

# Laudation for Dieter Birnbacher

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## 1 The person we are honouring today

We are gathered here today to honour an elder gentleman of our discipline: Dieter Birnbacher. Dieter's vita is ultra short. Born in Dortmund in 1946, he entered philosophy as a counteraction to his experience of confirmation lessons and a nationalistic father. He studied philosophy at the University of Cambridge and then the University of Hamburg, where he also obtained his doctorate in philosophy. He obtained his habilitation at the University of Essen, and while an *Akademischer Rat* at that University, he declined professorships from the University of Zürich and the Technical University Braunschweig. I vaguely remember that he once said never ever to accept a professorship at any university outside the Verkehrsverbund Rhein-Ruhr. Indeed, he followed his own advice: his first professorship was at the University of Dortmund (today TU), and then in 1996 he moved within the Verkehrsverbund to what is now the Heinrich-Heine University Düsseldorf.

## 2 What did he do? What is his focus?

Dieter's numerous books and journal publications can be categorised in a number of focal points.

- Responsibility for *future generations, environment, nature and climate* is a first major focus of his thought which is characterized by careful stocktaking of the problems, elaboration of principles for ethical evaluations, clarification and motivation of proposals for what we ought do today.
- More than almost any other, Dieter focussed his thought on practically the entire field of today's *medical and bioethical questions*: death, dying, status of embryos, abortion, living wills, dealing with dementia patients,

brain death criteria, pregnancies of brain-dead women, organ transplantation.

- Time and again Dieter has focussed his thinking on metaethical problems such as *nature and naturalness*, which he has shown do not provide solid grounds for moral judgements.
- Another theme that has been the centre of his writings is the distinction between *actions and omissions* and the entire spectrum of causality quandaries that immediately arise from this distinction. These writings are at the same time contributions to the theory of action, metaethics, and to philosophy of science.
- Dieter is also a translator and editor: as an important service to Kant's country he made *John Stuart Mill's* thought intellectually accessible and affordable.
- And finally *Arthur Schopenhauer*: several of Dieter's publications are devoted to driving themes in Schopenhauer's philosophy, e.g. his ideas of causality.

Dieter's writings have reached a large circle of readers and co-thinkers. Check for yourself: enter his name into Google Scholar. You will see an enormous resonance.

Dieter has also been a great public servant of our profession:

- President of the German Society for Humane Dying (I take the presidency as a telling signal of a secular humanist).
- Member of the Central Ethics Commission of the German Medical Association.
- Vice President of the Schopenhauer Society
- Member of the Leopoldina, the National Academy of Science.

And last but not least, it is essential, I think, to list two significant *defeats*.

- Dieter was defeated in his efforts to introduce philosophy and ethics as an ordinary school subject for all pupils in NRW schools.
- Dieter has not (yet) succeeded in his efforts to liberalise the law on active euthanasia.

### 3 How did he do Philosophy? What is his philosophical style?

Dieter's writings have a *language-critical style*. This can be felt everywhere in what he writes. This is no surprise, given how he came to philosophy and that he studied at a place imbued with the tradition of Russell and Wittgenstein. But I want to bring attention to less self-evident features of Dieter's philosophical work.

A *first* point: Philosophy is difficult, even very difficult. There are different reasons for this. One is philosophy has ubiquitous *entangled long-distance effects*—and these are almost frightening in extent and depth. For instance, a metaethical thesis regarding the existence and the ontological status of values can have implications for the philosophy of mathematics—and *vice versa*. The interpretation of unintended omissions (slight or gross negligence) can have implications for our understanding of causal relationships between physical events—and *vice versa*. The more one thinks about it, the longer the list of entangled long-distance effects.

Such a situation easily leads to a research strategy of *fragmented specialisms*; or in a more pointed turn of phrase, 'local finger exercises'—to borrow an analogy from Philip Kitcher's criticism of modern analytic philosophy in his highly readable article *Philosophy Inside Out*.<sup>1</sup> It is clearly tempting to keep to this practice of local finger exercises in an academic system that is anything but accommodating to a remarkable but little noticed dictum that Wittgenstein left behind for us: "The greeting of the philosophers to each other should be: 'Take your time!'"<sup>2</sup> Today doing so, could seriously damage your career prospects. But for Dieter and others of his generation it was different.

However, a discipline with entangled long-distance effects asks for more than local finger exercises. In addition and simultaneously, philosophers need to focus on significant knotted, and even matted problems. Their solution requires a kind of *global* reflective equilibrium. A philosophical argument must be *at once* a best explanation for a wide set of philosophical explananda, riddles, knots, and stumbling blocks. This is not a loss of analytical rigor, but its necessary completion.

This is something that Dieter has always known. His work has been a persistent search for overarching coherence—call it *intellectual harmony* if you will—across multiple domains of problems. For example, one should not get into trouble with a proposal to understand omissions if one reads a few pages of a physics book, or talks to a lawyer. In a flight of fantasy, I could well imag-

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<sup>1</sup> *Metaphilosophy* vol. 42, no. 3, 2011, 248–260.

<sup>2</sup> Wittgenstein 1949. *Vermischte Bemerkungen*, Frankfurt 1989, 563.

ine that a philosopher digging around in the legacy of Dieter's philosophical papers, will find Dieter's remark – scribbled in the margin somewhere – that reads: “The greeting of the philosophers to each other should be: ‘But it must also be right in the big picture!’ ”

A *second* point: it is not at all easy to formulate a consistent and coherent ethical ideal that remains convincing under careful reflection. It becomes really difficult in the moment we acknowledge that we have to also take into account the non-ideal motivational or cognitive conditions of real world actors. But doing just that, is part of Dieter's thinking. Dieter has always been warning that *morality* can easily make excessive demands on our motivational and our cognitive capacities.

A reasonable design for morality can't be based on wishful thinking about human nature. We should never forget that we tend to favour proximity, be it social or temporal. Nearly half a century ago, Arnold Gehlen published his book *Moral und Hypermoral* in which he argued that given our evolutionary heritage we have to bid farewell to universalistic aspirations in morality.<sup>3</sup> In contrast, Dieter takes a *different* path from a similar starting point. His solution, is really best expressed in German itself: *Praxistauglichkeit*. This is not a renunciation of an universalistic aspiration and understanding of morality, but rather maximising under constraints, doing the best that one can. The ‘designer of morality’, the ‘morality planner’ or to be a bit more old fashioned, the ‘moralist’ has to formulate normative principles that, given real world conditions, achieve the maximum of the ideal.

## 4 A practical philosopher, who publicly uses his reason

Above all else, Dieter is a practical philosopher, who publicly uses his reason. His writings reach many, he often argues and discusses in front of a large audience, and he is active as an advisor in important committees. Placed in the public eye, and carried into the public sphere, practical and theoretical philosophy trigger very different reactions.

Epistemological questions like “What actually speaks for the existence of the past?”, “Could it be that, all the time, we are only dreaming?”, are questions that rouse pity: An adult who still asks typical children's questions, is a funny type of adult.

On the other hand, in a moral context, the person who asks questions about the foundations for what seems so self-evident, may not rouse pity, but hostile-

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<sup>3</sup>Arnold Gehlen, *Moral und Hypermoral: Ein pluralistische Ethik*, Frankfurt 1969.

ity. If we ask what are foundations for ascribing a right to life, our interlocutor may not find this funny at all. Such a person is dangerous, and subverting the moral foundations of society. He or she is akin to an arsonist. More a devil than a child. One needs a thick skin to pursue nevertheless questions about the foundations of morality. Dieter has done so with consistent eloquence. He has repeatedly engaged the public in arguments that show how questionable the references to God, nature or human dignity are in the many moral questions in the context of dying, abortion, cloning, stem cell and embryonic research.

What makes the public use of reason so difficult to master? I can think of two points.

*Firstly*, it seems to me to be a not uncommon belief, though only rarely has it been explicitly formulated, that morality can only function when its foundations are not subject to public scrutiny and debate. From here it's only a small step to regard philosophical reflection as the negligent or aimed at undermining of the moral foundations of social life.

*Secondly*, if the debate is on 'hot' topics like the moral or legal permission of abortion or assisted euthanasia, then the usual distinction between *being* wrong and *doing* wrong is often eliminated: The opponent is not only wrong with a certain belief on a moral problem, but already doing something morally wrong by arguing the belief that he or she holds. By collapsing the distinction licence is taken to deny the moral integrity of one's opponent—often garnished with the accusation that the belief will induce catastrophic slippery-slope effects. Such discussions, then, degenerate into a theatre for exhibitionistic performances, with the aim to demonstrate one's own moral intactness, accompanied by a feel-good factor that one has done a good job for a good cause.

When I look back at the major public controversies about abortion and euthanasia in this country of ours, then, it seems to me (but, caution, I am on one of the sides), the intellectual fouls committed by the different camps were quite unevenly distributed. Dieter was often and repeatedly fouled in these disputes, but no yellow or red card was brandished.

How can one stand this for decades? I think that is due to the firm belief in a certain ideal, the *ideal of an analytic culture*: an association of co-thinkers that lives together based upon normative foundations that are thought through publicly, calmly, carefully and precisely. An analytic culture does not need warning signs "Reflection prohibited!"—and it does not accept them anywhere.

This ideal is not new, it is what guided Kant and Mill. The ideal has tradition. It also had effects, including effects of liberating destructiveness: Moral concepts that over long periods were taken as God-given or as simply 'natural' turned out not to be stable under reflection. For instance, substantial parts of the earlier morality about sex and its corresponding codification in criminal

law are now gone in many parts of the world. That is not a pity!

## 5 And now the Frege Prize

Recognition for one's philosophical work can come into two forms: it can be direct and indirect. The most important *indirect* recognition is the firm, hostile, and aggressive *rejection* of one's work by the 'right' kind of people and for the 'right' reasons—an enmity that is not based on misunderstandings. As honorable as it may be, this kind of recognition can be expensive: Death sentence, banishment, one's books being burned, being officially cursed or excommunicated, losing career chances and opportunities—all can be forms of indirect recognition.

One of the highest forms of indirect recognition has ceased to exist, namely to be included in the *Index librorum prohibitorum* of the Catholic Church. The last major update of *the Index* was 70 years ago in 1948, with minor revisions until 1962. Descartes is listed with seven works, including the *Meditationes de prima philosophia*. Kant is sadly 'defeated', with only *Die Kritik der reinen Vernunft* making it into the list. But Hume, he received the highest grade: "*Opera omnia*" is recorded behind his name. More is not possible!

Following the Second Vatican Council the *Index librorum prohibitorum* has silently disappeared. Therefore, Dieter's work could not get onto the *Index*—but he got as close as one could still get: By the order of the former Archbishop of Cologne, Cardinal Meisner, he was prohibited from speaking in any rooms of the Archbishopric of Cologne. I consider myself to be almost envy free; but I have to confess, this is one honour of Dieter's, that I seriously envy.

Today, as a kind of retributive coincidence it happens again in Cologne, we honour by a *direct* recognition: Dieter Birnbacher received the Frege Prize. He receives the prize a month before Pope Paul VI is canonised on October 14th, 2018. This is the Pope, who 50 years ago published the encyclical *Humanae Vitae*. The encyclical was directed against the moral permissibility of contraceptives. Their use would, so the argument goes, disconnect the natural unity of conjugal love and reproduction, and thus be contrary to nature and by implication contradict the moral law. The encyclical followed a line of reasoning which 100 years before was used against the newly invented anaesthesia. And it could also be used against vaccinations. The encyclical contains all the major muddles and confusions, which Dieter has criticised in detail in many of his writings. It is fair to say that Pope Paul VI produced one of the most grotesque forms of what Dieter has denounced as the "naturalness bonus".

I take it as quite an appropriate signal that Dieter has received the Frege Prize in Cologne, where he was banished from church buildings and, as it

happens, shortly before Pope Paul VI will be declared a saint. This time it has worked: the retributive and pre-emptive counterpoint. Somehow, philosophy strikes back!

With this in mind, my congratulations to you Dieter on the award of the Frege Prize.