



# *A Bioethical Enquiry into the Relation between Knowledge and Health in the Aftermath of the COVID-19 Crisis*

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## **On Our Way Towards a New Kind of Normality?**

### **Lessons to Be Learned from the Corona Crisis**

#### **Abstract**

*The paper examines the Corona crisis from an ethical-philosophical point of view for the purpose of providing orientation, referring in particular to Aristotle and Kant. Granted, they are not virologists, they are not members of any ethics council, they do not make profits from payments by institutions close to the pharmaceutical industry, and any state institution does not pay them either. Neither of them is suspected of telling anyone what one wants to hear. However, they both provide views that can help us better understand the situation today and work out solutions for the future. By referring to them, philosophy can also fulfil its task of analysing contemporary issues on fundamental questions of humanity and our communal life. First, I will ask: (1) where do we stand? I will shed light on seven aspects without claiming to be exhaustive. This is followed by (2) the question of how we got into the current situation. Finally, (3) the question of what lessons we should learn will be discussed in seven steps.*

#### **Keywords**

corona crisis, health value, life medicalisation, liberty, virocracy, protection of vulnerable, Aristotle, Immanuel Kant

In the summer of 2022, most coronavirus pandemic restrictions have been lifted. The issue of Corona still dominates public life - and has done so for more than two years. There is often talk of a “new kind of normality”. And indeed: nowadays, many things are different than before the Corona crisis. Certain political and societal developments simply cannot be predicted. The Corona crisis is not over yet; its existential extent cannot be predicted. A virus has changed the world. However, many societal developments that became evident during the crisis must be seen in a broader context. Some of them came as a surprise and happened with breathtaking speed. The changes that occurred affect all of our lives. Some things have been turned upside down:

This is true even of our astonishment, for not seldom is the astonishment about reversals met with suspicion. A famous sociologist described the “new kind of normality” as follows:

“When I wake up I feel haunted by agony, like the hero in Kafka’s *Metamorphosis* who, while being asleep, is transformed into a cockroach or cancer. [...] I feel like having myself been subject to a metamorphosis. [...] Who would like to end like Gregor Samsa who, to his parent’s relief, withered in some corner? Yet still, change has happened, and it does not look as if we could ever wake up from this nightmare and go on like before.”<sup>1</sup>

My contribution consists of three steps. First, I will ask: (1) where do we stand? I will shed light on seven aspects without claiming to be exhaustive. This is followed by (2) the question of how we got into the current situation. Finally, (3) the question of what lessons we should learn will be discussed in seven steps.

## 1. Where Are We?

### 1.1. *A Confusing Overall Situation*

At this stage it is not possible to give an overall picture of how grave the crisis is. The Corona crisis has made clear how fragile our structural orders and the foundations of our society are. In Germany, by the “Law on the Protection of the Population in Case of a Nationwide Epidemic” basic rights have been limited in an unprecedented way.

The market and the associated power structures are in the midst of a process of change to which Corona crisis has contributed a dynamic all of its own: what must be considered in this context, for example, is that banks will be charging custody fees from 2020. Quite a few companies have not survived and have had to close down. Public debt has become considerable. The protective umbrella measures will also affect later generations. Overall, there is a considerable threat of inflation, after all, the state has to cope with the mountain of debt, which is done, among other things, through the depreciation of money.<sup>2</sup> The assumption of German Curial Cardinal Walter Kasper does not seem to be unrealistic:

“All of us are going to be poorer, some more and some less, which again will result in social unrest, political conflicts and, particularly in Europe, international restructuring.”<sup>3</sup>

Psycho-social consequences will add to the economic ones. Cardinal compares the connected cultural and social disturbances to those of the Lisbon earthquake of 1755.<sup>4</sup> At the very least, the way we treat ourselves and others has changed seriously in many ways. The way the body politic, the body individual and the body collective are related to each other has also changed in the wake of the crisis. People were isolated, important cultural practises were made impossible. Responsibility and care were demanded in favour of a collective body.

### 1.2. *The Domineering Topic: One Might Fall Ill*

The Corona crisis confronts us not only with issues of becoming infected with viruses but just as well with becoming infected with fears about enslaving the humankind. In a situation of crisis, individual and collective anxieties goad each other.<sup>5</sup> Fear makes us small; it is not really known to be a good adviser,

and as supporting to an overall liberal situation. One might fall ill; one might fall out of the circle of the healthy: this concern is wide-spread in times of Corona crisis. Fear is orchestrated. The following remark by Kant seems to be particularly topical:

“Thus, frequently the purity of intentions is in an inversed relationship to the good nature of the thing as such, and perhaps the latter has more honest and righteous opponents than defenders.”<sup>6</sup>

Instead of fear we need a social atmosphere of citizens mutually respecting each other as being capable of discourse and reason.<sup>7</sup> If there is a lack of any kind of discourse, soon an open society will become a closed and excluding society.

In times of crisis, humans do not simply consider themselves and their fellow human beings to be healthy. The predominant view is that of being ill and potentially ill. I could catch something from someone else, I could potentially transmit viruses, even if I do not know anything about it yet or do not show any symptoms. Potentially, anyone can infect anyone else. Everyone becomes a potential super-spreader, someone who potentially makes others sick, a hazard. Before the crisis, who of those that could not go to work or school because of being ill needed a medical certificate. The Corona crisis has reversed this practice, now you have to prove that you are not ill.

Bans on touching others were issued again and again, society was atomised, human affection became a political issue:

“Shaking hands, embracing, even children scrambling, the kiss as well as sexuality – all these gestures and affections make the culture of the social. Where they are lacking or refused, thus where humans mutually consider, and are supposed to consider, each other to be untouchable,

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Bruno Latour, *Wo bin ich? Lektionen aus dem Lockdown*, trans. Hans-Joachim Russer, Bernd Schwibs, Suhrkamp Verlag, Berlin 2021, p. 12.

2

In the first year of Corona crisis, the gross domestic product alone was about 100 billion Euros below that of 2019. See: “Bruttoinlandsprodukt (BIP) in Deutschland von 1991 bis 2022”, *de.statista.com*. Available at: <https://de.statista.com/statistik/daten/studie/1251/umfrage/entwicklung-des-bruttoinlandsprodukts-seit-dem-jahr-1991/> (accessed on 1 November 2022).

3

Walter Kasper, “Das Corona-Virus als Unterbrechung – Abbruch und Aufbruch”, *Internationale katholische Zeitschrift Communio* 50 (2021) 3, pp. 230–242, here p. 232, doi: <https://doi.org/10.14623/com.2021.3.230-242>.

4

Ibid. p. 232 f.

5

“This fear is shared by all of us, at all levels, it is a fear of all existing individuals, so that there results something like a new kind of universality.” – B. Latour, *Wo bin ich?*, p. 57.

6

Immanuel Kant, *Kritik der reinen Vernunft*, B778. Both action and intention, the philosopher from Königsberg emphasises, must be oriented at formal reason. That is to say: it is not emotions, not fears, not inclinations which will dominate a human. The moral quality of an action is proven by in how far an individual succeeds with realising themselves to be a free and reasonable being within a self-organised environment. Indeed, we are not allowed to throw away our liberty in contemporary fashion of being ready to too soon throw away other things. We must make use of it in a way as to allow for being human. “I cannot allow any fate or mishap to deter me from living, but I must live as long as I can honourably live as a human. Man is dishonoured even by lamenting fate and mishap.” – Immanuel Kant, *Eine Vorlesung über Ethik*, Gerd Gerhardt (ed.), Fischer Taschenbuch, Frankfurt am Main 1991, p. 166.

7

See: I. Kant, *Beantwortung der Frage: Was ist Aufklärung?*, in: AA VIII.

this is where enmity thrives. Insofar, the obligation of distancing of the pandemic policy is the core of asociality. And preventing closeness as well as getting used to a lack of closeness marks a society in decay.”<sup>8</sup>

Even the dead bodies were affected by this kind of pandemic policy, as Giorgio Agamben explained concerning his home country of Italy. They were not buried.

“In our history, this has not happened since the story of the Greek princess Antigone.”<sup>9</sup>

### ***1.3. The Call for the Strong State***

It is indeed conspicuous that, in times of crisis, more than just a few contemporaries call for a strong state to improve the situation. This has radical consequences for our liberty.<sup>10</sup> Also, for some the Corona crisis provided an opportunity to recommend totalitarian approaches and alternatives to democracy.<sup>11</sup> The principle of the separation of powers<sup>12</sup> has been put under much pressure in Germany as well as in other countries, and democracy has been threatened from different sides.

All over the world, surveillance technology was used to combat the Corona crisis. For example, not only China, but also Italy and Spain relied on the use of drones to observe events in the population. The following statement also gives us food for thought. It comes from Karl Lauterbach, who linked the Corona crisis to the issue of climate change: there will be no vaccination against CO<sub>2</sub>, not even in the future. Nevertheless, “we need to take steps to cope with climate change which are analogous to the limitations of personal liberty during the fight against the pandemic”,<sup>13</sup> Lauterbach stated.<sup>14</sup>

The fear that grave limitations might be placed on civil liberties, especially with regard to climate policy, is not unfounded and cannot be ruled out, as is clear from the verdict by the German Supreme Court of 29 April 2021. There, the Federal Court states:

“In the future, even grave liberty losses for the sake of climate protection might seem to be appropriate and constitutionally justified; precisely because of this there will then be the danger that considerable liberty losses will have to be accepted.”<sup>15</sup>

A commonality between the Corona measures and environmental policies on climate change can be discerned at least insofar as political collectivism is highly valued, while the individual is supposed to yield to it without hesitation.

### ***1.4. Liberty, not “Virocracy”***

The social status of humans may vary, as may their education, economic opportunities or religious confessions. Regardless, however, it is an element of democracy to recognise each other as equals among equals. We are equal because we are free rational beings. And as such, we are equal in terms of our dignity. A liberal society is precisely not a society in which liberty is a privilege. Liberty means liberty among equals. In this respect, a democratic society is on the wrong track if liberty is only granted to some of the people while others enjoy a higher status. The principle of equal liberty and dignity must be recognised.<sup>16</sup>

It belongs to the core of democracy that minorities cannot simply be suppressed by those governing the country. They must be recognised as equal legal subjects. Both the equality principle and protection against discrimination

– as stipulated by the Basic Law – are valid for everybody. Together we must struggle for a feasible way; we must discuss. This is essential for democracy. This also holds for abiding by the law, which should “at the same time [be] a spirit of liberty”.<sup>17</sup>

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Rüdiger Conradi, *Die Pandemie-Politik*, Prof. Kurt Röttgers, Hagen 2021, p. 51.

9

Giorgio Agamben, *An welchem Punkt stehen wir? Die Epidemie als Politik*, trans. Federica Romanini, Turia + Kant, Wien – Berlin 2021, p. 52.

10

Studies seem to suggest that there are no striking differences between countries where very strict lockdowns were enforced and those which pursued other ways. For example, Christoph Lütge and Michael Esfeld pointed out South Dakota in the United States of America, where there were no lockdown measures, whereas in North Dakota regulations of this kind were put into force. Similar observations can also be made regarding Florida and California. See: Christoph Lütge, Michael Esfeld, *Und die Freiheit? Wie die Corona-Politik und der Missbrauch der Wissenschaft unsere offene Gesellschaft bedrohen*, Riva, München 2021, p. 17 ff.

11

For example, Slavoj Žižek presented several publications in which he recommends a Communist society as a solution for the Corona crisis. See Slavoj Žižek, *Ein Linker wagt sich aus der Deckung. Für einen neuen Kommunismus*, trans. Michael Adrian, Frank Born, Karen Genschow, Ullstein, Berlin 2021, p. 9. But even 140 years after his death Marx is no suitable Messiah. Two more examples from Germany may suffice: e.g. Prime Minister Winfried Kretschmann from the Green Party considered a coercive Corona regime and an amendment of the Basic Law to create an “effective” emergency law. See: “Kretschmann für Pandemie-Zwangsregime: Baerbock in der Bredouille”, *rnd.de* (25 June 2021). Available at: <https://www.rnd.de/politik/winfried-kretschmann-fuer-zwangsregime-in-pandemie-zeiten-baerbock-in-der-bredouille-LO-MIHOGJ2NIVX7WRDPPSNMQ3SI.html> (accessed on 1 November 2022). And according to several media reports, the German Ministry of the Interior hired an ardent admirer of Mao as a consultant. This German philologist considerably contributed to writing a strategy paper of the Federal Government. See: Christoph Bernet, “Wie ein Germanistik-Doktorand und Mao-Bewunderer aus Lausanne zum Corona-Berater der deutschen Regierung wurde”, *Aargauer Zeitung*

(22 February 2021). Available at: <https://www.aargauerzeitung.ch/schweiz/schock-wirkung-erzielen-wie-ein-germanistik-doktorand-und-mao-bewunderer-aus-lausanne-zum-corona-berater-der-deutschen-regierung-wurde-ld.2105084> (accessed on 1 November 2022).

12

Andreas Brenner observes rightly so: “Driven by the concern of otherwise not acting responsibly, many politicians and their teams of advisers strained themselves when mandating selected scientists from one sole scientific discipline as advisers. These politicians strained themselves because this way they declared themselves to be scientists being capable of deciding which kind of scientific expertise was relevant in the face of the Corona crisis. However, such decisions are neither a task of politics nor are politicians usually provided with the necessary skills. This lack of skills, however, does not disqualify political decision-makers, for in a highly complex, specialised society they need not be provided with the appropriate scientific skills, even more as this would raise the question of which kind of scientific knowledge would be appropriate for politicians.” – Andreas Brenner, *CoronaEthik. Ein Fall von Global-Verantwortung?*, Königshausen & Neumann, Würzburg 2020, p. 34. Given several kinds of challenges as well as uncertainties, it is important not to turn a state into an expertocracy. The role and task of politicians remains indispensable and cannot be delegated to experts. Different voices from the sciences and from society should be heard, their arguments should be weighed. The sciences as such are not monoliths, one discipline alone cannot speak in the name of “the” sciences.

13

Karl Lauterbach, “Klimawandel stoppen? Nach den Corona-Erfahrungen bin ich skeptisch”, *welt.de* (12 December 2020). Available at: <https://www.welt.de/politik/deutschland/article223275012/Kampf-gegen-Klimawandel-Lauterbach-wegen-Coronazeit-pessimistisch.html> (accessed on 1 November 2022).

14

In 2022, the third year of Corona crisis, German Health Minister Karl Lauterbach (in cooperation with Lothar Frenz) published a book with the title *Bevor es zu spät ist* [*Before It Is Too Late*] (Karl Lauterbach, *Bevor es zu spät ist. Was uns droht, wenn die Politik nicht*



As is well known, freedom is the crucial concept in Kant's philosophy. For example, Kant explicitly speaks of the one innate right to freedom.<sup>18</sup> Precisely in interpersonal relations, this cannot be ignored. However, this freedom is not in limbo, it is not arbitrary. It means acting in accordance with the moral law, it means recognising the order of freedom. This is what makes us dignified beings. Human beings are capable of being autonomous. The Königsberg thinker argues that we know

"... our own freedom [...] only due to the moral imperative which is a sentence demanding a duty from which then it is possible to develop the capability of obliging others, i.e. the concept of law."<sup>19</sup>

External freedom thus results from the original law of freedom. The philosopher from Königsberg is not concerned with infatuation or inappropriate flights of fancy. Rather, he knows that humans move within the field of tension between individual liberty and communal freedom. It must therefore be a matter of balancing both. Both aspects must be taken into consideration. Freedom is at stake when the greater good is overemphasised and the liberty of the individual is neglected. Freedom is also at stake when the freedom of arbitrariness prevails while the community is ignored. Liberty of the individual and the freedom of the community are mediated by law: being legal subjects, we must recognise each other. Rights must be guaranteed universally and objectively.

Our liberty is nothing which is attributed and granted as an act of grace. No virus should have the power to, in the long run, massively limit human's sphere of freedom. This would be a "virocracy" (Otfried Höffe), not at least freedom. Once again we may refer to Kant:

"Then, it is also an element of this freedom that one may publicly display one's thoughts, one's doubts which one cannot solve, without being denounced as an unruly and dangerous citizen. This is already grounded in the original right of human reason which does not know any other judge than again the general human reason where anybody has a vote; and as all improvement our state is capable of must come from there, such a right is holy and must not be diminished."<sup>20</sup>

Human liberty can never be absolute. It is conditioned, within democratic contexts it is always limited. However, there is liberty only if power is limited and the state of emergency does not become the normal state whose rhetoric seems to have become ever more a matter of course in the course of the crisis.

"Never must the law be adjusted to politics, but politics must always adjust to the law."<sup>21</sup>

Especially in times of crisis, freedom and basic rights are a good that must be protected. Individuals are fundamentally entitled to basic rights, i.e. not only when they show expected behaviour. Fundamental rights are not "earned by vaccination", they are not something that can be earned. Nor is the reference to a good purpose sufficient to justify human behaviour or political measures, which *per se* can also be accompanied by risks and side effects.

"Under the special conditions of the Corona pandemic, self-responsibility means maintaining the possibility of self-responsibility and protecting it against manifold attacks. Maintaining and defending oneself as a zoon politician is not egotism, as some excesses of a moralist policy try to make us believe, but the precondition for the self-preservation of an autonomous subject."<sup>22</sup>

### 1.5. On the Protection of the Vulnerable

The protection of vulnerable people, as we are unanimously told by Aristotle and Kant, is undoubtedly very important. Nevertheless, it would be wrong to make this the all-dominant goal. In other contexts of life, this seems to be a given. For example, many cases of cancer could probably be prevented if smoking were generally banned and everyone were told what to eat. Or let's

*mit der Wissenschaft Schritt hält*, Rowohlt Berlin, Berlin 2022). He deals particularly with the topic of climate change and repeatedly emphasises that it is a task of politics to introduce appropriate measures to take care that human beings will survive on this planet. In the sixth chapter of the book he refers to the Corona policy. This chapter bears the title “Und das war erst der Anfang – kommende Pandemien” [“And This Is Just the Beginning – Future Pandemics”] (ibid., p. 203). Lauterbach firmly expects other pandemics, even those which might be induced by climate change, such as if, due to the thawing of the permafrost in Siberia, viruses or deep-frozen spores will be released which might become a danger for humans and animals (ibid., p. 226 f.), and he wants the politics to be prepared for this. Connecting the topics of Corona and climate change is at the very least striking. Former Federal Minister for Family Affairs, Kristina Schröder, a member of Federal Chancellor Angela Merkel's second cabinet, established, too, such a connection. A column she wrote for a German newspaper bears almost the same headline. See: Kristina Schröder, “Einschränkungen unserer Freiheit? Die Pandemie war erst der Anfang” [“Restrictions of Our Liberty? The Pandemic Was Just the Beginning”], *welt.de* (31 March 2022). Available at: <https://www.welt.de/debatte/kommentare/plus237893375/Kristina-Schroeder-zur-Freiheitsbeschaerung-Corona-war-nur-der-Anfang.html> (accessed on 1 November 2022). Probably, she fears, the Corona crisis marks the beginning of a “radically new way of understanding our basic rights”. Schröder refers to the verdict by the Federal Constitutional Court on climate protection, where the crucial argument is “the CO<sub>2</sub>-relevant way of making use of liberty”. As a matter of fact, one easily imagines the consequences for our mobility, for our energy supply and our lives, as in the future the “CO<sub>2</sub>-relevant way of making use of liberty” will be subject to far-reaching restrictions. In 2018, another important German newspaper had even put democracy into question, given the climate-political challenges of the future: “At the same time, the great trap of democracy snaps shut: delegating responsibility. Politicians are supposed to get things right, this is what they have been elected for. However, they are supposed to do it in such a way as to hurt nobody. If policy really acted

as it is necessary, its representatives would be voted out of their positions. So they don't do so. What we need is a top-down revolution. A movement of reason among the worldwide political caste which, concerning one point, may no longer leave it up to their voters to choose: first and foremost, it is the natural resources which must be protected – this is the mother of all practical constraints. Everything else comes second. Is this not a matter of course, after all? However, considering this matter of course and supporting it these days, that would be an indication of courage and greatness which is hardly found in politics.” – Markus C. Schulte von Drach, “Klimawandel: So verheizen wir die Welt”, *sueddeutsche.de* (5 August 2018). Available at: <https://www.sueddeutsche.de/politik/klimawandel-so-verheizen-wir-die-welt-1.4087750> (accessed on 1 November 2022).

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See “Verfassungsbeschwerden gegen das Klimaschutzgesetz teilweise erfolgreich”, *bundesverfassungsgericht.de* (29 April 2021). Available at: <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2021/bvg21-031.html> (accessed on 1 November 2022).

16

Political freedom, says Kant, means that “anybody is allowed to seek his welfare according to his own terms and that, not even for once, he may be exploited for the purposes of others and according to their terms but exclusively according to his own”. – Immanuel Kant, Lose Bl. C 15, according to: Robert Eisler, *Kant-Lexikon. Nachschlagewerk zu Kants sämtlichen Schriften, Briefen und handschriftlichem Nachlaß*, Hildesheim 2008 (= Nachdruck der Ausgabe von 1930), p. 169.

17

“In any community there must be obedience, under the mechanism of the state's constitution according to coercive laws (which go all out), however at the same there must be a spirit of liberty, as everybody, as far as the general obligation of humans is concerned, demands to be convinced by reason of this coercion being legal, so as to not contradict himself. The former, without the latter, is the cause of all secret societies. [...] And from where



consider mobility in everyday life. Probably many fatal accidents could also be prevented if travelling by car or plane were banned or severely restricted. However, we are not ready to do that and we want to take certain risks that are, after all, part of life.

While Aristotle emphasises that human beings are communal being who need the other to realise themselves, the various measures taken during the Corona crisis have led to people becoming more isolated and lonelier. Human relationships degenerate when they're only possible through virtual reality, sensuality falls by the wayside. Even in times of crisis, it must be about living a good life, not just about survival. Otherwise, people turn into zombies. According to the Stagirite, the virtues must be supported and the common welfare must be extended. Loneliness is felt as painful and the brain processes it near the regions that are active during physical pain.<sup>23</sup> The experience of loneliness in the sense of social isolation, says Spitzer, is passed over to others by way of interacting with them.<sup>24</sup> And loneliness is “infectious” not only in this sense: it may also have deadly consequences.<sup>25</sup>

Not seldom, isolation has made people lonely.

“Human dignity is individual and fundamental, it cannot be weighed against other rights, it is superior even to life – that is why the Basic Law refers to them first and foremost. What is more important than life is that we can be ourselves while being alive. This requires autonomous participation in the common space of the realisation of freedom. As it is common, nobody can disregard the violation of the dignity of anybody else. When and under what circumstances ‘we are ourselves’ can only be decided by any individual for himself.”<sup>26</sup>

No one, really no one, may be made a sheer tool of his fellow humans. Accordingly, no one may be sacrificed for the benefit of society “on the whole”.<sup>27</sup> When Kant speaks of dignity, he means human’s unavailability. Human being is a dignified and free being, a person. A human being has no price tag around his neck, they cannot be measured by money but is of absolute value, a dignified being. And this holds independently of age, skin colour, income, or education. In view of their inalienable and distinctive individuality, their being is an end in themselves, and every human being is entitled to good and just access to medical treatment.

Let us consider this with a concrete example: According to what has just been said, every patient admitted to hospital is an end in themselves, regardless of age or vaccination status. In such a situation, any kind of utilitarian thinking of weighing life circumstances is completely inappropriate. It cannot be a matter of preferring a philosopher to a cleaning lady, a mother to a single person without children. No matter how socially productive someone may be, one person’s life cannot be weighed against another. Any judgements of this kind would be tremendously dangerous. Both the urgency of the treatment and the patient’s likelihood of survival must be paramount, and no other factor such as nationality or age or expected length of life. And of course, patients suffering from a life-threatening disease must not be left without treatment just so that intensive care beds are not occupied. Any intensive care treatment against the patient’s will must be refused.

### ***1.6. On “Pandemic Imperatives”***

From various quarters there has been talk of a “pandemic imperative”. According to this, one must behave as if one had COVID infected oneself and as if everyone we meet belonged to a risk group. According to this statement,



it is the virus to which everything must be subjected, it is the virus that completely determines our lives and actions. According to this, it is the virus that says and decides what to do. Basically, it says, it must be possible to make the protective measures practiced by everyone a general rule for the preservation of people's health. According to this, everyone must live in such a way that they are healthy and stay healthy. It becomes difficult when someone no longer belongs to the circle of healthy people. Whoever obeys the "pandemic imperative" makes himself a slave to his own fears, he is indeed not free.

The German Minister of Health believed that he has to refer to Kant to give reason to general, compulsory vaccination. Those not being ready to be vaccinated, says Germany's Minister of Health, violates the categorical imperative. Refusing vaccination, he says, can "never be everybody's maxim".<sup>28</sup> Lauterbach who, in the spring of 2021, was himself against compulsory vaccination, says:

"If all of us refuse to make use of vaccination, which is well-researched and free of side-effects, to protect ourselves or others from death and serious illness, we will probably never be able to make an end to the pandemic."<sup>29</sup>

else could also the government be provided with the knowledge which supports its essential intention if it does not allow this spirit of liberty, which is so respectable by its origin and its effects, to have its say?" – Immanuel Kant, *Über den Gemeinspruch: das mag in der Theorie richtig sein, taugt aber nicht für die Praxis*, in: AA VIII, p. 305.

18

Immanuel Kant, *Die Metaphysik der Sitten*, in: AA VI, p. 237.

19

I. Kant, *Die Metaphysik der Sitten*, in: AA VI, p. 239.

20

I. Kant, *Kritik der reinen Vernunft*, B780.

21

Immanuel Kant, *Über ein Vermeintes Recht aus Menschenliebe zu lügen*, in: AA VIII, p. 429.

22

Andreas Brenner, "Gibt es auch eine Ausnahme-Ethik?", *Zeitschrift für Rechtsphilosophie* 5 (2021), pp. 63–74, here p. 74.

23

Manfred Spitzer, *Pandemie. Was die Krise mit uns macht und was wir aus ihr machen*, mvg Verlag, München 2020, p. 97.

24

Ibid., p. 99.

25

Spitzer explains this in view of several studies from the USA with more than 40,000 participants: "Compared to people maintaining many and good social contacts, those living largely in social isolation run a double or

triple risk of dying within a certain span of time (such as in the coming five or ten years)." – Ibid. p. 101.

26

Michael Spieker, "Zwischen uns die Plexiglaswand", *freitag.de* (2020). Available at: <https://www.freitag.de/autoren/der-freitag/zwischen-uns-die-plexiglaswand> (accessed on 1 November 2022).

27

In case of experiments with humans, it is indispensable that the test persons agree voluntarily. Interventions whose nature, significance and consequences cannot be foreseen are out of the question. And thus, it was indeed astonishing that then Finance Minister and candidate for the office of Federal Chancellor, Olaf Scholz, called vaccinated people "guinea pigs" for the hesitant. See: "Scholz: Waren beim Impfen Versuchskaninchen – und es ist gut gegangen", *rnd.de* (3 September 2021). Available at: <https://www.rnd.de/politik/olaf-scholz-waren-beim-impfen-versuchskaninchen-und-es-ist-gut-gegangen-CKUZFN-FM3KMQCZXFNYDPKHZGL.html> (accessed on 1 November 2022).

28

See: "Corona-Pandemie: Karl Lauterbach bemüht Kant und appelliert an Solidarität beim Impfen", *web.de* (14 January 2022) Available at: <https://web.de/magazine/news/coronavirus/corona-pandemie-karl-lauterbach-bemuht-kant-appelliert-solidaritaet-impfen-36509044> (accessed on 1 November 2022).

This ought to be questioned. Suppose that there really was a type of vaccine that provided a) complete protection, i.e. 100% effective, and b) had no side effects at all, there would still exist the right to physical integrity,<sup>30</sup> and the need for the patient's consent, based on thorough information, would be required.<sup>31</sup>

“Being a ‘supporter of compulsory vaccination’, one would have to claim that it is no violation of dignity at all if people are forced, under threat of executive action by the state (or of being deprived of privileges), to be subject to a medical intervention they do not voluntarily agree with – for what reasons whatsoever.”<sup>32</sup>

There are people who get vaccinated without reservations before going on holiday to a faraway country, but when it comes to the Corona vaccination, which is something new because of the mRNA technology, they have reservations. What is disturbing in this context is a kind of social trench warfare reminiscent of the religious wars of centuries long past and which, incidentally, is reflected in the almost religious rhetoric of the proponents of the Corona vaccination.<sup>33</sup> And this does not just mean that apocalyptic scenarios are presented when it comes to all those who want to refuse vaccination. Inoculation becomes something like a rite of passage to be accepted into a community; membership must be confirmed and renewed again and again.<sup>34</sup> However, medicine is not at all suitable as a new kind of religion.<sup>35</sup>

At least the position of all those who are sceptical about this new type of vaccination seems to be supported by the fact that those who are vaccinated do not yet have complete immunity. And there is no protection against possible mutations either. The argument that the long-term effects simply could not be sufficiently tested also seems to support this position. And finally, it is not foreseeable how often and at what intervals the vaccination will have to be repeated. Besides, the various pharmaceutical companies have contractually ruled out any liability for side effects.<sup>36</sup> There is definitely a certain risk potential for these vaccines: thus, each individual must weigh a Corona illness on the one hand against any side effects and long-term consequences of vaccination on the other.<sup>37</sup> Concerning the question of if, after all, vaccination is more useful than harmful, there are currently no reliable data from control studies. It is questionable, e.g. if, for children and young adults, usefulness prevails over possible damage from vaccination.<sup>38</sup> There is no clarity about either the duration or the strength of the vaccine protection. Neither infection nor the infection of third parties can be ruled out by vaccination. There is no clarity about the possible consequences of multiple vaccinations and, according to several natural scientists, they have not yet been sufficiently researched.<sup>39</sup> That being said, the decision *for* or *against* vaccination must remain voluntary, and the citizens must not be made subject to any kind of physical or psychic coercion.

But let us for once try a different approach and leave aside the highlighted questions about side effects and possible complications. Let us even imagine that there are no complications caused by vaccination. What would that mean? What would be at stake? Even in that case, we would have to be careful. Compulsory vaccination would mean that this person, regardless of their “right to self-determination” (see Art. 2 I i. V. m. Art. 1 I BL) and their “physical integrity” (Art. 2 II 1 BL), would fall completely within the sphere of influence and control of the state or the pharmaceutical industry, that the individual would be subjected to the power of the collective. If vaccination

“... removed all illnesses in the world, still simply the fact that the collective can exert its power so bluntly even into the bodies of the people would be an indication of the renewed subjugation of the individual, thus of a renewed victory of non-freedom over freedom.”<sup>40</sup>

One argument which is frequently stated by those supporting compulsory vaccination is that intensive care units might be overcharged with all those being sceptical towards vaccination. However, when it comes to the question

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See Kristina Hofmann, “Debatte im Bundestag. Lauterbach für Impfpflicht – wegen Kant”, *zdf.de* (13 January 2022) <https://www.zdf.de/nachrichten/politik/corona-bundestag-lauterbach-omikron-100.html> (accessed on 1 November 2022).

30

See Art. 2 Abs. 2 S. 1 BL.

31

Furthermore, this would be an inappropriate interference with religious freedom and the freedom of conscience (Art. 4 Abs. 1, 1 BL), parental rights (Art. 6 Abs. 2 BL) as well as with the basic right of the freedom of occupation of physicians (Art. 12 Abs. 1 BL), as among others it is the argument of the legal opinion presented by Volker Boehme-Neßler. See: Vanessa Renner, “Deutsches Rechtsgutachten: Allgemeine Corona-Impfpflicht ist verfassungswidrig!”, *report24.news* (3 February 2022). Available at: [https://report24.news/deutsches-rechtsgutachten-allgemeine-corona-impfpflicht-ist-verfassungswidrig/?feed\\_id=11600](https://report24.news/deutsches-rechtsgutachten-allgemeine-corona-impfpflicht-ist-verfassungswidrig/?feed_id=11600) (accessed on 1 November 2022).

32

Gunnar Kaiser, *Die Ethik des Impfens. Über die Wiedergewinnung der Mündigkeit*, Europa Verlag, München 2022, p. 66.

33

Given all the various media comments on Corona crises, we should also be aware that rhetoric, as even Aristotle emphasizes, may be used both for the good and the bad. It is obvious that the former purpose would have to be preferred (EN I 1, 1355a31). It may be doubted that this has always been successful in the context of the Corona crisis.

34

Vaccination is also understood to be a Christian obligation, an act of charity, as we read, e.g. in statements by *Deutsche Bischofskonferenz*. See: “DBK ruft zum Impfen auf: ‘Aus Solidarität und Nächstenliebe’”, *vatican-news.va* (22 November 2022). Available at: <https://www.vaticannews.va/de/kirche/news/2021-11/deutschland-kirche-bischofskonferenz-dbk-corona-aufruf-impfen.html> (accessed on 1 November 2022). Accordingly, the Vatican was indeed the first state in Europe

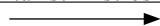
to enforce compulsory vaccination and to fire staff members who refused vaccination. Politicians compare vaccination to the figure of Moses who led the Israelites from Egypt to the Promised Land (for example Prime Minister W. Kretschmann in the context of the (digital) Congress of his party in Heidenheim in December 2021). See: Rüdiger Soldt, “Kretschmann wirbt für Impfpflicht”, *faz.net* (4 December 2021). Available at: <https://www.faz.net/aktuell/politik/inland/corona-kretschmann-wirbt-fuer-impfpflicht-17667524.html> (accessed on 1 November 2022); “Kretschmann: Impfen ist der Moses, der uns aus dieser Pandemie herausführt”, *bnn.de* (4 December 2021). Available at: <https://bnn.de/nachrichten/baden-wuerttemberg/kretschmann-baden-wuerttemberg-parteitag-gruene-coronapandemie-impfung> (accessed on 1 November 2022).

35

On this, also see: G. Agamben, *An welchem Punkt stehen wir?*, pp. 77–86.

36

In February, 2022, a German health insurance pointed out that vaccination damages were much more frequent than officially recorded. Whereas the Paul-Ehrlich-Institute speaks of 0.3 per cent cases of vaccination damage, the BKK health insurance may refer to 2 per cent, the Pro Vita BKK tells about 2.3 per cent of their assured. The BKK board considers this a “considerable danger signal which must in any case be taken into consideration for the further use of vaccines”. Informing about vaccination side effects, they say, takes half an hour, and physicians are not paid for it. See: Philippe Debionne, “Impffolgen: Krankenkasse BKK schreibt Brief an Paul-Ehrlich-Institut”, *berliner-zeitung.de* (24 February 2022). Available at: <https://www.berliner-zeitung.de/news/impffolgen-krankenkasse-bkk-schreibt-brief-an-paul-ehrlich-institut-li.213676> (accessed on 1 November 2022). Shortly after having written his letter to the Paul Ehrlich-Institute, the board member of this health insurance was dismissed summarily. See: Elke Bodderas, Tim Röhn, “Vorstand der BKK-ProVita ist fristlos gekündigt”, *welt.de* (1 March 2022). Available at: <https://www.welt.de/politik/deutschland/article237236519/Nach-Aussagen-zu-Impfnebenwirkungen-Vorstand-der-BKK-ProVita-ist-fristlos->



of why patients are at the hospital, the data situation is unclear. There has not been any conspicuously increased mortality rate.<sup>41</sup> What would be desirable in any case, however, is a debate on the replenishment of intensive care beds and clear improvement of the nursing system.<sup>42</sup>

### ***1.7. On Considerations Regarding How the Cooperation of the People During the Corona Crisis Could Be Improved***

How should we deal with those who do not adhere to the various sanitary measures and political recommendations? In times of Corona, we are often confronted with questions like this. A “remarkable” suggestion comes from a US medical ethicist. For Parker Crutchfield, it is clear that in times of Corona, one cannot simply opt out. After all, he says, it is about solidarity with the community, about combating a hazard. And accordingly, the medical ethicist proposes to morally improve people who want to go their own way, in order to bring them back on the supposedly right path in this way. In this context, he has a pill in mind that would make such people more cooperative and communal.<sup>43</sup>

“My research in bioethics focuses on questions like how to induce those who are non-cooperative to get on board with doing what’s best for the public good. To me, it seems the problem of coronavirus defectors could be solved by moral enhancement: like receiving a vaccine to beef up your immune system, people could take a substance to boost their cooperative, pro-social behavior.”<sup>44</sup>

It is not enough, says Crutchfield, to improve the capabilities of the body. In particular, he states, also the brain’s capabilities of cooperating with others would have to be improved. Moral enhancement could help with making humans more social and more cooperative. In terms of Corona measures this means: making them more insightful and obedient.

“As some have argued, a solution would be to make moral enhancement compulsory or administer it secretly, perhaps via the water supply.”<sup>45</sup>

And he continues:

“The scenario in which the government forces a morality booster upon everyone is far-fetched. But a strategy like this one could be a way out of this pandemic, a future outbreak or the suffering associated with climate change. That’s why we should be thinking of it now.”<sup>46</sup>

Here this Professor of Ethics assumes it to be gainful if humans were improved by the help of psycho-active pills, and are made more cooperative when it comes to Corona measures. However, such a preparation would not extend but reduce the range of freedom. Human action and behaviour is complex – and cannot simply be made more “handy” by the way of a pill. Being a person means more than just functioning “in the right way”. Also, this is not about therapeutic intervention, after all, the people we are talking about are not ill. The possible side effects of such pills are not discussed. Any state allowing for or even itself making such interventions as suggested by Crutchfield would fall victim to a kind of egalitarian totalitarianism and exceed its authority. It would no longer be a state under the rule of law.

“Moral enhancement”, be it by way of pharmaceutical or bio-technological intervention, misses *freedom* altogether. In such a case, what is intended is not moral behaviour or a kind of behaviour which is in line with the categorical imperative but a kind of behaviour that makes human beings handy for the realisation of certain perceptions of an ideal, an ideal that could also be

easily misused for certain purposes. It is precisely not about human's unavailability but about making them available. In this case, human beings are precisely not recognised as dignified and free being, as an end in themselves, but are reduced to being a normed object which is more easily controlled (manipulated). On the other hand, the other must be recognised by them being different, tolerance instead of uniformity pressure must be lived. Instead of

[gekuendigt.html](#) (accessed on 1 November 2022). Also, the US American VAERS database recorded serious side effects (*Vaccine Adverse Event Reporting System*). Among them there counted thromboses and myocarditis. In February 2022, a team of chemists and physicists teaching at German universities stated several inquiries concerning the quality of the vaccine. See Philippe Debionne, "Impffolgen: Krankenkasse BKK schreibt Brief an Paul-Ehrlich-Institut", *berliner-zeitung.de* (24 February 2022). Available at: <https://www.berliner-zeitung.de/news/impffolgen-krankenkasse-bkk-schreibt-brief-an-paul-ehrllich-institut-li.213676> (accessed on 1 November 2022).

37

Spike proteins, as is the result of a study by the University of Stockholm, may cause grave damage to the human organism. See Hui Jiang, Ya-Fang Mei, "SARS-CoV-2 Spike Impairs DNA Damage Repair and Inhibits V(D)J Recombination In Vitro", *Viruses* 13 (2021), pp. 1–10, doi: <https://doi.org/10.3390/v13102056>.

38

Studies provide indications of heart problems even for younger people who have been vaccinated twice. See: Tracy Beth Høeg, Josh Stevenson, John Mandrola, "SARS-CoV-2 mRNA Vaccination-Associated Myocarditis in Children Ages 12-17: A Stratified National Database Analysis", *medRxiv* (2022), pp. 1–26, doi: <https://doi.org/10.1101/2021.08.30.21262866>.

39

The love of experimentation in German history has produced important declarations, such as the *Nuremberg Code* and the *Helsinki Declaration* which must not be forgotten or even be depreciated particularly in times of crisis. According to these declarations, experimental interventions are illegal if the concerned human being has not complied with them. Also, the concerned person's well-being must outweigh possible damages. If Kant argued that a human being can never just be treated as a means, the *European Convention on Human Rights and Biomedicine* states in this sense that always the individual "has precedence over the simple interests of society or the sciences". – From: *European*

*Convention on Human Rights and Oviedo Convention*, Art. 2.

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G. Kaiser, *Die Ethik des Impfens*, p. 103.

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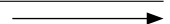
According to information by Statistisches Bundesamt, in 2020 there was no noticeable excess mortality as expected and feared by some. In March, 2021, the mortality rate was 11 per cent below the average rate of the previous four years. In this context, also in view of mortality statistics it is true that figures are always subject to interpretation: e.g. it must be taken into consideration that on the whole our society becomes ever older or that due to the lockdown measures there were less traffic deaths etc. Also telling is the following study on the mortality rate in Germany, Sweden and Spain, where the "Corona Year" of 2020 is compared to the years 2016 to 2019. See Bernd Kowall, *et al.*, "Excess mortality due to Covid-19? A comparison of total mortality in 2020 with total mortality in 2016 to 2019 in Germany, Sweden and Spain", *PLoS ONE* 16 (2021) 8, pp. 1–10, doi: <https://doi.org/10.1371/journal.pone.0255540>.

42

A problem is the reduction of our health system in the past decades. Bottleneck situations in times of flu have also happened in the previous years, from which, however, one did not conclude to invest into nursery staff and hospital beds. Against this background, reports look incomprehensible according to which in the year of crisis 2020 there happened a larger reduction of the number of hospital beds. At least the IQM hospital association looks back to 2020 as follows: "In 2020, our clinics were never on the verge". See: "Krankenhausverein IQM: Unsere Kliniken standen 2020 nie an der Belastungsgrenze", *aerztezeitung.de*. Available at: <https://www.aerztezeitung.de/Wirtschaft/Krankenhausverein-IQM-Unsere-Kliniken-standen-2020-nie-an-der-Belastungsgrenze-417850.html> (accessed on 1 November 2022).

43

Parker Crutchfield, "'Morality pills' may be the US's best shot at ending the coronavirus pandemic, according to one ethicist", *theconversation.com* (10 August 2020). Available at: <https://theconversation.com/>



being about being the *lord of other people's liberty*, it should be about being an *open-minded counterpart of the other's liberty*.

## 2. How Did We Get into This Situation?

### 2.1. Ζωή in the Access Zone of Politics

Aristotle discusses human beings by their physical-spiritual totality embedded in social relations. Kant emphasises human's autonomy capability, into what their dignity is rooted. In the context of the Corona crisis, we observe a rather technical understanding of human beings and their social relations. For example, if it is said in a matter-of-course way that certain fields of society should be shut down or rebooted, then this is due to technical ideas of living-together. Priority is given to the functional values of bodies, the distance between bodies. People showing no symptoms at all suddenly start taking their temperature and follow infection curves presented in the media.

The focus of Corona measures and regulations is biological-empirical existence and not being gifted with reason and liberty, which is an alarming reduction of perspective. Social interaction is particularly viewed in the aspect of survival, priority is not given to the question of what is a good and successful life. The question seems to have been completely marginalised.

“By being exclusively concerned about survival, we are like the virus, this undead being which only breeds, that is it survives without being alive.”<sup>47</sup>

In the course of the Corona crisis, one trait of modernity moves to the fore, which is the functionalisation and de-personalisation of life. Ζωή is the ancient Greek term for the fact of life.<sup>48</sup> The term is used in view of physical life, for plants, animals and humans. Βίος refers to a specific way of life, also to somebody's biography. Aristotle uses this term to illustrate important considerations of his practical philosophy. He speaks of a practical, a libidinous way of life and of a way of life which is dedicated to theory. In our case, he would never speak of ζωή.<sup>49</sup>

Not only as a consequence of the Corona crisis, but essentially accelerated by it, biological life has moved into the focus of political attention. It is about controlling biological processes, not about human beings as free beings and legal subjects.

“Over millennia, man has remained what he was for Aristotle: a living animal which is also capable of political existence. Modern man is an animal due to whose politics his life as a living being is at stake.”<sup>50</sup>

In the context of the Corona crisis, it is about controlling and socialising ζωή. The private becomes increasingly public, bodies become increasingly administered.

Today it seems that technology makes it possible to have everything under control. And so the Corona crisis hits a society in which ever more powerful computers collect ever more data and information, in which seemingly much can be simulated and calculated. However, the power of judgement cannot be replaced by algorithms. Exactness and predictability may be further enhanced by the continued use of technology; life would not thereby become truly lovable and worth living, and freedom would be further endangered by every instrumental-technical upgrade. A completely digitalised way of life would not really be conducive to the meaning and quality of our lives.

Technical thought has no interest in liberty and dignity, but rather in safety and health.

“However, whereas the idea of liberty includes striving for safety and health into its context, ideas of safety and health do indeed not include the idea of liberty. For, outward safety is guaranteed much more effectively by a police state than by a liberal state under the rule of law, and even health, at least technically seen, can be better organized without liberty (or without the patient’s lack of insight towards the informed physician or ‘expert’).”<sup>51</sup>

Technology does not only come along with efficiency but also produces the effect that values and life plans change. Many people feel like being under the pressure of not wanting to miss anything.<sup>52</sup> Making use of as many options provided by life as possible and leaving unexploited as little as possible seems to be a good thing.

“This way, living a good life becomes an enterprise which is in principle incomplete and impossible to complete. Because of this impossibility to keep the promise, the ideal of living the good life will finally turn against itself: due to its futility, any attempt to pursue it will result in alienation. But the post-modern ideal of living the good life does not only prevent any good life, it also makes it more difficult to pursue a good death. [...] Death *must not* be, because fulfilled life *cannot* be.”<sup>53</sup>

## 2.2. On the Value of Health

The Corona crisis hits modernity where (in Western capitalist societies) life is being medicalised.<sup>54</sup> This is meant to say that everything is judged on the

[morality-pills-may-be-the-uss-best-shot-at-ending-the-coronavirus-pandemic-according-to-one-ethicist-142601](#) (accessed on 1 November 2022).

44

Ibid.

45

Ibid.

46

Ibid.

47

Byung-Chul Han, *Palliativgesellschaft. Schmerz heute*, Matthes & Seitz Berlin, Berlin 2020, p. 26 f.

48

See: Plato, *Phaedo* 105c–d; Plato, *The Republic* 521a; Aristotle, *De generatione animalium* II 1, 732a12; III, 11, 762a32.

49

Aristotle, *Metaphysics* XII 7, 1072b26–30; 9 1074b20.

50

Michel Foucault, “Recht über den Tod und Macht zum Leben”, in: Andreas Folkers, Thomas Lemke (eds.), *Biopolitik. Ein Reader*, Suhrkamp Verlag, Berlin 2014, pp. 65–87, here p. 72.

51

Klaus Honrath, “Die Corona-Politik und der Marsch in die Unmenschlichkeit”, *mitdenken-blog.de* (23 September 2021). Available at: <https://mitdenken-blog.de/2021/09/23/corona-politik-unmenschlichkeit/> (accessed on 1 November 2022).

52

On this: Hermann Lübke, “Gegenwarts-schrumpfung”, in: Klaus Backhaus, Holger Bonus (eds.), *Die Beschleunigungsfalle oder der Triumph der Schildkröte*, Schäffer-Poeschel Verlag, Stuttgart 1998, pp. 129–164. Hartmut Rosa states the above explained idea as follows: “The available options will always exceed those options as can be realised in the course of an individual life.” – From: Hartmut Rosa, *Beschleunigung und Entfremdung. Entwurf einer kritischen Theorie spätmoderner Zeitlichkeit*, Suhrkamp Verlag, Frankfurt am Main 2013, p. 40.

53

Fabian Hutmacher, “Vom postmodernen Menschen und seiner schwierigen Suche nach dem guten Leben und dem guten Tod”, *Zeitschrift für Praktische Philosophie* 7 (2020) 2, pp. 15–34, here p. 15, doi: <https://doi.org/10.22613/zfpp/7.2.1>.

criterion of being supportive of health or not. Several social and societal phenomena are considered under this sanitary aspect. Sensors help measure humans, help to survey them. The more it becomes possible through medicine, the higher the expectations. “Incurable is the only obscene word of today’s vocabulary”,<sup>55</sup> as Pascal Bruckner has it.

“Over time, the fear of becoming ill has caused a boom of the sciences, medical progress creates a really irrational fear of any kind of illness, until we start ‘suffering from being healthy’ [...]. He who wanted to be his own master and lord of the world becomes a slave of his own anxieties, has no other source of power than the cry for help, and stays only alive by leaning on the most different kinds of crutches.”<sup>56</sup>

The Corona crisis results in even more comprehensive medicalisation. In the course of the Corona crisis, *homo hygienicus* comes into the limelight. He makes himself readily subject to sanitary measures by the state, without having any real idea of freedom. The right to be healthy has turned into the obligation to be and remain healthy.

No doubt, being healthy is important. However, nobody lives to be healthy. Being healthy is no absolute end in itself.<sup>57</sup> The only end in itself is human’s dignity. It is important to take care of one’s own health, sufficient amount of sleep, enough movement, and a balanced diet. In this context, Kant speaks of “human’s obligation towards themselves”.<sup>58</sup> He knows, however, that being healthy as such is not *summum bonum* but exists in respect of the individual as a reasonable and free being.<sup>59</sup> A successful life, says Aristotle, comprehends all of humanity, among which also counts health. Being healthy alone does not make a human being happy. Aristotle also says that “we call a human free who lives for the sake of their own and not for the sake of somebody else”,<sup>60</sup> who is not occupied by just one topic. Health, the Stagirite explains, is the ableness and the “best-possible state” of the body.<sup>61</sup> Human’s physical existence provides the foundation for human’s capability to live and act, to realise themselves by the way of their practical realisations. It makes the human individual capable of achieving their chosen goals. For Aristotle, the son of a physician, medicine does not, in the abstract sense, refer to humankind *as such*. It is not about the species but, quite in the concrete sense, about a patient who is suffering and hopes for help from the physician. In other words: it is about one concrete individual.

The situation is completely different in the context of the Corona crisis, as Thomas Sören Hoffmann observes. Insofar as the health system

“... instead of [being oriented] at the actual needs of the individuals, [is oriented at] ‘targets set by the state’ – as far as to the treatment of those who are really seriously ill, whose beds are supposed to be reserved for potential COVID patients.”<sup>62</sup>

And Hoffmann continues:

“According to the political statements, what is supposed to be saved is the ‘health system’, not the individual – in the context of which patients could at the same time watch the physicians into whom they had personal trust turning into functionaries – including their appearance – of indeed this health system which was supposed to be saved, who hardly seem to know anything else than their task of policing health.”<sup>63</sup>

### 3. Which Lessons Are We Going to Learn from this Time?

A virus does not teach us anything. Yet still, we must consider what we have learned from what is behind us and which kind of future we would like to



have. In the following, some coordinates must be determined that might be helpful for our way towards a “post-pandemic” world and a “new kind of normality”. I would like to proceed in seven steps:

### 3.1. *In Favour of Multi-Perspective Solutions*

There are no easy suggestions or sweeping strategies for solving this complex situation, and we would be wrong to believe that just one perspective – such as that of the epidemiologists and virologists – was the only one to be promising. A complex problem should be approached in a multi-perspective way. In other words: it is important to notice different facets and aspects of a problem and to collect information in the various available ways, to get an idea of the situation and possible solutions (*audiatur et altera pars*). It must be about avoiding any kind of tunnel view.

### 3.2. *Readjusting the Value of Health*

In view of the Corona crisis, we must be aware that health is more than just bio-medical knowledge. Health is connected to both the social and economic, natural and political, legal and religious dimensions of a pluralistic society. It would be insufficient to consider health – notwithstanding its importance – the highest value of our social togetherness. Losing one’s job, a loss of wealth, the loss of social practices, losing one’s own self in the face of fear, all these things may hardly be supposed to be particularly health-supporting. Medical care should be meant for the individual who, in the course of the Corona crisis, has shrunken to become an entity that may be neglected in comparison to a kind of health that became a public good.

“It is a task of medical ethics to make consistently clear what the task of medicine in its original sense is and where there starts socio-technological action in favour of a ‘new kind of human’.”<sup>64</sup>

54

See: Peter Conrad, *The Medicalization of Society. On the Transformation of Human Conditions into Treatable Disorders*, Johns Hopkins University Press, Baltimore 2007; Ivan Illich, *Die Nemesis der Medizin. Die Kritik der Medikalisierung des Lebens*, trans. Thomas Lindquist – Johannes Schwab, C. H. Beck, München 2007.

55

Pascal Bruckner, *Ich leide, also bin ich. Die Krankheit der Moderne. Eine Streitschrift*, Quadriga, Frankfurt am Main – Wien 1995, p. 71.

56

Ibid., p. 163.

57

In view of § 28 of the Law on Protection Against Infection of April, 2021, the problem is that there most of all those are considered “healthy” who have been vaccinated or have recovered from a Corona infection.

58

I. Kant, *Die Metaphysik der Sitten*, in: AA VI, p. 445.

59

Ibid., p. 447.

60

Aristotle, *Metaphysics* I 2, 982b24 ff.

61

Aristotle, *Rhetoric* I 5, 1361b3.

62

Thomas Sören Hoffmann, “Freiheit und ‘Corona’: Zur biopolitischen Dimension einer Krise”, *Imago Hominis* 28 (2021) 3, pp. 219–229, here p. 221.

63

Ibid.

64

Ibid., p. 225.

Furthermore, medicine must not play the role of religion. Salvation is no task for medicine and science. Also, those who are not ill should not consider themselves or should not be considered (potential) patients. If hygiene becomes the all-determining ritual, the individual will lose their *condicio humana* and will be turned into a *homo medicandus*.

Lessons should be learned from the fact that those countries which had most reduced their health systems had particularly serious problems during the Corona crisis. For those working in healthcare, applause is not enough. Sustainable improvement for those working in healthcare and nursing is necessary, a high degree of fluctuation should be prevented, and working conditions should be improved, so that the quality of services can be raised. The number of hospital and nursing beds must not, as it happened during the Corona crisis, be further reduced. The state, the social partners, and the civil society are responsible in this respect.

### ***3.3. Considering the Interplay of Liberty, Safety and Risk***

The way we think and judge the Corona crisis also has to do with the way we see ourselves. Do we see ourselves as subjects who decide for themselves the course of their lives, or do we see ourselves as objects that can be fully explained by technical and scientific means? Affected by the crisis is the self-image of the human being as a liberal being, affected is our view of society as well as the question of how we want to live together in the future. Risk is a part of life. Nor should we simply impose additional risks on other people, even if this would go hand in hand with the originally well-intentioned goal of protecting people. Weighing risks in this way is dangerous. What is at stake is that we turn each other into wolves, that we start exploiting each other. In the state under rule of law, what requires legitimation is not liberty but its limitation. Liberty is massively threatened when unfreedom is reinterpreted or even perceived as freedom. Those who believe that giving up on liberty will protect them will in fact give it up. A two-class society in which the unvaccinated are treated worse than the vaccinated and in which the former are no longer allowed to exercise their basic rights must be prevented.

### ***3.4. Political Decision-Making Must Be Transparent and Comprehensible***

The coincidence of Corona and the climate crisis might result in new political dynamics and might trigger a change of political paradigms. Further societal polarisation must be expected. The guideline for any way of coping with crises must be to maintain our liberal community of law. Constitutional guarantees must be maintained. Weighing the consequences of political decision-making and possible hazards against each other requires the power of judgement.

“Power of judgement, however, requires insisting in our capability of criticism and of making our own statements beyond any kind of conformism, even in times of fear.”<sup>65</sup>

Legal principles, such as basic rights, should be acknowledged in the future. Political decision-making must be transparent and comprehensible. There should also be the possibility to revise decisions. Measures to be taken must be taken under the horizon of the dimensions of health, law, ethics, economy, society, and politics.

Also, we cannot get back to business as usual. What is required is a political, legal, social, and ethical assessment of what did go wrong during the Corona crisis, to prevent such mistakes in the future and to re-establish social peace. And of course, also that what went well should be elicited, to be made fruitful again in the future.

### **3.5. Debates Support Democracy, They Do no Harm**

Precisely in times of crisis, it is important to open up conceptual spaces. Plurality must be maintained. If it is lost, then things do not look good for democracy.

“One essential element of any kind of democracy is making public use of reason, is deliberation as a method of democratic decision-making. [...] Refusing the discourse results in the erosion of the democratic practice.”<sup>66</sup>

It is of fundamental importance for democracy that plurality is visible and audible. Minorities must be protected and not put under threat. Debates about the future, alternatives, and values that connect us, are not immoral, precisely in times of crisis. The exchange of arguments remains indispensable. Instead of moral constraint, freedom of thought must be possible. In short, it is about making use of our own reason, about thinking for ourselves.

### **3.6. Assessing One’s Own Views and Facing Anxieties**

Everybody should assess their ways of behaviour during the Corona crisis, and should reconsider their perceptions. It is normal, and indeed a good thing, that humans perceive situations in different ways and judge them differently. Even disputes about this are nothing odd. If there is a dispute, however, good reasons should be stated, we must appeal to our counterpart’s reason. Accordingly, violence, the threat of violence, or indeed deceit, are no ways to make the other agree.<sup>67</sup> A new beginning is possible by the way of forgiveness. We must relate ourselves to our anxieties, we must learn how to cope with them. There is no world without illness or suffering. Promising such a world would mean a human’s self-negation. We cannot get rid of contingency, rather we should attempt to creatively integrate it into our life plans. We must become aware of finitude. Instead of counting on anxiety, we should count on the principle of hope, instead of counting on yet more bans, we should count on a culture of self-responsibility. Given all this, we must not forget that science should be about truth, not about usefulness.<sup>68</sup>

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Julian Nida-Rümelin, Nathalie Weidenfeld, *Die Realität des Risikos. Über den vernünftigen Umgang mit Gefahren*, Piper Verlag, München 2021, p. 94.

66

Julian Nida-Rümelin, *Die gefährdete Rationalität der Demokratie. Ein politischer Traktat*, Edition Körber, Hamburg 2020, p. 18.

67

See Immanuel Kant, *Der Streit der Fakultäten*, in: AA VII.

68

Ibid.

### **3.7. *Placing Human Beings by Their Unavailability as Dignified Being at the Heart of Things***

A human being is more than just a calculable empirical being. In this sense, a human being is not just *homo contaminans* or a *homo hygienicus* over whom somebody has free reign. Even in the face of hazards, it must always be about remaining a human being. The reference point for all kinds of measures must always be the inviolability of the human individual. By any individual, we encounter something unavailable that cannot be eaten by any virus in this world, something that evades any objectivising view. Always it must at first be about human beings as free beings, only then it may be about viruses. Humans must be taken into view as physical-spiritual entireties. They must be the predominant issue. “Collateral damage” of the body and the soul caused by the crisis must no longer be ignored. Physical connections cannot be replaced by digital ones. Our fellow humans must be rediscovered.

**Marcus Knaup**

#### **Na putu prema novoj vrsti normalnosti?**

##### **Lekcije iz korona-krize**

#### **Sažetak**

*U radu se korona-krizu ispituje s etičko-filozofijskog gledišta u svrhe pružanja orijentacije, posebno se pozivajući na Aristotela i Kanta. Istina je da nisu bili virolozi, da nisu članovi nijednog etičkog vijeća, da ne privređuju plaće u institucijama bliskih farmaceutske industriji, a ne plaća ih ni bilo koja državna institucija. Nisu osumnjičeni da su ikome govorili ono što žele čuti. Međutim, obojica pružaju poglede koji nam mogu pomoći bolje razumjeti današnju situaciju i iznaći rješenja za budućnost. Upućujući na njih, filozofija također može ispuniti svoju zadaću analize suvremenih problema vezanih uz temeljna pitanja čovječanstva i našeg zajedničkog života. Prvo ću postaviti pitanje (1): Gdje se nalazimo? Osvjetlit ću sedam aspekata bez tvrdnje da sam ih iscrpio. Zatim slijedi (2) pitanje o tome kako smo dospjeli u sadašnju situaciju. Konačno, (3) pitanje o tome koje lekcije trebamo naučiti bit će raspravljeno u sedam koraka.*

#### **Ključne riječi**

korona-kriza, vrijednost zdravlja, medikalizacija života, sloboda, virokracija, zaštita ranjivih, Aristotel, Immanuel Kant

**Marcus Knaup**

#### **Auf dem Weg in eine neue Normalität?**

##### **Lehren aus der Corona-Krise**

#### **Zusammenfassung**

*Der vorliegende Beitrag untersucht die Corona-Krise aus ethisch-philosophischer Sicht. Unseren Orientierungsversuch wollen wir insbesondere mit Aristoteles und Kant unternehmen. Beide sind freilich keine Virologen oder aber Mitglieder in einem Ethikrat; sie profitieren nicht von Geldern pharmanaher Institutionen, auch beziehen sie kein Geld von staatlichen Stellen. Beide stehen nicht im Verdacht, irgendwem nach dem Mund zu reden. Wohl aber halten beide Perspektiven bereit, die helfen, die heutige Situation besser zu verstehen und Lösungsansätze für die Zukunft zu erarbeiten. Sie haben uns Heutigen etwas zu sagen. Mit ihnen kann Philosophie auch ihrem Auftrag entsprechen, als Zeitkritik aufzutreten, wo es um grundlegende Fragen des Menschseins und unseres Zusammenlebens geht. In meinem Beitrag werde ich in einem Dreischritt vorgehen: 1.) Zunächst frage ich: Wo stehen wir? Ich beleuchte hier sieben Punkte,*

*ohne freilich Anspruch auf Vollständigkeit erheben zu wollen. Hieran schließt sich 2.) die Frage an, wie wir in die jetzige Lage gekommen sind. Und schließlich wird 3.) in sieben Schritten die Frage zu diskutieren sein, welche Lehren wir hieraus ziehen sollten.*

**Schlüsselwörter**

Corona-Krise, Wert der Gesundheit, Medikalisierung des Lebens, Freiheit, Virokratie, Schutz der Schwachen, Aristoteles, Immanuel Kant

**Marcus Knaup**

**Sur le chemin d'une nouvelle forme de normalité ?**

**Leçons à tirer de la crise liée au coronavirus**

**Résumé**

*En se référant particulièrement à Aristote et Kant, le présent travail examine la crise du coronavirus à partir du point de vue éthico-philosophique dans le but de donner une orientation. Certes, ces derniers n'étaient pas virologues, n'étaient membres d'aucun conseil éthique, ne faisaient pas de profit grâce à un salaire versée par des entreprises semblables à l'industrie pharmaceutique, et aucune institution étatique ne les rémunérait. Ils n'ont jamais été suspectés d'avoir dit aux gens ce qu'ils voulaient entendre. Toutefois, les deux présentent des vues qui peuvent nous aider à mieux comprendre la situation actuelle et élaborer des solutions pour l'avenir. En se référant à eux, la philosophie peut également remplir son devoir d'analyse des problèmes contemporains liés aux questions de l'humanité et relatives à notre vie communautaire. D'abord, je poserai la question (1) Où se situe-t-on ? Je ferai la lumière sur sept aspects sans prétendre à l'exhaustivité. Cela sera suivi de la (2) question de savoir comment en est-on arrivé à la situation actuelle. Enfin, (3) la question de savoir quelles sont les leçons à tirer sera discutée en sept étapes.*

**Mots-clés**

crise du coronavirus, valeur de la santé, médicalisation de la vie, liberté, virocratie, protection des plus vulnérables, Aristote, Emmanuel Kant