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Lessons learned: German Ethics Council offers orientation for future ways to deal with a pandemic

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Today, the German Ethics Council presents to the public its latest Opinion, in which it reflects on the experience gathered in the struggle against the COVID-19 pandemic and draws conclusions for future ways to deal with a pandemic. The Council develops important ethical criteria for complex decisions and presents recommendations to improve the response to particular vulnerabilities of individuals and institutions, and to strengthen their resilience.

Since the beginning of 2020, the COVID-19 pandemic has forced societies all over the world to make trade-offs and to prioritise, with sometimes severe consequences. It is necessary to not only take responsibility for these decisions at a political level; rather, they also require ethical justification. In the ensuing decision-making conflicts, different moral goods may not always be safeguarded or realised at the same time or to the same degree. Weighing the respective importance of such goods requires a set of normative criteria, through the help of which it may be decided, for example, when in the process of containment of a pandemic individual freedom should be considered secondary to the protection of public health, or vice-versa.

“Measures against a pandemic must be democratically legitimised, ethically substantiated and socially acceptable at the same time”, says the chairperson of the German Ethics Council, Alena Buyx. “In our Opinion, we give recommendations on how to better achieve this in the future. In doing so, we are taking a close look at who is particularly vulnerable in a pandemic, and how resilience can be strengthened.”

The Council examines the course of the COVID-19 pandemic, as well as the strategies and measures that have been taken in Germany in order to contain it. Based on this, it draws its normative conclusions. In a crisis of global and historic dimensions, errors and wrong decisions are unavoidable. “The development of a sustainable strategy to handle future pandemics must therefore be based on a critical analysis of systemic defects, dysfunctional forms of organisation and unsuitable procedures”, urges the speaker of the responsible working group of the German Ethics Council, Sigrid Graumann.

The conceptual pair of vulnerability and resilience is particularly important in this context. “The German Ethics Council has developed a nuanced understanding of vulnerability. According to this, vulnerability first and foremost has to be acknowledged as a fundamental feature of human existence”, emphasises the deputy speaker of the working group, Andreas Lob-Hüdepohl. “It may be justified to consider individual persons or specific groups of people as *particularly* vulnerable in a pandemic crisis, which may give rise to a claim for a special degree of solidarity. Nevertheless, all other people remain vulnerable, too.” If they are not particularly vulnerable to the disease itself, they might be

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affected or hurt by the negative consequences of the measures that have been taken to contain the pandemic. This is true, for example, for children, adolescents, trainees and students. They have a much lower risk of experiencing a severe course of COVID-19 than older people or people with pre-existing medical conditions; they are, however, being strongly impacted from restrictions on education and on social life. Nevertheless, they were burdened with considerable restrictions of such kind during the Corona crisis, which were justified, among other reasons, with the argument that their consideration for the elderly was required. Observing the various forms of vulnerability could enable a more targeted support of resilience in such cases in the future.

“The consequences of the pandemic and of its containment affect everybody, but not to the same extent”, stresses Buyx. This is why aspects of justice come into play. Criteria for a fair distribution of scarce amounts of vaccine or of intensive care resources are just as important as compensation measures for special burdens due to the pandemic. Issues of international justice should also be considered, for example, when deciding what kind of solidarity prosperous countries owe to less wealthy countries in the fight against the pandemic. Moreover, it is a question of intergenerational justice which burdens the people living today may impose on future generations.

At the end of its Opinion, the German Ethics Council derives a number of specific recommendations for the balancing of moral goods in the context of a pandemic. They concern the way to deal with uncertainty and a lack of knowledge, for example. These two factors made political decision-making difficult during the pandemic, especially in the beginning. Other recommendations call for improved communication and information strategies, and for including people with limited opportunity for participation in the decisions which affect them. From a perspective of democratic theory, the German Ethics Council advocates the promotion of personal responsibility, solidarity and social cohesion. The potential of pandemic control measures to accentuate social divisions should be systematically considered in decision-making processes in the future.

The complete text of the Opinion “Vulnerability and Resilience in a Crisis – Ethical Criteria for Decision-Making in a Pandemic” can be accessed (in German) at:

<https://www.ethikrat.org/fileadmin/Publikationen/Stellungnahmen/deutsch/stellungnahme-vulnerabilitaet-und-resilienz-in-der-krise.pdf>