



Ethics Centres of Münster, Utrecht, Nijmegen, Tübingen
Program MUNT-conference, Tübingen, 8th and 9th – 10th January 2010

Theme: Ethics Projects in the Making

Friday, 8th January

Pre-Meeting Event

Location: *Lecture Hall Theologicum* (Theology Building), Liebermeisterstraße 12

14.00 – 19.00 Academic Celebration for Dietmar Mieth

19.00ff. Food & Drinks and joining of later arriving MUNT participants (also at
Theologicum)

Saturday, 9th January

Location: *Ethics Centre, Seminar Room 0.02 (ground floor,) Wilhelmstraße 19*

9.00 – 12.45 First session of MUNT-workshop:
Morals, politics and political sciences

12.45 – 14.00 Lunch

14.00 – 17.30 Second session of MUNT workshop:
Moral criteria and principles in bioethics and health care

19.30 – 22.00 Conference dinner (in the centre of Tübingen)

Sunday, 10th January

Location: *Ethics Centre, Seminar Room 0.02 (ground floor,) Wilhelmstraße 19*

9.30 – 12.20 Third session of the workshop:
Moral theories and empirical evidence

12:20 – 13:00 Winding up discussion and plans for next year



Detailed Program MUNT-conference

Saturday, 9th January

- 9.15 – 9.30 Welcome and coffee/tea
- 9.30 – 10.05 Rob van Gerwen (Utrecht): Immoral Art. An Afterword to "Ethical Autonomism"
- 10.05 – 10.40 Tim Houwen (Nijmegen): Populist Repertoire
- 10.40 – 11.00 BREAK
- 11.00 – 11.35 Bert van den Brink (Utrecht): "Pictures of Politics". Political Philosophy and Aspectival Captivity
- 11.35 – 12.10 Simon Meisch (Tübingen): Is there an Ethical Turn in the Political Sciences?
- 12.10 – 12.45 Marcel Becker (Nijmegen): *Comment* – Morals, politics and the role of political sciences
- 12.45 – 14.00 LUNCH BREAK
- 14.00 – 14.35 André Krom (Utrecht): Infectious Disease Control and the Harm Principle
- 14.35 – 15.10 Carla Kessler (Utrecht): Parental Autonomy in Interventions to Prevent Overweight in Small Children
- 15.10 – 15.30 BREAK
- 15.30 – 16.05 Daniel R. Friedrich (Münster): Health as Insured Good in a Theory of Insurable Goods
- 16.05 – 16.40 Tatjana Visak (Utrecht): Can causing someone to exist benefit or harm that being?
- 16.40 – 17.00 BREAK
- 17.00 – 17.35 Roman Beck (Tübingen): Transparency in Biomedical Research – Normative Considerations on a Comprehensive Demand for Scientific Advice
- 17.35 – 18.10 Johann Ach (Münster): *Comment* – Moral criteria and principles in bioethics and health care
- 19.30 CONFERENCE DINNER

Sunday, 10th January

- 9.30 – 10.05 Edgar Dahl (Münster): Might Makes Right – Does Contractualism Leave the Weak without Protection?
- 10.05 – 10.40 Wouter Sanderse (Nijmegen): A Virtue Ethical Approach to Moral Education. Taking Psychological Research Seriously?
- 10.40 – 11.10 BREAK
- 11.10 – 11.45 Guus Timmermann (Tilburg/Utrecht): The Role of Experience in Ethical Research and Pastoral Care
- 11.45 – 12.20 Jan Vorstenbosch (Utrecht): *Comment* – Moral theories and empirical evidence
- 12.20 – 13.00 Winding up discussion and plans for next year



Abstracts

Rob van Gerwen (Utrecht): **Immoral Art. An Afterword to "Ethical Autonomism"**.

Ethical autonomism is the thesis that art practice is an autonomous practice, which means that as a whole it is exempted from moral assessment. We may condemn what we see depicted in a work, but that does not mean we can morally condemn the picture itself. I expand on the autonomy of art, explaining that 1. it is the demand within art practice that its audiences take up an artistic attitude, which consists in this that they require the audience to think and feel about what they are confronted with in the name of art, without, however, acting accordingly. (Thus we see murder, but do not try to interfere). 2. It is morally significant that art practice demand this attitude of human beings. (Why don't we have an art practice that educates us to do the morally right when we feel we should?) 3. Because it is morally significant, art practice has to give something in return: artistic merit. One basic assumption to this exemption of art from morality is that nothing done in the name of art may be immoral in a normal sense. For instance, one may show a rape scene in a film, but not if the rape were real. The "Afterword" to this argument starts from the realisation that many contemporary artists manipulate material in immoral fashion, or, more precise: they manipulate material which of itself does not seem available for artists to make art from. Examples of this abound. Tinkebell turns her cat into a furry bag; Vargas exhibits a "Starving dog" on a leash too short for it to reach the food that is available in the gallery, and nobody feeds the dog; Santiago Sierra pays 10 homeless people the price of one night stay in a hotel merely to stand in a gallery for two hours, with their backs turned to the audience.

Two questions will be discussed: 1. do these works fail the above restrictions put to autonomous art by morality? 2. Which moral lessons can be learned from this "immoral art", if any?

Tim Houwen (Nijmegen) : **Populist repertoire**

'Populism' and 'democracy' both take reference to 'the people'. At the same time, populism – seeking political power by directly appealing to the people – is perceived as a threat to democracy. Populism is viewed as „a spectre that can haunt us”.¹ Populism is not a new phenomenon in European history, but it is replete with repertoires related to populism. The notion *repertoires of democracy* was first introduced by the historian Charles Tilly. Repertoires are defined by Tilly as „the limited, familiar, historically created arrays of claim-making performances that under most circumstances greatly circumscribe the means by which people engage in contentious politics.”² Elsewhere he describes a repertoire as resulting from „the clustering of claim-making in a limited number of recognizable performances.”³ Repertoires of democracy can be transferred from one country to another. In the paper I introduce repertoires of democracy as a heuristic mean to analyze the contested nature of

¹ Arditi, B. (2004), 'Populism as a Spectre of Democracy. A Response to Canovan', *Political Studies*, p. 140.

² Tilly, Chj (2006), *Regimes and Repertoires*, Chicago UP, Chicago & London, p. vii.

³ *Ibid.*, p. 43.



populism. More specifically, I will examine which repertoires are activated when someone is labeled as a 'populist'. This concerns the repertoires *within* populism – e.g. direct expression of the popular will, 'we' the real people versus 'they' the alienated and corrupt elites – as well as *about* populism – e.g. a danger haunting democracy, the abyss between government and population and strategies to contain populism.

Bert van den Brink (Utrecht): **Pictures of Politics. Political Philosophy and Aspectival Captivity**

In this paper, I investigate to what extent Ludwig Wittgenstein's concept of philosophy as reflection on our 'being held captive by a picture' can help ground an understanding of what it means to engage in political philosophy. This would be an understanding of political philosophy as a practice that helps us free ourselves from all-too-one-dimensional conceptions of politics (as in 'politics = deliberation', 'politics = orientation towards the common good', 'politics = struggle for recognition'). This would most certainly be a normative understanding political philosophy, according to which the capacity to change pictures of politics where needed is a sign of political freedom, but not a normative theory of politics such as 'a theory of justice', 'a theory of democratic deliberation' etc. I will show how the idea of aspectival flexibility can be used to help make normative theories of this latter sort more responsive to political phenomena that do not fit their 'picture of politics'. I hope to show that event though we can use Wittgensteins idea we do not necessarily have to follow his further suggestion that the aim of philosophy is to overcome philosophical theory and the problems it generates altogether.

Simon Meisch (Tübingen): **Is There an Ethical Turn in the Political Sciences?**

The paper asks what Ethics in the Sciences and Humanities (ESH) can contribute to a development that might be called an ethical turn in Political Science. The interdisciplinary project ESH deals with the effects scientific research has on both the sciences itself and everyday life. It discusses ethical issues of how research is socially enabled (both within the scientific system and society). Even more basically it contributes to a discussion on a discipline's self-image: by asking for aims and purposes ESH critically questions taken-for-granted, implicit normativities. The interdisciplinary discourse with ESH can finally sharpen and advance the ethical competence of a science. The ethical turn in question seems to originate from an uncertainty within Politics and Political Sociology that results from the demise of the democratic nation state as principal recipient of their knowledge. At the same time, Economics became the leading science for politicians and social scientists. This strongly effected the perception and assessment of social phenomena, the disciplinary relations within the sciences and the social science theory building. The reaction to this uncertainty triggered a development that can be described as ethical turn. It is called for a critical reflection on both the role of political science in and for society and the performance of social science models of theory. Underlying these considerations there are implicit and explicit ethical questions. This paper deals with a potential contribution of ESH to this ethical turn.



André Krom (Utrecht): **Infectious disease control and the harm principle**

A central question in public health ethics is how public health interventions can be morally justified. At its core this is a question about the proper relation between a state and its citizens. In short, it is the state (or its representatives) that will do the intervening. Citizens are both the subject and potential beneficiaries of the interventions. What powers may a state use with regard to its citizens? May the state even coerce to promote public health? Starting point for this paper is what Holland (2007) calls the central dilemma in public health ethics, how to prevent two undesired extremes: promoting public health with no attention for protecting the rights of individuals and protecting individual rights with no attention for promoting public health. My focus is on the moral justification of infectious disease control, including interventions such as mandatory isolation and/or medical examination. Theoretical discussions on the justification of infectious disease control revolve around the "harm principle". Topics include whether the harm principle is a necessary and/or a sufficient reason for coercion, and how much normative work the harm principle can do in public health ethics. Holland (2007) argues that it is a central justificatory principle. Holtug (2002) thinks that we should abandon the harm principle because it is faced with a "problem of scope" that *can* be solved but only by assigning it a small role at best in a decision procedure. Battin et al (2009) argue that we should not focus on the harm principle because it pre-structures the debate on infectious disease control in a problematic way; by placing citizens and public health in opposition to each other. My aim in this paper is threefold. First, I will argue that present accounts on infectious disease control and the harm principle proceed as if we already know what the proper relation is between the state and citizens. Second, I will argue that these accounts do not specify this relation nor the constitutive elements in a systematic way. Finally, I will identify the questions that need to be answered in order to be in a position to adequately address the question what the proper relation is between the state and citizens in infectious disease control. This is a precondition for assessing arguments on whether the harm principle can morally justify specific public health interventions.

Carla Kessler (Utrecht):

Parental autonomy in interventions to prevent overweight in small children

Overweight and obesity are fast growing health problems in Western countries. Momentarily 1 in 6 primary schoolchildren in Holland suffers from overweight. A lot of research takes place to develop effective prevention strategies. Several strategies aim at early prevention and intervention. The Youth Health Centre where most newborn babies will be seen, is an obvious starting point. The need for effective prevention in youth health care is evident. However, promising strategies for promoting healthy behaviour among parents and their young children do raise ethical issues, as such strategies aim to influence value judgements of parents concerning health, weight, welfare, and child rearing. From an ethical perspective, parental autonomy should be taken seriously and strategies to change attitudes and basic values of parents might be disrespectful if health care workers have no eye for the



moral tensions in their work. This holds especially for preventive interventions. After all, the target groups are not (parents of) patients or children who actually do have health problems; in prevention the target group are healthy parents and children. The objective to prevent overweight and obesity is worthwhile, but one cannot assume that these children will develop overweight if no preventive care is offered. Hence, preventive strategies that may have a large impact on the family life will provoke ethical questions about their justification. Tensions between value assumptions among health care workers and parents may occur on various levels. A basic assumption in prevention programs is that overweight is unhealthy and detrimental to wellbeing. In certain non-western populations however, the idea is not uncommon that for young children, weight is a sign of welfare, hence also a sign of good care. Moreover, in many groups in society, health is given much less priority over other values, than health care workers would like to see. For successful and morally responsible preventive interventions, it is necessary that health care workers are well able to do their work in a respectful way. Like in all health promotion activities there is a tension between the promotion of healthy behaviour of clients and respect for their autonomy. This tension is even stronger if interventions aim at influencing practices of child rearing. On the other hand, in various respects, health promotion can also be conceived of as promoting autonomy and this may offer a partial basis for justification of interventions that intervene in the lives of families. The paper will explore possible justifications for (the limits of) parental autonomy in case of prevention of overweight in small children.

Daniel R. Friedrich (Münster): **Health as Insured Good in a Theory of Insurable Goods**

Seen from an insurance perspective, an important precondition for goods is their correlation with a particular monetary value. Two different strategies are in use: The one assigns a price to the good; the other calculates the preferences for the good. In German health insurance theory the latter strategy is employed – nevertheless I will follow the idea of direct pricing goods in this work, since this is less complicated to present while covering all cases needed for insurance theory. Phenomenologically there are two different sorts of insurable goods. There are goods with a definite price that is easy to find. Examples of this sort are objects of everyday use having a market value and are usually insured in classical property insurances. Difficulties in calculating the detriment (the cost for the insurance company in case of loss) do not arise from defining the sum insured. Instead, they arise while calculating the cash value (the point of payment date). For the other sort of goods it is difficult if not impossible to find a correlating price. Among this sort of goods are artworks, memorials or health. It is possible to further differentiate between these goods. Some have a market price like artworks; others, like memorials or antique buildings, do not. But they all have an ideal worth that you cannot even calculate in monetary units (call these ideal insurance goods). Sometimes these goods get insured. In these cases a sum insured is defined. There is no precondition linking that sum to the “real worth” of that good – a “workaround” for making these goods insurable that is also in use for classical life insurances. Health differs even more from these other ideal insurance goods. If illness occurs a health insurance facilitates to initiate medical measures for recovering health or to relieve the burden of disease. There are two different principles at work in the German context: the benefit in kind (Sachleistungsprinzip) and the reimbursement (Kostenerstattungsprinzip). For



both principles it seems possible to find a price for health by indirect pricing, since medical interventions are not priceless. But this argumentation is incomplete. In contrast to all other cases there is no maximal sum insured. As long as a medical treatment is necessary it gets covered by the insurance. That principle is called *illimité cover*. This *illimité cover* is a constraint making health insurance extremely complicated to calculate. Further conditions amplify this complication, such as e.g. the demographic change and medical progress. My conclusion is that most problems arising in financing health care have their starting point in that *illimité cover*. How to deal with that fact is what I try to show in my PhD thesis.

Tatjana Visak (Utrecht): **Can causing someone to exist benefit or harm that being?**

In my paper, I will focus on the question whether existence can be a comparative benefit or harm for a person. This has been called the ‘existential question’. I will present a (necessarily short and therefore rough) overview of the state of the art of the debate concerning this question. I will structure that debate by highlighting what I take to be relevant subquestions or challenges for those who want to give a positive answer to the existential question. I explain, referring mostly to arguments that have been brought forward in the debate and sometimes adding my own considerations, why I think that those challenges cannot be met and thus a negative answer to the existential question is warranted.

The first subquestion that I discuss is: ‘Are existence and non-existence commensurable?’ I explain that there is reason to doubt this. Those who are not initially convinced and still say that existence and non-existence are commensurable usually place non-existence at the zero-level of the (imaginable) welfare scale, in order to make comparisons between existence and non-existence in terms of welfare. This leads me to the second sub-question: ‘Is the absence of some value (as in case of non-existence) the same as neutral value or zero value?’ Again, I offer reasons for doubting this. Those who are not convinced might still claim that non-existence has neutral value. This gives rise to the third sub-question: ‘For whom would non-existence have neutral value?’ I argue that this can be the case neither for the non-existent, nor for the existent. Those who still want to give a positive answer to the existential question might now try to do this without ascribing neutral value to non-existence. This leads me to the fourth sub-question: ‘Is it necessary to ascribe neutral value to non-existence in order to say that existence can be a comparative benefit or harm?’ I argue that this is indeed necessary.

The arguments I use are based on certain ‘undeniable requirements’, which are conceptual or even logical assumptions, such as: ‘We benefit someone only if we do what will be better for him’. Those who still want to give a positive answer to the existential question might finally argue that we should accept exceptions to those requirements with respect to the special case of comparing existence to non-existence. So, my fifth sub-question is whether such exceptions should be accepted. I argue that such exceptions should not be accepted.

I conclude that a negative answer to the existential question seems more plausible.



Roman Beck (Tübingen): **Transparency in biomedical research – Normative considerations on a comprehensive demand for scientific advices**

In their function as experts, biomedical scientists have important influence on individual and societal decision-making procedures in regard to the application of biotechniques, because they provide basic information including statements about opportunities and risks. As the application of new biotechniques targets the reconstitution (treatment) and the modification (enhancement) of human beings, stakes are high. If in scientific advices such information is distorted, it might have crucial consequences in regard to basic human values like health, physical and psychological integrity etc. Therefore, ethical regulations of the communication between science and society are necessary. In my lecture, I introduce *transparency* as a new, essential and comprehensive ethical regulative in such contexts. Transparency is to be understood as a non-selective, comprehensible accessibility to relevant information. In difference to other communicative rules, e.g. openness and honesty, transparency encompasses an empirical (accessibility) and a cognitive dimension (comprehensibility). Both are necessary preconditions for the implementation of information in decision-making procedures. However, in view of many public discourses, it can be observed that neither the demand of accessibility nor the comprehensibility of scientific information is followed properly. Wonderingly, in Ethics of Science rules related to the transparency imperative are only focussing the internal communication of the scientific community. In advance, the transparency imperative should be established as an external standard for communication between scientific experts and laypersons. At first, it has to be justified and formulated as a strong rule, which can be claimed especially in asymmetric relationships. Therefore, the deontological approach of Kant offers a possibility to justify the transparency imperative as a juridical duty (*Rechtspflicht*). But secondly, as the transparency imperative includes the dimension of comprehensibility, for a communicator it is not sufficient to satisfy merely a rule in order to succeed the communication (c.f. the disputed information standards for the “Informed Consent”). In this regard, transparency is attributed to an attitude or virtue of the communicator not reachable by a unique action. It is arguable, whether the Kantian approach is adequate to justify this aspect of transparency, because corresponding to his concept of duties of virtues (*Tugendpflichten*), virtues are only subsidiary elements to satisfy the duty. As there are many opponents claiming that virtues have a much stronger meaning particularly regarding the conduct of (scientists’) life, the open question is, how the relationship between rules and virtues could be defined without weakening one of both elements. That seems to be necessary for the justification of the comprehensive transparency imperative.

Edgar Dahl (Münster): **Might makes right – does contractarianism leave the weak without protection?**

Abstract: According to contractarianism, moral norms are solely based on human interests. For a moral norm to be rationally justified, it needs to be shown that compliance with it is in everyone’s interest alike. Given that contractarianism relies on the appeal to our long-term self-interest, it has been claimed that it renders the weakest members of our society, such as children and the disabled, without any protection.



This paper endeavours to show that this frequently advanced objection is based on a misconception of the contractarian approach to the foundations of morals and is, thus, unwarranted.

Zusammenfassung: Nach dem Kontraktualismus beruhen moralische Normen allein auf menschlichen Interessen. Um von einer moralischen Norm sagen zu können, daß sie rational begründet ist, muß man zeigen können, daß ihre Befolgung in unser aller Interesse ist. Insofern der Kontraktualismus ausschließlich an das langfristige Eigeninteresse appelliert, ist behauptet worden, daß er außerstande sei, moralische Normen zum Schutz der schwächeren Mitglieder unserer Gesellschaft, wie etwa Kindern oder Behinderten, zu begründen. In der vorliegenden Arbeit soll gezeigt werden, dass dieser Vorwurf auf einem Mißverständnis des kontraktualistischen Ansatzes zur Moralbegründung beruht und daher ungerechtfertigt ist.

Wouter Sanderse (Nijmegen):

A virtue ethical approach to moral education. Taking psychological research seriously?

The subject of the PhD thesis I am working on is roughly ‘A virtue ethical approach to moral education in a pluralistic society’. Before I started examining several virtue ethical approaches to moral education this year (such as these of Alasdair MacIntyre and Marta Nussbaum), I wrote a chapter on four non-virtue ethical approaches (values clarification, cognitive development, care ethics and character education) the year before.

What all these theories of moral education have in common, is that they refer to three distinct fields of research: philosophy (ethics), pedagogics and psychology. First of all, a theory of moral education gives a philosophical justification of a particular goal of moral education. In addition, it proposes several pedagogical strategies of which the theory promises that they are most effective in reaching this goal. And finally, it says something about what psychological conditions have to be met before this goal can be achieved. Not all theories pay attention to all these fields to the same extent, but they all refer to them in one way or another.

At the MUNT conference, I would like to focus on the relationship between the normative goal of moral education and the psychological capacities that are needed to reach this goal. The relationship between these two is in particular relevant for virtue ethical approaches to moral education, because Aristotle did not only have a theory about why we should become virtuous, but he also had an extensive theory about how becoming virtuous is possible for people like us. Compared to some other theories of moral education that lack such a psychological theory, this can be seen as an advantage.

However, virtue ethics does make itself vulnerable to the critique of current psychological research, which sometimes seems to falsify claims put forward by virtue ethicists. For instance, John Doris claims that a psychological notion like a ‘character trait’ has to be changed significantly in the light of experimental results. Some psychologists even claim that an ethics without an adequate moral psychology should be abandoned altogether. The question I would like to address during the presentation is how psychology and virtue ethics should relate. Is psychological research sufficient to conclude that a particular approach to moral education should (not) be pursued, or do we need something else?



Guus Timmerman (Utrecht/Tilburg):

The role of experience in ethical research and pastoral care

Thinking about the relevance of experience to ethics, Dietmar Mieth introduces two interesting distinctions: a phenomenological distinction between observation (*Wahrnehmung*), event experience (*Erlebnis*), and encounter (*Begegnung*), and an analytical distinction between scientific experience, experience of life, and ecstatic experience (*Moral und Erfahrung II*, 1998). Connected with the first distinction, Mieth distinguishes between *Empirie*, i.e., processed observation, and *Experienz*, i.e., processed event experience and encounter. According to Mieth, empirical experience is situated on the level of facts (*Sachgehalte*) and experiential experience is situated on the level of meanings (*Sinngehalte*). Whereas the mediation of scientific experience requires empirical reproducibility, the mediation of experience of life happens by giving a good example, by recounting one's own experience of life, remembering it, or showing its potential for problemsolving. In this paper, I will first present these distinctions as helpful in differentiating the role of experience in ethical research, and reconsider them in the light of, first, the embeddedness of experience, and moral judgement, in practices and, second, the empirics of qualitative research. In the second part of my paper I will exemplify this with my doctoral research, using qualitative methods, into personal autonomy and authenticity as moral goods in the practice of personal pastoral care. Respect for personal autonomy and authenticity is an immensely important principle in late modern political and applied ethics. In the context of medicine and nursing, for example, much ethical research, both theoretical and empirical, is devoted to this principle, raising many questions, both conceptual, practical, and methodological. In the second part of this paper I will present two of the results of my doctoral research. The first consists of a formulation of the goals of pastoral care as these were found in the cases analysed. The second consists of the different forms of personal autonomy and authenticity that were identified. Abstract concepts of personal autonomy and authenticity and of personal pastoral care are challenged. My paper is an argument for the importance (1) of conducting empirical research into what is actually, and not just on the surface, morally relevant, using methods developed in the practice of qualitative research in the social sciences, and (2) of assigning in ethical empirical research a privileged position to the experience of advanced, reflective practitioners. This way of doing ethical empirical research contributes to a better informed and more plausible normative (theological) ethics.