

Rawls, temporal discontinuity and disasters

Rawls, descontinuidade temporal e desastres

Charles Feldhaus
Universidade Estadual de Londrina (UEL)
charlesfeldhaus@gmail.com

Abstract: This study aims to apply key concepts from Rawls's theory of justice as fairness to issues of justice in the context of disasters and catastrophes. Disasters can be understood as a form of temporary discontinuity, whereas catastrophes involve a prolonged disruption of people's normal lives. Whether an event becomes a disaster, a catastrophe, or neither, depends on the degree of preparedness in place—preparedness that can prevent what Kant, in *The Metaphysics of Morals*, refers to as cases of necessity. This study argues, based on aspects of Rawls's justice as fairness, that it is a requirement of justice for the state to adopt measures to mitigate temporal discontinuities and their harmful effects on the rational life plans of individuals understood as free and equal citizens.

Keywords: catastrophe; disaster; ethics; justice; temporal discontinuity.

Resumo: Este estudo pretende aplicar alguns conceitos da concepção da justiça como equidade de Rawls a questões de justiça em eventos de desastres e catástrofes. Desastres podem ser compreendidos como um tipo de descontinuidade temporária em oposição a uma catástrofe que consiste num tipo de descontinuidade prolongada da vida normal das pessoas. A diferença entre um evento se tornar um desastre ou uma catástrofe ou até mesmo nenhum dos dois depende de uma preparação adequada que impede que se caia naquilo que Kant denominou em *A metafísica dos costumes*, de casos de necessidade e esse estudo defende com base em aspectos da justiça como equidade de Rawls que é uma exigência de justiça que o Estado adote certas medidas contra a descontinuidade temporal e seus efeitos negativos aos planos racionais de vida de pessoas compreendidas como cidadãos livres e iguais.

Palavras-chave: catástrofe; desastre; ética; justiça; descontinuidade temporal.

“Following a catastrophe, the effect of inequalities is everywhere and always the same: those who are vulnerable become more vulnerable, the poor are disenfranchised, while the rich become richer. Catastrophes entrench and augment inequalities that function to the detriment of those who are least advantaged and to the advantage of those who are already most advantaged.” (Paul Dumouchel)

We are currently experiencing a particular feeling, a sense of insecurity about the future, and as a result, what we generally call our rational life plans (to use a now classic term from John Rawls’ conception of justice) often seem to lose their meaning in the face of a scenario in which we are constantly bombarded by information that calls into question the future continuity of these plans. It is no coincidence that Byung-Chul Han wrote a book whose title is emblematic of the times we live in: *The Spirit of Hope*. In this book against the society of fear, he states that “fear circulates like a specter. We are frequently confronted with apocalyptic scenarios” (HAN, 2024, p. 9). In other words, until quite recently, apocalyptic scenarios were common only on movie screens, or would sometimes appear in newspaper reports showing that some people were experiencing disasters or catastrophes of greater or lesser magnitude. However, something seems to have changed in recent years, and it can be even be stated that something that was common only in the human imagination is now part of newspaper reports almost daily. Some might even say that this may simply be the result of the greater speed and near-simultaneity with which information, from the most remote places on the planet, is transmitted today, using new technologies, especially digital media. The problem is that new digital media are not only allowing immediate access to information about disasters or catastrophes around the globe, but through the dissemination of false or inaccurate information, what we normally call *fake news*, and through the algorithmic manipulation of people, they are also largely producing a feeling that we live in an era in which disasters and catastrophes are no longer the exception, but have become the rule. This has produced in people’s minds a feeling of insecurity regarding the future of their rational life plans. In other words, the current scenario seems averse to the idea of temporal continuity, as we often experience the feeling that disasters and catastrophes are always imminent. The information we receive almost daily, through, mainly but not exclusively, new digital media, fosters the perception of the maintenance of temporal discontinuity. What makes this even worse is that those subject to this type of pessimistic information are already in an unfavorable situation regarding future planning. People in the most vulnerable conditions have less resilience in the face of disasters and catastrophes. This type of event hits the already disadvantaged hardest, those whom Rawls called the least favored in society in terms of justice as fairness.

However, the fact is that disasters and catastrophes often significantly affect the normal life of a society and it could be said that they call into question our ability to undertake our rational life projects, especially because they cause what we could call a situation of temporary or permanent temporal discontinuity. One could argue that sometimes we experience the imminence of a world war as a result of the actions of certain countries’ governments; sometimes we experience the imminence of a climate crisis due to the behavior of governments and populations, which can jeopardize the survival of the human species on Earth; or sometimes we experience the imminent proliferation of a virus that could in a short space of time expand on a global scale, into a pandemic, which, even if it does not exterminate all people from the face of the earth, would negatively affect our lives and our loved ones and make long-term planning lose its meaning.

The philosophical debate about disasters

Ethical reflection on disasters and catastrophes can be undertaken based on different disciplines and areas of human knowledge, such as philosophy (as a matter of moral philosophy or ethics and political philosophy); theology (as the question regarding divine goodness in the face of the existence of evil in the world); the law (such as the question of responsibilities for the consequences of these types of events); the economy (such as the question of the cost-benefit calculation of investing resources in preparation and how this practice reduces the costs of response and reconstruction after the event, for example, on how these events have asymmetric effects on the more and less fortunate people in society); public health (such as the question of how to promote and care for people's health in a scenario that is often limited by scarce resources, that is, with the establishment of triage rules); sex studies (such as the question of the asymmetric effects on different sexes in a disaster event, when women often suffer these effects more than men), and so on. This type of interdisciplinary approach to disaster events and catastrophes can bring problems with regard to the definition of terms, since the way in which one of the disciplines or areas usually defines the terms may be different from the way in which another discipline defines the terms, and this may not always be without consequences with regard to dealing with the events, particularly considering preparation and response and the process of rebuilding the affected areas, which occurs after the event has passed and the immediate response is complete.

As Mathuna & Gordijn (2020, p. 2) argue, the debate regarding the definition of a disaster presents different views on the term, but ultimately it is not just an academic concern, since the use of different concepts and definitions of disasters (or catastrophes) have concrete impacts and many institutions that carry out humanitarian actions in response to this type of event are based on different concepts or definitions, which guide their conduct in the preparation, response, and recovery of affected locations after the event occurs. The problem is that there is little definitional and conceptual unity in legal documents and guidelines regarding disasters and catastrophes. However, in order to respond appropriately to these types of events, it is very important to at least outline the general features necessary for an event to be considered a disaster and a catastrophe or not. Here, we intend to show how the concept of temporal discontinuity, although unable to resolve the question, can introduce some aspects that are generally little considered in the debate about the definition.

In her book *Ethics for Disaster*, Naomi Zack defines a disaster as “an event (or series of events) that harms or kills a significant number of people or otherwise severely impairs or disrupts their daily lives in civil society. Disasters can be natural or the result of accidental or deliberate human action” (ZACK, 2009, p. 7). Furthermore, she adds that disasters cause surprise and shock, are unwanted by those they affect, cannot be said to be unpredictable, and also tend to generate media narratives about heroism and loss of life of those affected by disasters, etc. Naomi draws attention to the temporal discontinuity in people's normal lives and argues that inadequate preparedness can create a discontinuity between morality in normal times and morality or ethics in disasters. Good preparedness is a necessary, although not always sufficient, condition for mitigating the temporal discontinuity between normal life and life during a disaster event, and a necessary condition for preventing moral values (principles and virtues) that are valid in normal life from remaining valid in times of disaster. As it is only a necessary condition, it is important to emphasize that it is not always a sufficient condition, since in a disaster it is never impossible, even after the best

possible preparation, that unforeseen circumstances arise, and this inevitably makes it difficult to employ the morality of normal life in cases of disasters, when it may be necessary to apply, for example, triage practices to select who should live and who, because of the extremely adverse circumstances, may unfortunately have to be left to die or suffer more significantly the damage of the disasters to their health because of insufficient medical resources.

Naturally, it is important to note that this experience of temporal discontinuity generally associated with disasters and catastrophes, which produces fear, anguish, and unhappiness in people, is becoming increasingly frequent and widespread. It could be said that even political figures appear to be deliberately fostering this kind of fragmented perception of reality through public actions. As an example of the experience of discontinuity resulting from traumatic events such as disasters and catastrophes, consider the case of a person (let's assume she is a woman) who has lost her home, her husband, and all her possessions, and as a consequence needs to be relocated elsewhere. Certainly, this woman's life suffered because of the effects, for example, of Hurricane Katrina in New Orleans in 2005—a devastating rupture in her temporal connection between the present and the future. It could be said that depending on economic conditions, considering that disasters and catastrophes affect people from the upper and lower social classes differently, she could be thrown into much worse life circumstances that are very similar to previous stages of her life, and thus have to face challenges again that she had already overcome. This would significantly affect her self-esteem and could have negative psychological effects.

As another example of the experience of discontinuity as a result of traumatic events such as disasters and catastrophes, consider the case of a person (let's assume he is now a middle-aged man) who has lost his wife during the COVID-19 pandemic, which would certainly affect his quality of life and his sense of continuity in his life in relation to the future; he probably had plans for a life together with his wife that can no longer be realized. Depending on his financial circumstances, it may be the case that he may find it difficult to deal with all of life's challenges without the support of someone who has been with him for some years and shared these tasks with him. It may even be the case that she was the only person or one of the only people in his close family left, which would make it significantly difficult for him to rebuild his feeling of being at home in his own life again, and it would require a great effort to find a way in which his life would once again have a sense of continuity.

We might ask, how much harm is enough? Why does time seem important in some instances (an earthquake) and not in others (a long-term drought)? And why are we much more likely to call harm in a confined spatial area a disaster (a plane crash, for example) and not describe as a disaster considerably more harm that takes place in a larger area over a longer period of time (the number of annual car accidents, for example)? (VOICE, 2015, p. 02)

I believe that Paul Voice's questions could be answered based on both the notion of temporal discontinuity and the prejudiced bias generally contained in the use of the term disaster in Western media, especially in North American media, when covering this type of event, as Naomi Zack (2009, p. 2) points out when dealing with the definition of disaster. Firstly, the prejudiced bias of media coverage tends to consider the death of a few people, if citizens of Western countries, a disaster and to give little or no coverage or even apply the term 'disaster' or 'catastrophe' to the death of a larger number of people from other parts of the world; secondly, the concept of temporal discontinuity can help to understand why a plane crash that kills two hundred people is a disaster or catastrophe and the death of thousands of people in traffic accidents over the course of a year is not. Likewise, earthquakes drastically affect the temporal continuity and often

even affect the spatial dimension (given that many people sometimes need to be displaced to other locations) of the lives and rational life plans of those directly affected by the event, whereas droughts, even when long-lasting, can be managed in the flow of normal life of a community through the displacement of water, by building large water reservoirs to store water from the rainy season for periods of scarcity, and thus the temporal continuity of the lives of those affected by drought can be minimized or even eliminated. Traffic accidents are part of people's normal lives and, except in more extreme cases, when they block roads for long periods, they generally do not affect the flow of normal life for people living in a given location. In other words, traffic accidents rarely produce temporary medium or long-term temporal discontinuity, at most the effect is very short-term. Plane accidents, in turn, are generally unexpected (given the low statistical rate of their occurrence compared to car accidents), affect the temporal continuity of the lives of several people, particularly those close to the victims (relatives, friends, etc.), and generally imply, in a single event, the modification of the normal lives of a large number of people in the work of rescuing the injured and the dead and in locating the wreckage of aircraft, among other things. Thus, it could be said that, even if damage is important in defining disasters and catastrophes, the magnitude of the damage needs to consider to what extent these damages affect the temporal continuity of normal life and the rational life plans of the affected people.

Paul Voice (2015) seeks to develop a normative concept of disaster based on Rawls' theory of justice and proposes a new definition of disaster that focuses on the negative consequences of events and the social institutions that establish and support the exercise of two capacities: the capacity for moral action and the capacity for effective citizenship (Voice, 2015, p. 3). Here it is important to remember that Rawls's justice as fairness does not apply directly to people, but to the basic structure of society, so a normative definition of disaster needs to focus on the negative effects of disasters and catastrophes on the main institutions of society (the basic structure of society) and on two human capacities: the capacity to have and develop a sense of justice (which is quite similar to the capacity for moral action proposed by Voice), given that disasters, if preparation has been inadequate, or if, even after adequate preparation, unforeseen circumstances have arisen in the preparation and that significantly burden the social and economic conditions of the affected society, the ability to follow normal morality may be impaired, especially if the scenario becomes one of extreme scarcity of resources basic to human survival. Unlike Voice's approach, the current study is not restricted to the conditions of citizenship in an active sense of political participation, but focuses on the ability to develop one's own rational life plans and the negative effects on these of temporal discontinuity resulting from disaster and catastrophe events. Voice also understands the capacity for moral action as related to the ability to undertake the rational plan of life in Rawlsian terms and that these events affect what he calls human dignity. Citizenship, in turn, would be dependent on the maintenance of political, economic, and legal institutions, often affected by disasters and catastrophes (VOICE, 2015, p.4).

Voice's approach is interesting because it establishes a normative criterion of diagnosis and reparation to determine when victims' claims are legitimate as matters of justice based on the effects of disasters on people's capabilities. In the words of Voice, "merely being harmed is not itself an injustice unless that harm affects one's dignity or citizenship capacities" (VOICE, 2015, p. 5). Furthermore, it seeks to outline what type of reparative actions or remedies would be appropriate for victims of disasters and catastrophes, namely, rebuilding institutions that serve

the dignity of citizens and that restore their moral capacities and their ability to exercise their rights (VOICE, 2015, p. 6).

Dumouchel in *Migration and Catastrophes* illustrates well how the same type of event can be considered as a disaster or a catastrophe depending on what human beings do in relation to it. He cites two nuclear accidents in Japan, one of which occurred in 2011 and is considered a catastrophe due to the site in Fukushima and as the people who lived in the areas affected by the accident were relocated from the place where they normally lived before the accident; therefore, as a type of lasting or permanent temporal discontinuity occurred in the rational plans of the lives of the affected people, the event is classified as a catastrophe. On the other hand, on September 30, 1991, a nuclear accident also occurred in Tokaimura, but since people were not relocated from the places they lived before the accident, the event is not classified as a catastrophe, but only as a disaster, because it meant a temporary discontinuity in the medium or short term. However, considered only from a technical point of view, the Tokaimura accident was as dangerous as the Fukushima accident and what seems to have produced the catastrophic character, the long-term or permanent discontinuity, was the human decision to displace the people who lived in the affected region in one case and not in the other case.

Adequate preparation as a strategy against temporal discontinuity

When discussing disaster and catastrophe scenarios, a shared view is that ordinary morality, the moral rules and virtues appropriate to normal everyday life, do not apply to these types of extreme scenarios. This is a topic addressed in Naomi Zack's now classic book, *Ethics for Disasters*, reflecting on ethics in disaster scenarios. The author offers a response—I would even venture to say—quite sophisticated, to this type of view. She argues, as a starting point for reflection, that ethics does not take a vacation in disaster situations, or at least, it is not appropriate to consider that the moral rules and moral virtues of our daily lives cease to be valid in this type of scenario. She continues that this kind of view can only make sense if it ignores the distinction between disaster preparedness and response, particularly when it assumes that preparation that is known to be inadequate is justified. Inadequate preparation, for example, would be preparation that assumes that the best thing to do in a disaster is to save as many people as possible, not everyone. The Titanic ship that sank in the North Atlantic Ocean set sail from port with fewer lifeboats than crew, so it was assumed in its preparations that it would not be possible to save all the people onboard if a disaster occurred. Being committed to the moral and justice rule that all people must be saved at the time of preparation requires setting sail with enough lifeboats for the entire crew, particularly considering that, as happened in this shipwreck, the poorest people were the last to, or could not access the lifeboats. This is therefore completely different from what a theory committed to a relevant social position (that of the least favored) proposes, as is the case with Rawlsian justice as fairness should prioritize the least favored and not the most favored.

It should be noted, however, that this does not mean that, even after adequate preparation, and for example when the number of lifeboats is sufficient to save all the people involved, that some people do not die as a consequence of a disaster, due to the occurrence of unforeseen circumstances in a natural disaster or as a result of human action. In other words, there may indeed be extreme disaster situations, especially catastrophes, in which the response will always be insufficient or inadequate, either to return to normal the lives of those affected (a scenario in

which it is possible to plan life because there is temporal continuity), or to save the lives of all those affected by the disaster or catastrophe event, or because the consequences of the event were so drastic and unforeseen that preparation proved insufficient to provide an adequate response. Because of this, the current study argues that paying attention to the distinction between disaster preparedness and response is a fruitful strategy against long-lasting, persistent, or permanent temporal discontinuity and may even mitigate the extent of short- and medium-term temporal discontinuity. If in a given location there is a high incidence of floods, hurricanes, earthquakes, for example, and the authorities do not take any kind of measures to minimize, mitigate, or even eliminate the damage, especially to the most vulnerable people, the least favored people in society, it is evident that, implicitly at least, there is no commitment on the part of the rulers to the moral rule that the lives of all human beings matter equally, and in some cases certain rulers have already expressed themselves publicly indifferent in relation to disasters such as pandemics. One thing is that, despite the best possible preparation at the time, a disaster or catastrophe could have totally unforeseen or beyond-control circumstances that make it necessary to do some kind of triage, and consequently fail to save all the people who can be saved. Another completely different thing is a government not considering it a priority to carry out preparation work to mitigate the effects of a disaster, for example, a flood, often for ideological political reasons (because it is against human rights, because the person is a science denier, because another opposition party advocates for better preparation and wants to remain in the opposition despite its responsibilities as a public administrator) and thereby deliberately causing the death of many of its citizens due to the need to carry out a triage and, in doing so, leaving the most vulnerable people, the least favored people in society, in the background. Any government that fails to pay due attention to disaster preparedness (for whatever reason) and therefore allows periods of temporal discontinuity to occur that significantly affect the ability of human beings under its responsibility to undertake their rational life projects, especially the least favored (the most vulnerable), disrespects the value of human life of those affected and may even be held criminally liable for the adverse effects resulting from its omissions. The “vulnerability analysis allows us to see human faults and/or neglect (...) when disasters are not results of a contingent, unmoral nature, but rather a defective, unjust culture” (LAUTA, 2020, p. 46). In these cases, disasters cannot be understood as simple cases of extreme necessity, which does not recognize law, to employ the idea of Kantian law of necessity, but can be examined by the judiciary and considered as acts of human negligence and omission. Another point worth emphasizing is that what Lauterbach is discussing is not the issue of increased crime during disaster events, but disasters themselves as crimes, and therefore susceptible to being attributed to responsible authorities or other people whose omission or negligence can be identified (LAUTA, 2020, p. 47). Furthermore, even though there is generally an increase in crime during disasters and catastrophes, in this case it is about the type of virtues that are expected of victims and people who carry out humanitarian actions during a disaster or catastrophe. When we are talking about the legal liability of political authorities, mainly before but also after disasters and catastrophes, we are dealing with crimes that can be committed by these authorities, crimes of liability for the bad consequences that people under the legal responsibility of these authorities are subjected to because of omissions and the negligence of the authorities.

Disasters and catastrophes as a matter of justice

In his conception of justice as fairness, the North American philosopher John Rawls starts from the assumption that human beings must choose a theory of justice in a hypothetical condition called the original position. He describes the parties or people responsible for choosing the principles as having two faculties or capacities: the capacity to develop a sense of justice and the capacity to develop a rational plan of life. The ability to have a sense of justice depends on the perception of the social institutions under which one lives as just, and the ability to develop a conception of life or a rational life plan depends on the provision of certain resources and the way in which the individual manages these resources over time.

Rawls argues that the question of identifying which principles of justice are most appropriate for ordering what he calls the basic structure of society (which includes the political constitution, the market system, and even the family, among other things) concerns a society that lives under conditions of moderate scarcity, those conditions that Hume called circumstances of justice. In other words, it is not a scenario of abundance of resources, since in this type of case there is no sense in having demands for justice, but it is also not a scenario of extreme scarcity, in which case there would be little to redistribute in response to the demands for justice. It is highly likely that the disaster and catastrophe scenarios discussed here will, in many cases, come close, or could even come close if adequate preparation for the disaster event has not been carried out, to scenarios of extreme scarcity of certain resources, since during a disaster event certain resources such as food, water, and other personal hygiene items may become less available or scarcer and may suffer significant price inflation due to the abrupt drop in supply and the maintenance of demand, if not to the expansion of demand, which may make their prices more prohibitive. Although disaster and catastrophe scenarios may be cases that deviate from the justice scenario, it is important to note that the present study understands, firstly, that, given the increase in human knowledge in predicting natural disasters or those produced by human acts, there is a proportional increase in the responsibility of authorities, especially political ones, in developing public policies in preparation, response, and even mitigation or elimination of the harmful effects of natural disasters or those produced by human acts on people's lives, especially the lives of the least favored people in society. It is necessary to consider here that the least favored people in society are those who suffer most from the harmful effects of natural disasters or disasters caused by human acts and are those who are most likely to suffer what we will call throughout the text long-term or permanent (temporal) discontinuities, and this phenomenon has negative consequences in relation to their ability to undertake their rational life plans. Second, since the ability to undertake a rational life plan is an assumption of a theory of justice for contemporary liberal democratic societies, and any conception of justice chosen to order the basic structure of society needs to take this into account, a just society must be considered one that contains a commitment to seeking to ensure that people do not suffer arbitrary temporal discontinuities that negatively affect their rational life plans. This planning, related to rational life plans, requires, among other things, temporal continuity, the ability to think of a logical sequence between past, present, and future in the lives of people in society. It requires the ability to consider with some clarity that the actions we performed in the past are part of a plan that is either under development in the present or in the process of being implemented in the near or even more distant future. Thirdly, contrary to what one might think from the assumption that justice only takes place in circumstances of moderate scarcity, in the same way that Zack (2009) defends in *Ethics for Disaster*, it is understood that ethics and justice

do not take a vacation in catastrophe and disaster scenarios and as a consequence of this, we do not start here from the assumption that ethical reflection on disasters and catastrophes needs to be identified with scenarios of lifeboat or runaway train ethics, in which the only relevant ethical decision is one based on a type of consequentialism regarding who should die and who should live. There is more philosophical work to be done in ethical reflection on disasters and catastrophes than simply applying some version of consequentialism to these types of cases to see which best fits our preexisting moral intuitions. It is important to note that some even question the role of moral intuitions in identifying moral theories, and one might also question the relevance of using such extreme cases as disaster ethics as a laboratory for identifying the best moral theory. Moral theories must first and foremost explain ethical conduct in normal times, not just ethical conduct in apocalyptic scenarios.

As the current study also addresses the question of whether a disaster puts ethics on vacation, since it affects people's lives in such a way that some theorists equate disaster scenarios with war scenarios and therefore argue that, as in a war, ethical values are not valid in disaster scenarios and therefore one could think of living in a situation in which justice might not make sense, therefore, the sense of justice would also not be promoted in a war scenario or in a disaster scenario. However, I believe that the greatest effects of disaster and catastrophe scenarios are not on the sense of justice, but rather on the rational life plans of people in society, just as I do not share the view that disasters and catastrophes are scenarios in which ethics goes on vacation and therefore I do not share the view that only one of the views of normative ethics is adequate for disasters, namely, some version of utilitarianism. Properly understood disaster ethics has room for conduct guided by deontological, consequentialist, and virtue-based ethics, although it is necessary to examine in greater detail which deontological rules apply to these types of cases, which version of consequentialism, and which versions of the virtues are appropriate both for people affected by disaster events and catastrophes and for people who provide assistance or help to those affected.

I believe that the issue of life plans is central to ethics in disasters and catastrophes because this type of event is marked, at least for a significant part of society, by producing some kind of temporal discontinuity in the lives of those affected, which can temporarily or permanently hinder the implementation of the rational life projects of people affected by these events. The notions of temporal continuity and discontinuity play an important role in establishing meaning in human life, since without belief in this continuity of time in relation to the future, all efforts in the present may lack meaning. This temporal discontinuity can occur temporarily or permanently. When a natural disaster (or the result of human action) of small or medium proportion occurs, there is usually only a short-term temporary discontinuity, but when a natural disaster (or the result of human action) of large proportion occurs, the temporal discontinuity can be long-lasting or irreversible, at least considering the temporal sequence (past, present, and future) in such a way that a person's life has meaning. In these cases, at best, the temporal sequence could be restarted after the occurrence of the event or even by going back to a moment in the temporal sequence much earlier than the moment in which the catastrophe or disaster occurred, when, for example, a person from a humble family background, after a long life trajectory and effort, manages to climb some steps of the social ladder and achieve a more dignified and valuable living condition, but suddenly finds himself back in a worse period of his life with less dignity because a disaster event destroyed his family, his home, his car, and the company he worked for.

There is a moral argument in favor of humanitarian aid to people affected by disasters and catastrophes, and a fiduciary responsibility has increasingly been consolidated through legal processes against political authorities and other people involved in the process of preparing for disasters and catastrophes when there is an omission or negligence. If we try here to somehow follow in the footsteps of Rawls's justice as fairness and apply it to ethics in disasters and catastrophes, it is important to note that he does not adhere to the principle of reparation as the sole criterion of justice (RAWLS, 1971, p. 101) and that the principle that Rawls applies to inequalities and comparisons between unequal positions is the difference principle that assigns an important role to a relevant social position, namely, the position of the least advantaged in society. Another aspect that Rawls employs in the discussion of the difference principle and that may be relevant to bring up here, is the assertion that natural facts are neither just nor unjust, but justice is found in the way social institutions deal with natural facts. As previously observed, the increase in human knowledge and the abandonment of metaphysical explanations for certain facts, such as disasters, which were once considered in philosophical reflection as a reason for a debate about divine goodness or evil among thinkers like Jean Jacques Rousseau and Voltaire (François Marie Arouet), are today considered as facts that can be explained either through natural causes or through causes related to human actions. Even when dealing with natural causes, today, with increased knowledge, public authorities can adopt measures to mitigate or eliminate the negative consequences of a significant portion of disaster events. Therefore, it becomes even more evident that the fact that a human being is placed in a situation of temporal discontinuity that affects the possibility of future development of their rational life plan influences the way key social institutions handle the process of disaster preparedness and response.

Neither only utilitarianism nor a case of moral turmoil

Another point I would like to highlight is that it is very common, when addressing ethics in disasters, to understand that it is about the application of renowned normative theories (such as Kantianism, utilitarianism, and virtue ethics) to scenarios similar to the runaway train, in which the only possibility is to choose between two or more equally bad scenarios, in which the consequences for human lives or even the lives of non-human animals need to go through a type of screening or selection regarding who should live or die, who should suffer this or that harm in the case of different scenarios causing physical or mental harm to different people in the ethical dilemma in question.

Something that is important to note is that cases of ethics in disasters were generally considered cases of exception to conventional morality and relatively rare, nevertheless, either because scientific knowledge has advanced and can predict with relative certainty the occurrence of certain types of disasters or natural catastrophes, or because human action has affected in such a way, through pollution of air, water, soil, etc., cases of disasters have become much more frequent in the media and in people's lives. This does not mean that our increased scientific knowledge has increased the incidence of these types of events, but at least it has made us more aware of their occurrence in the present or in the future. Because of this, it is also important to make efforts to promote the dissemination and broad understanding of scientific knowledge that serves as a backdrop for the early identification of disaster or catastrophe events, including fighting the spread of *fake news* and making it easier to explain and justify the public or private investments that are necessary to avoid

or at least mitigate the negative effects on people's lives that can result in temporary, persistent, or even permanent discontinuities in their life plans.

As already seen, disaster preparedness occurs before the event has happened, while disaster response occurs during, immediately after, or even when the event is imminent. The point is that insufficient preparation usually leads to an insufficient response, and with regard to the topic of this study, insufficient preparation and insufficient response can make the disruption of normal life caused by the event longer and more lasting than would be appropriate, or can even turn something that should be considered simply a disaster into a catastrophe.

I am now going to present two versions of the view that morality takes a vacation in catastrophe or disaster events: the first view understands that “once the threshold is crossed, morality ends.” (SANDIN, 2020, p. 20), that is, once the scenario of discontinuity in people's lives is established, even if temporarily, morality loses its validity and the appropriate position is a type of political realism in which the strength of the strongest prevails and not the rules and moral virtues of everyday life. The second view understands that “when the threshold is crossed, deontology is simply replaced by consequentialism.” (SANDIN, 2020, p. 20), that is, once the scenario of continuity in people's lives is established, even if temporarily, deontological moral rules and virtues lose their validity and the appropriate morality is some kind of consequentialism or utilitarianism. This kind of vision is what motivates the large number of analyses and studies of disaster ethics based on cases like the runaway train problem, in which the only alternative is to choose between bad scenarios; the only option left is to choose the lesser of two or more evils; human lives will be lost; it is simply a matter of performing a calculation of consequences to identify which of the alternatives results in the fewest number of people killed or injured. One consequence of this view seems to be that utilitarianism or some variant of consequentialism is the best ethical conception for extreme situations such as disasters and catastrophes, and that duty ethics and virtue ethics would have no role to play in disaster scenarios. However, it does not seem correct to claim that utilitarianism is the best conception of normative ethics for disasters and deontological rules and virtues still play a role in this type of scenario and the background realist view often serves as a poor justification for erroneous virtue models for catastrophe and disaster events.

Zack (2009, p. 50) asks: “Are disaster heroes and the virtues they exemplify different from the heroes and virtues of normal times?” After rejecting the heroic model of virtues based on the character Achilles from the Trojan War, she uses the examples of a father and his son in the film *The Road*, comparing them to the crew of the ship *Endurance* commanded by Captain Ernest Shackleton, and finally argues that the main virtues in cases of disaster are integrity and diligence, in contrast to the reckless bravery and ferocity characteristic of the demigod Achilles in the Trojan War. While acknowledging that these two virtues do not belong to the traditional catalog of virtue ethics like Aristotle's, she understands that they are the virtues necessary in conditions that people fear most, such as disasters and catastrophes. It can be said that it is very common in catastrophes and disasters, especially when assuming that catastrophes and disasters are similar to or should be treated in the same way as war, to argue that the appropriate virtue is that of warriors like Achilles in the Trojan War of Homer's *Iliad*—namely, the virtue of the fearless and invincible warrior in the face of the difficulties of war. In other words, virtue in a disaster or catastrophe would have to be a type of heroic virtue. However, this model of virtue cannot be appropriate because the vast majority of human beings could not achieve this level of skill in the

face of extreme events. This also does not mean that there should be no concern for virtue and moral rules in disasters and catastrophes.

Although Zack identifies two virtues as the most important in disasters and catastrophes, she doesn't differentiate who should possess these virtues. Instead, Löfquist does some work to determine which virtue applies to whom, by dividing people into two broad groups: those who are victims or affected by such events, and those who respond to or are responsible for providing humanitarian aid to victims or affected people. Löfquist understands that the quintessential virtue of people affected by or victims of disasters or catastrophes is resilience (LÖFQUIST, 2020, p. 207) and the virtue par excellence in relation to people who are responding to the suffering of those affected or victims of disasters or catastrophes is the ability to respond to the suffering of others, sometimes called beneficence, sometimes called benevolence, and sometimes called humanity, and it refers specifically to doing good to people who are in need in an event of disaster or catastrophe (LÖFQUIST, 2020, p. 208). Furthermore, contrary to the approximation of disaster scenarios to the condition of necessity or the right of necessity (*ius necessitatis*), which as Kant says in *The Metaphysics of Morals* "necessity has no law (*necessitas non habet legem*)" (MS, AA 08: 236), disasters and catastrophes are events in which moral principles and virtues still apply, since, as Kant says "there is no necessity that makes licit that which is inconsistent with law" (MS, AA 08: 236), although here we are dealing with ethics and political morality and not law in the strict sense.

Another factor that has caused a feeling of discontinuity between the past, present, and future in people's lives is related to new digital media and the crisis in democracy, due to the widespread dissemination of inaccurate or untrue news, popularly known as fake news. As Byung-Chul Han (2022, p. 36) states in *Infocracy - Digitalization and the Crisis of Democracy*, the way information is transmitted through new digital media causes "time to decay into a mere succession of specific presents. This is where information differs from narratives, which generate temporal continuity." Faced with this scenario in which we are bombarded with news that is sometimes true, sometimes inaccurate or false, and which creates a constant perception that we are on the verge of some case of temporal discontinuity, a feeling of hopelessness is produced among people and rational life plans are affected, since "actions need a horizon of meaning" (HAN, 2024, p. 13). However, I will not delve into the role of new digital media in producing a scenario of constant threat of temporal discontinuity in this study; I intend to dedicate another article to this topic in the future.

Rawls dealing with contingency: an extension to disaster ethics

Disaster and catastrophe scenarios would be classified in Rawlsian justice theory as some type of non-ideal theory, and in *The Law of Peoples* he differentiates between two types of non-ideal theory: 1. one that "deals with conditions of noncompliance, that is, with conditions in which certain regimes refuse to comply" to rules; and 2. one that "deals with unfavorable conditions, that is, with the conditions of societies whose historical, social, and economic circumstances make [it] (...) difficult, if not impossible" to achieve a just society (RAWLS, 1999, p. 5). Since disaster and catastrophe scenarios generally entail situations in which the supply of primary social goods and other consumer and subsistence goods may become scarcer or even unavailable for a certain period of time without external help from other parts of the country or even from other countries in the world, then at least momentarily, but in some cases for even longer periods, a society that

previously lived under conditions of moderate scarcity, which characterizes the circumstances of justice in justice as fairness, begins to live with unfavorable conditions and, therefore, would be a non-ideal theory scenario of the second type. Considering that the unfavorable conditions involved in disaster scenarios do not fail to affect the acquiescence to social norms of people in the society affected by the event, since there is normally a greater incidence of petty theft after disasters and catastrophes, it could be stated that disasters and catastrophes could also be classified, although they do not necessarily and always become this type of situation, as being in the first type of non-ideal theory mentioned above. I say “not necessarily and [not] always” because I understand that if public authorities fulfill their obligations in preparing for and responding to disaster events (at least, given that catastrophe cases imply a wider discontinuity), the conditions that make the sense of justice less effective in binding social norms during these types of events become less likely, or in many cases even non-existent.

I believe that some of Rawls’s statements in *Justice as Fairness: A Restatement* (§ 51), as a strategy for responding to some of Amartya Sen’s criticisms of justice as fairness, could shed light on what the Rawlsian position on disaster preparedness and response to disasters and catastrophes might be. The focus of the section is health care and how the circumstances in which people need health care can be considered as cases in which citizens temporarily fall below the minimum level of basic capabilities of a fully cooperative and normal member of society (RAWLS, 2001, pp. 171-2). Disasters and catastrophes, as we have observed, produce a type of temporary discontinuity in the short, medium, or long term, that affects the capabilities of citizens, since they affect or even take out of operation several important social institutions responsible for protecting the rights and duties of citizens, what Rawls called the basic structure of society. Furthermore, Rawls argues that justice as fairness can help only with the question of how to specify the just terms of cooperation between free and equal persons, but that it could be expanded to help with the question of justice between citizens who differ due to illness and accident, particularly by recognizing that citizens during their lifetime “may be seriously ill or suffer severe accidents from time to time” (RAWLS, 2001, p. 172).

It is necessary to pay attention to three aspects of the index of primary social goods that give a certain flexibility to the two principles of justice as fairness, adjusting to the differences between citizens of society related to health care and, we could add, related to the negative effects of temporal discontinuity in relation to rational life plans produced by disasters and catastrophes (RAWLS, 2001, p. 172). a. primary social goods “are not specified in full detail (...) [based on the available information] in the original position” (Rawls, 2001, p. 172); b. the primary social goods “of income and wealth should not be identified only with personal income and private wealth” (RAWLS, 2001, p. 172), but also include citizens as beneficiaries of a wide range of public goods and services whose provision ensures public health and which may include clean air and clean water, among other things; c. the primary goods index “is an index of expectations of these goods over the course of a complete life” (RAWLS, 2001, p. 172).

Rawls states that from the conception of citizens as free and equal and the flexibility of primary social goods, two things are possible: a. “to estimate the urgency of different kinds of medical care” (...) and b. “to specify the relative priority of the claims of medical care and public health generally with respect to other social needs and demands” (RAWLS, 2001, p. 174). If we apply the same reasoning that Rawls applied to issues of medical care to issues related to ethics in

disasters, taking into account that temporal discontinuity affects citizens' capabilities (sense of justice and conception of good) in a similar way to what happens with illnesses and accidents that affect people's health, we could conclude that just as health treatments have "great urgency, more exactly, the urgency specified by the principle of fair equality of opportunity" (RAWLS, 2001, p. 174) actions by the State aimed at preparing for, responding to, and recovering and rebuilding the main social institutions of the basic structure of society damaged by disasters and catastrophes are also urgent and necessary.

Final considerations

Considering that Rawlsian justice as fairness, through its conception of equality that includes the principle of fair equality of opportunity and the principle of difference and is not committed to the principle of reparation, which assumes that all undeserved inequality is worthy of compensation, how can we justify the obligation of the State and society in the face of the condition of victims of disasters and catastrophes? The justification for the State's obligation towards people affected by disasters and catastrophes can be found, firstly, in a moral argument that disasters and catastrophes are events resulting from natural causes or human actions (most often human actions of people other than those affected by the event) that cause great commotion because they are undeserved by those affected and cause temporal discontinuity in the rational plans of the people affected; secondly, the negative effects of temporal discontinuity on the rational plans of life and even the sense of justice of the people affected because of the damage caused to the main institutions of the basic structure of society entail an obligation on the part of government authorities to prepare and create institutions specialized in preparing for and responding to disasters (natural and caused by human action). Furthermore, given the negative effects of the emergence of new media in spreading the feeling of fear due to the diversity of almost daily threats of the emergence of new temporal discontinuities, authorities also need to take serious measures in regulating new social media in order to combat and hold users and technology companies accountable for the dissemination of information that may contribute to the worsening of the negative scenario.

Considering that disasters and catastrophes generate circumstances of temporary, provisional, or permanent temporal discontinuity and that discontinuity significantly affects the ability of citizens of a society to undertake their rational life plans, what obligations should a State have in relation to this type of event? First, the State must take appropriate measures to avoid, mitigate, or minimize the adverse consequences that produce circumstances of temporal discontinuity in people's rational life plans, such as protecting, repairing, or rebuilding the social institutions of the basic structure of the affected society; second, the State needs to create systems for monitoring locations where disasters and catastrophes are likely to occur and create systems that warn people affected by the event that it is about to happen, as well as to train those affected on good disaster response practices, with the aim of significantly reducing the number of victims, if possible to zero; third, the State must direct available human and financial resources to assist disaster victims and, when necessary, temporarily allocate victims to schools, sports centers, hospitals, etc. until the victims are able to continue their rational life plans on their own by returning to their place of origin, when possible. However, when this is not possible, other measures are necessary to prevent victims from abruptly and drastically returning to previous stages of development of their rational life plans. Fourth, when possible and feasible, the State must rebuild the structures necessary for the normal development of life in the affected area in order to enable, as quickly as possible, the

return to the temporal continuity of the rational life plans of the affected people. Finally, the State needs to create instances of deliberation and preparation for disasters and catastrophes before the events occur in order to establish, through the public use of reason in the public sphere, how necessary it is to carry out some type of triage, in case the preparation proves insufficient and not all people can be saved, in order to avoid such criteria being established based on the emotions of the moment.

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