

EUROPÄISCHE AKADEMIE

zur Erforschung von Folgen wissenschaftlich-technischer Entwicklungen
Bad Neuenahr-Ahrweiler GmbH

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FOCUS

The function of “dignity” in bioethics

Felix Thiele

Dignity is a widely discussed topic in contemporary bioethics. However, it is argued that the dignity concept cannot be worked out in both a broadly accepted *and* precise enough manner. It is contested, therefore, that the dignity concept can play a fruitful role in mastering specific moral conflicts. Dignity should instead be conceptualised as ideal imparting general orientation on moral issues in bioethics.

Dignity, especially Human Dignity has become a prime topic in bioethics over the past years – not only in Germany where Human Dignity has been deeply woven into the fabric of the constitution sixty years ago, but also worldwide. Some authors even think that the era of autonomy as first principle of bioethics comes to an end with dignity as its successor. And indeed, does it not seem plausible to talk about the dignity of a demented person, a great ape, or an embryo in the case of which it makes less or no sense to talk about his or her autonomy? So much granted, however, we are facing thoroughgoing debates on almost every aspect and implication of dignity, and as off today it seems rather doubtful whether the debate on dignity will fruitfully contribute to mastering bioethical conflicts. However happy one might be to see that the apparent obsession of bioethics with autonomy is decaying, one has to acknowledge that the focus on autonomy helped amongst other things to reshape the physician-patient-relationship according to the needs of modern liberal societies. Dignity has yet to show that it bears comparable potential for bioethics.

Many contributors to the dignity debate enter the field by working out substantial concepts of dignity – mostly following clas-

sic authors from Cicero to Kant and Arendt. Travelling along classic pathways may, however, lead to destinations quite distant from the specific needs of contemporary bioethical debates. In addition, the fact that by now there has been a variety of well worked-out, partially incompatible, concepts of dignity apparently stimulates instead of diminishes conflicts on dignity. As possible way out of this stalemate I will argue that dignity should not be conceptualised as sharp criterion for solving bioethical conflicts but rather as ideal imparting general orientation on moral issues. In this way it might prove to be a useful concept in bioethics.

The plurality of concepts of dignity

Ethical argumentation aims at mastering moral conflicts in an argumentative manner. If ethics exhausted itself in attempts to clarify fundamental moral terms or in quarrels on the truth-theoretic status of moral judgments, it likely would not be assessed as satisfactory. Moral problems should not only be understood but also mastered – and ethics can play an important part in this. However, since not all work in ethics is mastering moral conflicts, a differentiation between theoretical and applied ethics should be made.

The task of theoretical ethics is not to solve moral problems, but first of all to develop or improve the instruments that can then be used for mastering these problems. Part of this task is the explication of fundamental moral terms such as 'ought', 'should', 'autonomy', and 'dignity'. In contrast, applied ethics is concerned with mastering moral conflicts by applying the instruments developed in theoretical ethics to moral problems. Characteristically, the applied ethicist deals with concrete situations, limited time budgets, and aims at "the best available result under the given circumstances".

The primacy of applied ethics given, theoretical ethics nonetheless is more than a mere servant or supplier of applied ethics. Theoretical ethics can well be understood as *philosophia perennis*, as continuous endeavour for clarity and progress in morality. This aim is not necessarily infringed by the interest to master actual conflicts. Therefore, the plurality of voices in theoretical ethics – likely remaining for the foreseeable future – should not be seen as weakness of theoretical ethics, but rather as strength, since theoretical ethics does not suffer from limited time budgets and the practical constraint of being necessitated to act. In this perspective the plurality of concepts of dignity, too, is not a problem, but, on the contrary, highlights the richly filled arsenal of instruments that the applied ethicist may use for his or her work. To make the point even stronger: the broad discourse on dignity in theoretical ethics first of all provides the bioethicist with material he can use in mastering moral conflicts. It is this deep linkage between theoretical ethics and applied issues that distinguishes bioethics from mere biopolitics.

Dignity as taboo, principle, right...

It would be presumptuous to aim at a comprehensive comparison and critique of the rich literature on dignity in bioethics here. However, it appears that most conceptualisations of dignity fail to play a fruitful role in mastering bioethical conflicts. I will try to illustrate this by means of a few rhapsodic examples which of course cannot replace a fully fledged and systematic discussion of all what is offered in the dignity debate. But these examples may help to understand why I think that dignity should be conceptualised as ideal.

Especially in public debates, dignity is sometimes used as taboo: By saying that a certain action or state of affairs is infringing the 'dignity taboo', it is meant that this action or state should not be realised – whatever argument the proponent of this action or state might think to have in favour of it. Sociologists tell us that locating an action or state beyond the sphere of moral argumentation by way of making it taboo is helpful for smooth societal coexist-

ence. It seems doubtful, however, that this – if empirically correct – is acceptable for societies allegedly endorsing the principles of enlightenment. Moreover, the attempt to establish taboos in areas of societal conflicts surely infringes the idea of a liberal legal order. Most importantly, for the bioethicist taboos are obviously not acceptable as ethical principle if ethics means *argumentative* solution of conflicts and not enforcing a certain moral stance.

In professional bioethics dignity as taboo plays a less prominent role. Instead it is amongst other things conceptualised as a principle, as a right, a human right, or an ensemble of such rights. The problem with these conceptualisations is not necessarily that they are vague or unclear. Certainly, some attempts to clarify the term dignity achieve rather the contrary. It would be unfair, however, to judge a whole research area by referring to the least successful contributions to it. To be sure, there are quite a number of impressive proposals for conceptualising dignity as criterion that can be applied in mastering moral conflicts. The problem with these proposals is as follows: If dignity is defined in a detailed and precise way, then it likely will not be accepted as common ground for moral discourse by all those that want to use it in bioethics. If, however, dignity is outlined in a rather loose way so that most discussants can agree on it – whatever 'it' may mean then – the utility of dignity as criterion for making decisions in bioethical cases declines massively. A solution for this dilemma is to interpret dignity as ideal framing debates on fundamental bioethical problems and not as criterion for deciding conflicts.

Dignity as ideal for framing bioethics discourses

In everyday language an ideal usually refers to something that is perfect but also something that is rarely realised completely. Commonly, ideals are shared by many people – like the humanistic ideal of education. Sharing ideals, though, means no more than that there is a kind of inter-individually shared core-meaning: The humanistic ideal of education for sure recommends, amongst other things, knowledge of Latin and Greek literature, but not knowledge of the oeuvre of Thomas Mann or Dostoyevsky. But already the question whether Augustinus – an author working in the transition-time between late Hellenism and early Christianity – is one of the authors the humanistically educated should know of, cannot be solved by reference to the ideal.

A downright characteristic for ideals is that they become fuzzy "towards their borders". Conceptual fuzziness is problematic if one is after explicit terminology. However, fuzziness might be helpful, if thereby the ideal's halo is wide enough so that the ideal is broadly ac-

ceptable. Since ideals do not only describe the world as we would like to have it, but always are tied to the demand to change the world according to the ideal, a broadly accepted (even if vague) ideal becomes helpful as general orientation in a moral community. *It is plausible to interpret dignity as ideal outlining how we as moral entities would like to be seen, appreciated, and treated by others.*

If dignity is conceptualised as ideal, we are confronted with the task of establishing its content. Without going into details I suggest that as heuristic approach one should use the method of descriptive ethics, i.e. revert to a broad collection of existing concepts of dignity. In a second step one would have to systematise this collection and to establish what one might call the core meaning of dignity. The latter surely goes beyond a purely descriptive approach and includes normative evaluations. Here again theoretical ethics will make an impact on bioethics, since much of the dignity discourse in theoretical ethics aims at identifying and systematising the relevant aspects of dignity.

Ideals and their topical application

Ideals are of small use for mastering concrete moral conflicts. The reason for this is, as said before, that mastering of moral conflicts depends on explicit terminology – a demand that ideals do not fulfill. Nonetheless, ideals may serve as a starting point for topical applications, i.e. for specific concepts that root in the ideal but are explicated tailor-made for specific applications. For example, self-determination is the single most important ideal of our liberal societies. However, this ideal is rather not applied directly to specific areas of conflict. Instead, and wherever possible, the legal framework makes use of specific concepts such as maturity, capacity to contract, or capacity to consent. In an analogous way I propose that dignity is interpreted as vague but broadly acceptable ideal that will prove helpful as common ground and starting point for a continuous self-assurance on what moral entities are like and on their relation to the rest of the world. For resolving bioethical conflicts, however, it seems advisable to refer to more specific concepts such as integrity, identity and personality and to further explicate these concepts for specific uses.

Priv.-Doz. Dr. med. Felix Thiele, M.Sc., is currently fellow of the Center for Interdisciplinary Research (ZiF), Universität Bielefeld, where he is co-leader of the research group "Challenges to the Image of Humanity and Human Dignity by New Developments in Medical Technology". Since 1999 he has been deputy director of the Europäische Akademie GmbH.

PROJECT GROUPS

New project group on nanotechnology in medicine started in February

■ Rheumatoid Arthritis (RA), an inflammatory disorder inducing the destruction of cartilage, and Osteoarthritis (OA), a degenerative arthritis, affect considerable parts of the population and are accompanied by significant pain, morbidity and mortality. However, early diagnostic tools for the detection of the disease progression and the ability to evaluate the efficacy of therapeutic interventions are unsatisfactory so far. To foster research in this area the European Commission is funding an interdisciplinary consortium called NanoDiaRA. The main objective of the project is to develop a nanotechnology-based novel diagnostic tool for easy and early detection of biomarkers in inflammatory diseases, especially RA and OA, by using modified superparamagnetic nanoparticles (SPION).

The consortium (consisting of 15 European partners) started on 1 February 2010 and will run for four years. The overall coordination of the project is done by the Europäische Akademie GmbH, the scientific coordination by Dr. Margarethe Hofmann, Lausanne. In addition, the academy is leading a work package on the ethics of nanotechnology in medicine.

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Energy storages and virtual power plants

■ The third and fourth meeting of the project group “Energy Storages and Virtual Power Plants for the Integration of Renewable Energies into the Power Supply. Potentials, Innovation Barriers and Implementation Strategies” took place in Bad Neuenahr-Ahrweiler and Osnabrück on 29 October and 4 December 2009 respectively.

The fourth meeting was predominantly used to further discuss the results from the expert workshop on 3 December 2009 which dealt with energy scenarios, energy storage technologies, analysis of fluctuating power production from wind and solar plants, storage and transport capacities, and political aspects of energy balancing strategies.

External experts invited to the workshop were F. Borggreffe (Universität zu Köln), Dr. L. von Bremen (Universität Oldenburg), Dr. C. Hoffmann (Siemens AG), Dr. C. Pieper (The Boston Consulting Group), and D. F. Sprinz, Ph.D. (Potsdam-Institut für Klimafolgenforschung).

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Radioactive waste

■ In January 2010 the project group working on radioactive waste held two meetings in short temporal intervals: The focus was laid on the strategies of radioactive waste management and on possible technical designs of final disposal sites on the one hand, and on the different manners of legislation on radioactive waste in various countries on the other.

During the second feedback-round the results of the group's discussion on these and other topics such as the scientific determination and the lay person's perception of the risks of radioactive substances as well as the ethical questions of long-term responsibility will be presented in Bad Neuenahr-Ahrweiler on 18/19 March 2010.

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Protection of crucial bridges and tunnels of road traffic – an ethical evaluation (SKRIBT)

■ On 28 January 2010 the evaluating associates (Dr. S. Lingner/Bad Neuenahr-Ahrweiler, Professor Dr. C. Arzt/Berlin) to the joint research project “Protection of crucial bridges and tunnels of road traffic” met with the main project partner – the Federal Highway Institute (BASt) – in Bergisch-Gladbach near Cologne. The meeting aimed at discussing cross-cutting ethically and legally relevant implications of the consortium's ongoing research on new technological and organisational options for the enhancement of bridges and tunnel safety.

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CONFERENCES

Spring conference on secure electricity supply

■ This year the annual spring conference “Secure Electricity Supply and Renewable Energies. Supply Security with Meeting Long-Term Targets for CO₂-Emission Reduction?” will take place at the Wissenschaftszentrum Bonn from 24 to 26 March. The conference will explore how renewable energies can be

used to the broadest possible extent without suffering from reduced quality of electricity supply caused by fluctuations in the availability of energy fluxes from renewable sources like wind velocity and solar radiation. The focus of the interdisciplinary contributions will be laid on applicable scenarios for the energy system, relevant implementation strategies and supplementary technologies, as well as framework conditions to support the development of promising options. Beside scientists from the fields of power engineering, energy economics, general economics, and jurisprudence, representatives of the industry will contribute to the discussions.

The conference is held in connection with the academy project “Energy Storages and Virtual Power Plants for the Integration of Renewable Energies into the Power Supply” (funded by the German Aerospace Center, DLR) and is organised by project coordinator Dr.-Ing. Bert Droste-Franke.

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NEWS

Results of the evaluation of the Europäische Akademie

■ The results of a comprehensive evaluation of the work of the Europäische Akademie GmbH were presented in a press conference on 18 February 2010. The evaluation which achieved an overall very good result was implemented in 2009 by an external independent commission of experts. The result was that the academy's concept of rational technology assessment was regarded as indispensable for consulting the society with the aim of scientific education. In this sense the experts emphasized the methodical unique feature of the Europäische Akademie in a specific way. Furthermore, on the basis of a third-party fund of about 40 per cent of the total budget they attested the academy a leading position in comparison with similar institutions.

The evaluation also provided the basis for the partners of the academy to examine the previous claim by the audit office of the Federal State of Rhineland-Palatinate which among

CURRENT PROJECTS OF THE EUROPÄISCHE AKADEMIE

- **Deep brain stimulation in psychiatry. Guidance for responsible research and application** (duration 10/08–9/11)
- **Energy storages and virtual power plants for the integration of renewable energies into the power supply. Potentials, innovation barriers and implementation strategies** (duration 1/09–6/11)
- **Clinical research on vulnerable populations** (duration 12/08–6/11)
- **Radioactive waste. Technical and normative aspects of its disposal** (duration 10/08–9/10)

other things had suggested a fusion of the Europäische Akademie with a research institution in Mainz. This assessment, however, was not confirmed by the group of experts; moreover, in their opinion there was no reason at all for a change in the academy's structure, location and mode of operation. In lieu thereof, the experts recommended to intensify the cooperation with universities and to further increase the visibility of the Europäische Akademie within the research world.

In its regular meeting on 18 February 2010 the partners followed the experts' rating. They gave the academy work orders to implement the recommendations – for example, the further development of its concept of scientific public relations. The further implementation of the experts' recommendations will be reported on in the next newsletter editions.

Art exhibition

■ The Sponsors' Club of the Europäische Akademie invites to the private viewing of the paintings by Karl-Otto Weinreich from Iserlohn on 22 March 2010. Weinreich titles his work "informal painting"; the exhibition at the Europäische Akademie is called "Veränderungen – non liquet" (Changes – non liquet). At the opening there will be an introduction by Dr. Rüdiger Meiss (Iserlohn) and Univ.-Professor Dr. Alfred Endres (FernUniversität Hagen) will play acoustic rock on his guitar. The exhibition lasting until autumn 2010 can be visited during the opening hours of the academy between 09.00 hrs and 15.00 hrs.

Date: 22 March 2010

Venue: Europäische Akademie GmbH, Wilhelmstraße 56, Bad Neuenahr-Ahrweiler

Lecture of the Kreissparkasse

■ In cooperation with the Kreissparkasse Ahrweiler the Europäische Akademie will present this year's Kreissparkassenvortrag at the Bahn-

hof Rolandseck, Remagen, on 29 April 2010. Professor Dr. rer. nat. Dr. h.c. Hans von Storch, director of the Institute for Coastal Research of the GKSS Research Centre and Professor at the Meteorological Institute, Universität Hamburg, will give a talk on new role allocation in climate research and climate policy ("Klimaforschung und Klimapolitik – Rollenverteilung und Nachhaltigkeit").

Date: 29 April 2010

Venue: Künstlerbahnhof Remagen-Rolandseck, Hans-Arp-Allee 1

LECTURES

Thorsten Galert

19/1/2010

■ "Das Gehirn mit Pillen optimieren? Ethische Probleme des Neuro-Enhancements"
FDP-Bürgerforum Otterndorf

Carl Friedrich Gethmann

27/1/2010

■ "Handeln als Wirkung von Ursachen und als Mittel zum Zweck. Zum Rationalitätsverständnis der praktischen Wissenschaften"
Colloquium "Methoden konstruktionsorientierter Forschung", Universität Duisburg-Essen, Essen

9/2/2010

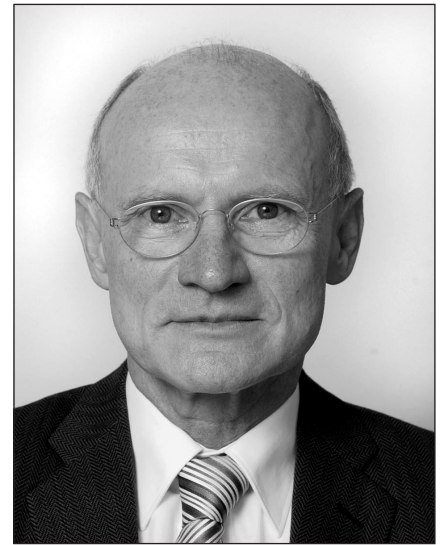
■ "Ethische Grundlagen der Regeln guter Praxis"
Ph.D. Forum, Universität Duisburg-Essen, Duisburg

Stephan Lingner

12/1/2010

■ "Bemannte Raumfahrt – zu abgehoben, zu teuer?"
Museum für Naturkunde, Humboldt-Universität Berlin

PERSONALITIES



■ Wolfgang Kröger studied mechanical engineering, specialized on nuclear technology, at the RWTH Aachen. He received his diploma degree in 1972, his doctoral degree in 1974 and the *venia legendi* in 1986. From 1974 to 1989 he was employed at the Research Centre Jülich, finally as director of the Institute for Nuclear Safety Research. His research aimed to develop advanced reactor concepts and related methods for comprehensive safety assessment. In 1990 he became professor for safety technology (analysis) at the ETH Zurich and director of the Research Department on Nuclear Energy and Safety at the national Paul Scherrer Institut.

At ETH, Kröger has mainly contributed to the development of risk and vulnerability analysis of large scale, complex engineered systems including energy supply infrastructure and to approach risk assessment issues in a multidisciplinary, trans-sectorial way. Following the Forum Engelberg '99, the International Risk Governance Council was established in 2003 and he became its founding rector.

Kröger is chairman of the Safety Review Group of the Nuclear Safety Account of the European Bank for Reconstruction and Development, London, worked in distinguished international committees, authored numerous publications and contributed to various books. Inter alia he is member of the Scientific Directorate of the German Council on Foreign Relations, member of the Swiss Academy of Engineering Sciences and honorary member of the Swiss Nuclear Society.

Professor Dr.-Ing. habil. Wolfgang Kröger is chair for safety technology/analysis at the ETH Zurich, founding rector of the International Risk Governance Council, Geneva, and member of the academy project group "Radioactive waste. Technical and normative aspects of its disposal" (duration 10/08-9/10).

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