban customers from smoking in public, then everyone (or, at least, everyone who is self-centered) is going to do it. This is one reason to think that DeWine's decision was particularly problematic.

A second reason to think that DeWine's decision was particularly problematic is that whereas employees who are exposed to secondhand smoke do not pose a danger to others, employees who are exposed to unmasked customers do pose a danger to others. A smoking customer's secondhand smoke may harm an employee, but it cannot give that employee a transmissible disease. An unmasked customer's cough, however, can give an employee a transmissible disease. By analogy, then, DeWine's decision was not quite like exempting customers from a ban on smoking in public. It was more like exempting customers from a ban on smoking in public in a world where the health conditions associated with secondhand smoke are transmissible to one's family and friends. This puts employees at danger not only of falling ill, but also of harming their loved ones.

Despite these additional criticisms of DeWine's decision, it is crucial that we consider how DeWine or someone else who supports it would respond to the arguments I have made against it. So, below, I will consider two such defenses. Each of them grants that DeWine's decision was unfair but tries to justify that unfairness by appealing to some benefit that his decision has.

According to the *first defense*, DeWine's decision, despite having been unfair to employees, was justified in virtue of the fact that it was in the employees' self-interest. How could that be?

The thought here is that employees who were furloughed during Ohio's "Stay At Home" order needed to get back to work to make money. But to make that happen, DeWine needed to get a sufficiently large number of customers back in stores, and that couldn't happen unless he exempted customers from his mask mandate.

This defense has the potential to justify DeWine's decision not only to impartial observers, but also to those who DeWine was supposedly treating unfairly. There are a couple problems with it, however. First, while there may have been a fair number of customers who would not go back to stores if they were required to wear masks, it's not obvious that there were so many of them that, had DeWine not exempted customers from his mask mandate, then businesses would have had to close and their employees would have lost their jobs. That assumption is dubious, especially given what we know now, that people were generally willing to comply with DeWine's decision in July to expand his mask mandate to customers. But even back in April, there were reasons to be dubious of this assumption given the analogy with the ban on smoking in public. Given that people who were addicted to nicotine were able to modify their behavior to comply with the ban on smoking in public, DeWine probably should have been confident that people who simply didn't want to wear masks would be able to modify their behavior to comply with his mask mandate.

Furthermore, even if DeWine had reasons to think that requiring customers to wear masks would keep a large group of customers from returning to stores (viz., customers who did not want to wear masks), he also had reasons to think this policy would have had the opposite effect on another group of customers (viz., customers who were scared of being infected by unmasked *customers*). Because unmasked customers endanger not only employees but also their fellow customers, it is likely that even if DeWine's decision to exempt customers from his mask mandate encouraged some people to return to stores, it also kept other people away from stores.

This casts doubt on the first defense's assumption that DeWine needed to exempt customers from his mask mandate in order to get a sufficiently large number of customers back in stores. But even if that was true, it is not clear that employees needed to get back to work in the first place. To see this, imagine a case in which a natural disaster damages a chocolate factory, making it impossible for the business to continue operating without endangering employees. Even if that business's employees need money to survive, the solution is not to endanger employees so that they can make money. Instead, the solution is to give the employees the financial support they need to get by until they can safely return to work. Analogously, if a pandemic makes it impossible for businesses to continue operating without endangering employees, then even if those employees need to make money, the solution is not to endanger employees so that they can make money. The solution is to give the employees with the financial support they need to get by until they can safely return to work.

But maybe that is not the right way to defend DeWine's decision. According to the *second defense*, DeWine's decision was justified, not in virtue of the fact that it was in the employees' self-interest, but in virtue of the fact that it was in society's best interest. The thought here is that even though DeWine's decision unduly endangered employees, it was necessary to save Ohio's economy. Accordingly, it was analogous to the sort of decision that a government makes when it conscripts soldiers to defend it from a hostile nation. In both cases, the government unduly endangers a particular group of people to save it from disaster. This is a sort of consequentialist or virtue ethical defense of DeWine's decision.

While I am skeptical that DeWine needed to endanger employees to save Ohio's economy, even if that were true, the second defense would still be unsound. This is because, in cases where the government unduly endangers a group of people to save it from disaster, the government owes that group of people special compensation. If, for example, a government

conscripts soldiers to defend it from a hostile nation, it has an obligation not only to pay them for their service, but also to cover any healthcare costs they incur as a result of their service and to compensate them for opportunities they lost as a result of being required to serve in the military. A government might meet this obligation by providing its conscripts with various medical, educational, and employment benefits that go over and above their financial compensation.

Analogously, then, because DeWine's decision unduly endangered employees, he owed them special compensation. He could have met that obligation by offering them hazard pay or by providing them with some other benefit.⁶ But he did not do that. Alternatively, he could have at least offered unemployment benefits to employees who were unwilling to return to their previous job, at least while they looked for new work. But on June 16, 2020, DeWine issued an executive order expressly prohibiting such employees from collecting unemployment benefits unless they met one of several conditions (DeWine, June 16, 2020). The fact that their previous job would have been more dangerous than it had been prior to the pandemic should have been justification enough.

In this section, I identified two reasons to think that DeWine's decision was worse than a policy that would exempt customers from a ban on smoking in public. Then, I considered two defenses of it. Of those two defenses, the second is stronger, and it gives us some reason to think that DeWine's decision could have been justified if it had been necessary to save Ohio's economy and if DeWine had adequately compensated employees for the risk he required them to take on. But since it is implausible that exempting customers from DeWine's mask mandate was necessary

⁶ In a report from the Brookings Institution, Molly Kinder (2020) argues that essential workers deserve hazard pay for their work during the Covid-19 pandemic. Here, I am arguing that DeWine's decision treats all employees like essential workers (since it unjustifiably endangers them for the sake of the common good) and, therefore, that all of them deserve hazard pay.

to save Ohio's economy and since DeWine did not adequately compensate employees for the risk he required them to take on, even the second defense of DeWine's decision fails.

5. The Value of Moral Philosophy

To this point, I have argued that Governor DeWine's decision to exempt customers from his mask mandate was a glaring moral mistake that would have stood out to the vast majority of moral philosophers. But as I mentioned at the beginning, DeWine updated his mask mandate a few months later by requiring everyone, even customers, to wear masks in all Ohio businesses. Moreover, as I write this, vaccines are widely available. So, why does it matter?

My goal in this chapter has not been to criticize DeWine but to illustrate that there is such a thing as expertise in moral philosophy and to suggest that had DeWine consulted moral philosophers, he could have benefitted from that expertise.

You might remember that when DeWine was asked why his coronavirus response had been ahead of the curve, he pointed to the fact that he was digging into the facts and listening to experts. But the "experts" DeWine had in mind when he said this were experts in public health such as Dr. Amy Acton, not experts in moral philosophy. While it is admirable that DeWine's decisions were guided by public health experts like Acton, I hope to have shown that reliably arriving at good policies requires more than just expertise in the relevant science. It also requires the ability to reason through the issue's moral dimensions, and this where expertise in moral philosophy is helpful. Knowing that a ban on smoking, a mask mandate, or a vaccine mandate is good for public health will surely help our leaders make better policies, but these facts cannot tell us how to balance the value of public health against competing values like autonomy, comfort,

fairness, and privacy. If that is right, and DeWine is committed to listening to experts, then why was he not consulting moral philosophers?

I am sure that there are a variety of factors at play here, but I suspect that one particularly important factor is that DeWine, like most people, probably does not think that there is such a thing as expertise in moral philosophy. This view is common, even among leaders in higher education. Colleges and universities require students to take courses in ethics and emphasize the importance of being moral. But when it is time to make difficult policy decisions, I do not see the leaders at these institutions reaching out to moral philosophers to help them make these decisions. This could be because administrators actually do not want to hear what moral philosophers have to say (for fear that these philosophers will argue for plans of action that conflict with the financial interests of their institutions). But more often than not, I suspect that college and university leaders are more similar to my students in that they are overconfident in their ability to sort through moral issues on their own and are skeptical that there is anything special about moral philosophers that would make them better judges than they are.

In closing, then, I want to say a little more about what expertise in moral philosophy involves, and to do that, I will compare moral philosophers to scientists in general and public health experts in particular.

Scientists, on the one hand, have expertise in *descriptive* matters, that is, expertise in what the world *is* like. They are taught *scientific* principles, such as the laws of nature, and are trained to apply those principles to new situations. Moral philosophers, on the other hand, have expertise in *normative* matters, that is, expertise in what the world *should be* like. They are taught *moral* principles, such as the ethical theories described earlier, and are trained to apply those principles to new situations. For example, whereas public health experts learn how viruses and bacteria work, moral philosophers learn to appreciate the value of things like equality, liberty, and

pleasure. Whereas public health experts learn to recognize and address exponential growth, moral philosophers learn to recognize and address collective action problems.

Now, it is true that there is disagreement amongst moral philosophers about how to balance the value of public health against the value of competing values like autonomy, for example, but there are also disagreements amongst public health experts, especially at the beginning of a pandemic, about how deadly a particular virus is or how it is transmitted. So, just as we should not use this disagreement between public health experts to deny that there is such a thing as expertise in public health, we should not use disagreement amongst moral philosophers to deny that there is such a thing as expertise in moral philosophy.

Even in the midst of uncertainty, there is value in having public health experts advise our leaders in how to respond to a public health crisis. And, as people like Dr. Amy Acton and Dr. Anthony Fauci demonstrated, it is useful, at least sometimes, to let them communicate directly with the public. This is in part because their expertise enables them to present information more clearly than politicians can. I suspect that something similar would be true of moral philosophers. I have been critical of DeWine's decision to exempt customers from his mask mandate, but it is possible that he had some good reasons for his decision that I cannot see. If he did, however, we will never know about it because he was not able to articulate it. Having good policies is important, but if a leader's policies are going to be effective, they must be able to justify those policies to the people they are leading. This is especially true when they are asking people to make sacrifices on behalf of a larger group. Moral philosophers could help leaders do that.

To be fair, however, the reason moral philosophers do not play this role in our society is not just that people do not think they have a kind of expertise. Moral philosophy, as a discipline, is also responsible for this insofar as it tends to confer greater prestige on those whose work is more theoretical than practical and on those whose work generates more disagreement than

agreement. My suggestion, then, is not only that we should want our leaders to reach out to moral philosophers for advice about how to address various problems related to climate change, pandemic response, racial injustice, etc., but also that the discipline of moral philosophy should do more to make experts in moral philosophy useful to our leaders.

The Covid-19 pandemic has given our society a newfound appreciation for the value of public health experts and their discipline. My hope is that it might do the same for moral philosophers and their discipline.⁷

6. References

- Acton, Amy. 2020. "Director's Stay Safe Ohio Order." Ohio Department of Health. March 22, 2020. https://coronavirus.ohio.gov/static/publicorders/Directors-Stay-Safe-Ohio-Order.pdf.
- Buchanan, Doug. 2020. "DeWine should reverse himself (again) on mask mandate." *Columbus Business First*. April 30, 2020. https://www.bizjournals.com/columbus/news/2020/04/30/from-the-editor-dewine-should-reverse-himself.html.
- Center for Disease Control and Prevention. 2020. "How to Protect Yourself." March 31, 2020. https://web.archive.org/web/20200331053105/https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html.
- Center for Disease Control and Prevention. 2020. "Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission." April 3, 2020.

 https://web.archive.org/web/20200403221424/https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html.
- DeWine, Mike. 2020. "Ohio Governor Mike DeWine COVID-19 Update | April 28, 2020." The Ohio Channel. Streamed live on April 28, 2020. YouTube video, 1:59:50, https://www.youtube.com/watch?v=oHVBGlbCL8g.

⁷ Thanks to Darrin Snyder Belousek for his helpful feedback on earlier drafts of this chapter.

- DeWine, Mike. 2020. "Executive Order 2020-24D." June 16, 2020. https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/executive-order-2020-24d.
- Fazio, Marie. 2021. "How Mask Guidelines Have Evolved." *The New York Times*. Last modified May 13, 2021. https://www.nytimes.com/2021/04/27/science/face-mask-guidelines-timeline.html.
- Kinder, Molly. 2020. "COVID-19's essential workers deserve Hazard pay. Here's why—and how it should work." *Brookings Institution*. April 10, 2020. https://www.brookings.edu/research/covid-19s-essential-workers-deserve-hazard-pay-heres-why-and-how-it-should-work/.
- Quinn, Josh. "One retailer's view on Gov. DeWine's face mask flip-flop." *Alive*. April 29, 2020. https://www.columbusalive.com/opinion/20200429/op-ed-one-retailers-view-on-gov-dewines-face-mask-flip-flop.
- Witte, Griff and Katie Zezima. 2020. "Ohio Gov. Mike DeWine's coronavirus response has become a national guide to the crisis." *The Washington Post*, March 16, 2020. https://www.washingtonpost.com/national/coronavirus-ohio-dewine-outbreak/2020/03/16/9bde6b1e-67b2-11ea-9923-57073adce27c_story.html.