

# Random Rants About (Nearly) Everything

Fundamental Rights (Not Only) in Times of a Pandemic

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## This webcast is *opinionated*

Everything presented here is my personal opinion.  
Usually I will not provide answers but raise questions.

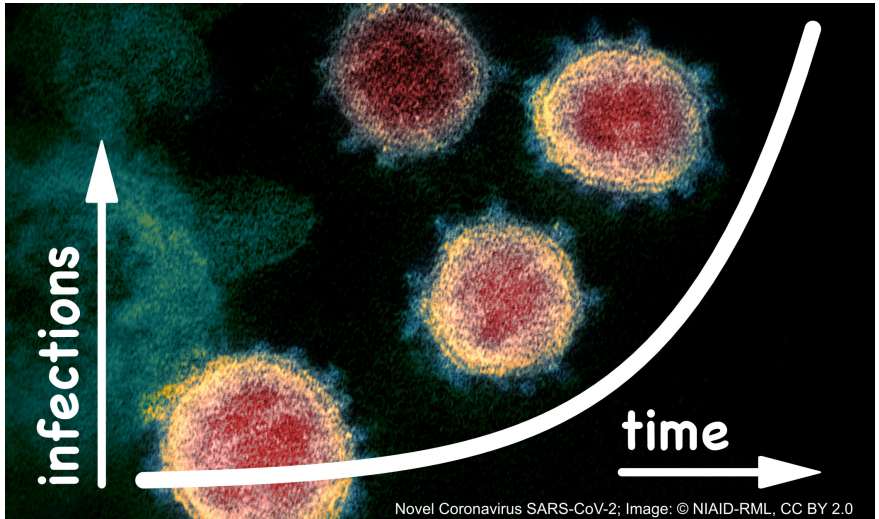
I will not usually apologise for anything I say. While I think twice before talking, take everything presented here with a grain of salt.

This webcast is clearly *opinionated*  
and not a comprehensive discussion of the topic at hand.

If you feel offended, be reensured that this was not my intent.

If I made you think about the topic, even if you strongly disagree, I would see this as 'mission accomplished'.

# A (not so) hypothetical situation



- ▶ 'COVID-19 is just like flu' **BULLSHIT!**
  - Flu is a *serious* disease with high mortality rates
  - COVID-19 is different from flu in many aspects
- ▶ 'There is no alternative' **BULLSHIT!**
  - Shorthand for: I don't understand and won't think about it
  - There is already 16 alternatives in Germany
- ▶ 'We need to listen to the scientists' **BULLSHIT!**
  - Science can never give authoritative advice
  - Politics is about reconciliation of interests
- ▶ 'We need to keep the economy running' **BULLSHIT!**
  - Economy is not an end in itself
  - Never play economy off against lives

## Argument

We need to act immediately. There's **no time for discussions** of members of parliament. Every day exponentially more people die.

### The facts

- Exponential growth is a *real* problem
- We need to act quickly to gain back control
- We still know far too less to have authoritative answers

### No time for discussions – really?

- Parliaments *can* act quickly; even in a war, they *have* a word
- Scientists are not politicians – and can only suggest measures

## Argument

We need to do **whatever it takes** to slow down the pandemic. Otherwise we're simply killing (our own) people.

### The facts

- The pandemic needs to be slowed down – as soon as possible
- We cannot risk overwhelming our health system
- Reducing contacts is very effective – as is washing your hands

### Whatever it takes – really?

- Not getting infected is no fundamental right
- The pandemic isn't worth it risking our democracies

- ▶ Freedom of movement
  - Borders (even within Germany) are closed
  - Leaving home is only allowed for 'good reason'
  
- ▶ Freedom of assembly
  - No groups of people in public space (no demonstrations!)
  - No visiting of friends
  
- ▶ Freedom of religion
  - Churches have suspended their services
  - All religious assemblies are forbidden
  
- ▶ Freedom of research and teaching
  - Many universities are temporarily shut down
  - Often, only pandemic-related research is still allowed

## The situation for Germany

“ *In the Basic Law [for the Federal Republic of Germany], most fundamental rights are guaranteed in [...] Articles 1 to 19.*

*They are subjective public rights with constitutional rank which bind all authorities of the state. [...]*

*These fundamental rights cannot be removed from the constitution.*

– Wikipedia

☛ These rights are absolutely non-negotiable (*‘Ewigkeitsgarantie’*)

[https://en.wikipedia.org/wiki/Basic\\_Law\\_for\\_the\\_Federal\\_Republic\\_of\\_Germany](https://en.wikipedia.org/wiki/Basic_Law_for_the_Federal_Republic_of_Germany) (2020-04-07)



- ▶ Fundamental rights are suspended – and nobody cares?
  - It is not that we are all in holidays. . .
  - If not for us, it is for the generations to come
  - The current crisis is clearly not the worst to come
  
- ▶ Elected politicians hide behind scientific advice
  - Science can never give authoritative answers
  - Scientists often forget the sociological aspects
  - Society is not just another experiment
  
- ▶ Restrictions to fundamental rights apply *for the time being*
  - Restrictions need to be explicitly limited to very short times
  - We need to discuss as a society *now* how to end restrictions
  - Restrictions kill people – but that goes largely unnoticed

- ▶ Freedom of research is a *fundamental right*
  - It is not about getting our actual research done now
  - It is about the fundamental right: freedom of research
  - If we don't care about our fundamental rights, who else should?
  
- ▶ Academics have a responsibility towards society
  - We are paid from tax payers' money to use our brains
  - We cannot say that we don't understand nor see the risks
  - We should think through and refrain from premature answers
  
- ▶ Academics have authority and reputation
  - We shall not speculate publicly
  - We shall clearly point out problems for society we see
  - We shall think *now* about ways to end the restrictions

## Before you start complaining

The COVID-19 pandemic needs to be taken seriously, no doubt.

The measures (particularly in Germany) restricting our daily lives have most probably saved lots of lives.

I do not question the necessity of (most of) the measures taken, I'm just shocked by the absence of any public discussion if it comes to restricting *fundamental* rights.

We should be more than careful lifting restrictions prematurely. Loosing everything we've achieved so far would be more than careless and would invalidate the sacrifices everybody made so far.



- 🔑 Hardly any situation legitimates to restrict fundamental rights, and any restriction needs to be explicitly limited in time.
- 🔑 Any (temporary) restriction of fundamental rights requires *prior* public and broad discussion, at least in parliament.
- 🔑 Restrictions applied during the COVID-19 pandemic are largely unconstitutional (at least in Germany).
- 🔑 A public and broad debate about the restrictions is shockingly absent in most western societies.
- 🔑 Academics have a special responsibility towards society. If we don't reflect and intervene, who else?

Stop ranting – start thinking

And always remember:

It is *your* life  
You can *make a difference*