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Quarantine Ethics: From Past to COVID-19

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Quarantine Ethics: From Past to COVID-19

Chrystal Barnes, AS, Portland State University



Constitution

- •Right to trial and council¹
- •Right to privacy¹
- •Equal protections¹

Historical Examples

Quarantines have been implemented throughout history and provide examples of ethical consideration for implementation. 3-5



DEFENSE OF INDIVIDUAL FREEDOMS Protects individual rights and freedoms Balance Individual and Communal **DEFENSE OF DEFENSE OF** Interests COMMUNITY AND SECURITY **DEMOCRATIC INSTITUTIONS** Safeguards the community Supports affirmative role of interest in health and safety legislative and executive branches to regulate in the

interest of communal health

COVID-19

- Compelling state interest⁶
- •Well targeted⁶
- •Least restrictive alternative⁶
- •Wide range of procedural protections⁶
- •Discrimination against those from China and Iran⁷
- •Unequal protections⁷
- Lack of basic needs being met⁷

Conclusion

While COVID-19 quarantine was justified, implementation of quarantine procedures were frequently discriminatory, inequitable, and lacking in supportive services.

1. Wendy E. Parmet, Quarantining the Law of Quarantine: Why Quarantine Law Does Not Reflect Contemporary Constitutional Law, Wake Forest Journal of Law and Policy, Vol 9, No. 1, pp.1-33 (2019) 2. Gostin LO, editor. Public Health Law and Ethics: A Reader. Berkeley: University of California Press; 2010. 3. Jew Ho v. Williamson, 103 F. 10 (C.C.N.D. Cal. 1900) 4. Hickox v. Christie, 205 F. Supp. 3d 579, 585–88 (D. N.J. 2016) 5. Reynolds v. McNichols, 488 F.2d. 1378, 1382 (10th Cir. 1973). 6. Lawrence O. Gostin et al., The Law and the Public's Health: A Study of Infectious Disease Law in the United States, 99 COLUM. L. REV. 59, 119 (1999). 7. Wendy Paramet et al., COVID-19-The Law and Limits of Quarantine, The New England Journal of Medicine, Perspective, 2020

Constitutional Functions²