Chapter 7
Values as Hypotheses and Messy Institutions: What Ethicists Can Learn from the COVID-19 Crisis

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7.1   Introduction

The global crisis that emerged from the COVID-19 pandemic created profound moral challenges. The crisis forced us to think about what is really important concerning individual values and societal ones. For example, trade-offs needed to be made between the value of human life and the value of the economy. In addition, questions need to be answered about how society could deal with vulnerable people, how sick ones could die humanely, and how the deceased could be given a dignified farewell (e.g. see Centrum voor Ethiek en Gezondheid, 2020).

The academic field of ethics has contributed substantively to tackling these challenges regarding the evaluation of practices and policies and the determination of the correct values (Dartnell & Kish, 2021; Kim & Grady, 2020; Verweij et al., 2020). Such evaluations usually aim to clarify ongoing discussions about policy measures, by isolating the underlying problem from its political and societal contexts. This helps to understand the underlying moral structure of the problem at hand, but in many cases moral problems are created by the institutional arrangements set up to pursue public values and the workings of the public debate which determines these values. These closely related issues cannot be straightforwardly isolated from the practices and policies subjected to ethical evaluation.

To unpack this claim, we can look at the critical role of the division of modern society into a public and a private sphere. This division allows us to maintain personal values that guide individual choices, while a collective course can be determined based on the idea that there is a common ground which is based on shared values. The values that are to be shared are decided upon within deliberative processes that are based on 'public reason', in which individuals develop positions

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based on their idea what is best for the social collective they are part of. With that, the separation between a public and a private sphere can be seen as a basic institutional structure, designating specific rules and norms to different social contexts. This institutional structure encompasses a number of other institutions that allow a collective course to become effectuated, such as parliamentary democracy and government.

The COVID-19 crisis testifies that these institutions and the substantiation of public reason are not without problems. To start with, the state apparatus that has been developed to pursue public goals is often subject to bureaucratisation. For instance, the organisational processes that have been set up to distribute vaccines were so rigid that medicines had to be thrown away, leading to frustration among doctors, politicians, and the public (March, 2021). Moreover, in some cases, the rules that have been implemented to safeguard public health are now blamed for endangering public health.

The pursuit of public values is organised in national contexts, while COVID-19, following the globalised socio-economic system, is not restricted by any border (Ludovic et al., 2020). This, for instance, has meant that expats and tourists ended up in isolation, far away from friends and family, while having no opportunity to meet people in real life. It also meant that vaccines are spread unevenly worldwide, which opens the chance for new virus variants to develop in regions where vaccination rates are still low.

We can also have a look at the widespread distrust in the pharmaceutical industry. It is typical of this branch that it crosses the boundaries between the institutional realms of the state, the market, and science. These realms respectively pursue the public of healthcare, business enterprise, and creating new knowledge. Big pharma combines these goals, which creates moral concerns as companies make enormous profits due to novel medicine that the majority of the population needs to take to reduce the impact of the COVID-19 crisis. Moreover, the amount of financial gains makes the industry susceptible to critique and conspiracy thinking. After all, it will be in its interest to sell vaccines, even if they do not work effectively or may have adverse side effects.

It is also hard to recognize public reason in discussions that are held on social media like Twitter and Facebook in the shaping of a public discourse. These social media are often taken as a platform (or even *the* platform) that allows for a public debate. However, it is incorrect to assume that these media facilitate such a debate. Firstly, many activities are initiated by non-humans, such as bots that aim to distort the debate or organisations that seek to further organisational interests. As such, media do not allow individual citizens to the exchange their perspectives on what should be the 'public' interest. Instead, internet discussions tend to be partisan, skewed and distorted, contributing to further discontent and distrust (see Steinert, 2020).

Such developments contribute to the rise of a vocal group of people that do not want to be vaccinated or resist COVID-19 measures. Some voices even do not want to align with public reason in the first place. There are political parties and protest groups that explicitly contest the legitimacy of political institutions to serve the

public. As such, the very idea of a common ground is challenged, threatening our capacity to find shared values by public reason.

These examples show that the constitutive relation between institutional and public reason is subject to two problems. First, the boundary between publicness and privateness can be understood in a variety of ways, which may contribute to societal worries. Second, there is no straightforward way to establish shared values, as in reality this is rather a disorganised process in which the idea of a common ground cannot be taken for granted.

To deal with these issues, I will develop an approach in this chapter that allows the *translation* of ethical considerations into institutional arrangements and the *structuring* of societal processes that give rise to public opinion. At its core, this approach aims to bring politics and ethics more closely together than is currently the case in ethics and social research.

In this, I take the COVID-19 crisis as an episode that allows us to learn about the moral role that institutions play in safeguarding relevant values, while these institutions simultaneously both shape and are shaped by public deliberations. In other words, this chapter will not ask how ethics can help us cope with the COVID-19 crisis (which, without any reservations, is still a cardinal question), but it will reverse this question and ask what *ethics can learn* from the COVID-19 crisis.

This chapter proceeds in the following way. In Sect. 7.2, I will discuss the opposition between politics and ethics in ideal-typical terms. This opposition holds that there are two orientations: either values are fully *independent* from politics, as can be recognised, at least to some extent, in analytic ethics, or values are fully *dependent* on politics, which appears to be a common assumption within constructivist philosophy and social research. Both orientations are counterproductive as politics *and* morality play a crucial role in social life.

In Sect. 7.3, I will first turn to ideas developed by John Dewey, Jürgen Habermas, and Charles Taylor to develop a more productive approach. Their ideas allow for an account in which values are not static and in which values are not isolated from politics or public discourse. However, in their work on deliberative democracy, these authors still seem to regard institutions as instrumental to the moral organisation of society. The conditions of deliberative democracy are mainly described as theoretical constructs, which goes to the extent of the attention for the volatility of the relation between values and institutions.

In Sect. 7.4, I will explore an approach that is able to understand the workings of institutions in such a way that they still allow for the pursuit of a society in which relevant values are safeguarded and pursued. This approach sees values as 'moral hypotheses' that are tested and substantiated in the institutions that characterise modernity. In other words, modern institutions allow us to find out what values mean in real-life contexts, potentially giving rise to demands to reconceptualise these values or adjust these institutions. At the same time, the moral problems caused by institutions themselves are not sufficiently subjected to theoretical reflection.

In the final section of this chapter, I will reiterate some of my central claims. I will restate their importance given other global challenges we are currently facing, with climate change being the most critical of these.

7.2   An Opposition Between Politics and Ethics

In this section, I will depict an opposition between two orientations that are recognisable in the literature. On the one hand, there is 'analytic ethics', which appears to be the dominant approach to philosophy and ethics in academia (Bell et al., 2016). It is mainly within this approach that one can recognise the tendency to exclude politics as a relevant factor. Contrastingly, there is the approach developed by those that can be called 'deconstructivist' scholars where the independent status of moral issues is discarded.

It needs to be admitted that the description of this opposition has an ideal-typical nature; in real life, it is hard to pinpoint the analytical and deconstructivist orientations and most scholars entertain positions that are much more nuanced. Still, these orientations guide such scholars in their epistemological and methodological assumptions. Thus, they figure as ideals that are not necessarily followed but may also figure as the background against which alternative approaches are developed. One way of explaining the ideal-typical opposition between these two approaches is to refer to Kant's distinction between the analytical and synthetic a priori. While ethicists tend to position moral issues in the domain of the analytical a priori or take this as the starting point from which they deviate, the deconstructivist approach takes moral issues to belong to the synthetic a priori.[1]

Many analytic ethicists are concerned with the question of the universal and objective validity of moral claims. In this, the grounds that allow the justification of moral claims is widely contested (Roeser, 2005), giving rise to a variety of meta-ethical positions. What characterises most positions however is that 'moral truths' rely on their conceptual consistency and the eradication of contingent factors (cf. Erdur, 2016). Politics and power are among the most salient contingent factors. As such, they are non-essential phenomena that should not be considered to find out what is morally relevant (cf. Brink, 1989). Values are then easily perceived as unchangeable moral truths; in this, ethicists have taken up the task of discovering these (cf. Korsgaard, 2015). This means that discussions about the relevant values for specific societal challenges lose their relevance for ethics. Another element of analytic ethics that plays a decisive role here is the focus on individual agents vis-à-vis society as a whole. Individuals are taken to be autonomous, having no

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[1] My analysis is to a large extent based on academic experience in different scholarly fields. In the last two decades I have worked in policy studies, STS, and ethics of technology and I was often puzzled by the underlying normative assumptions of this fields, as these are usually not made explicit. The account of this section can be seen as an attempt to identify these assumptions, in which literature has been used to systemise these observations.

intrinsic moral connection with their communities (Pesch, 2020a). Again, there are many that authors do not maintain such far-reaching presumptions about the status of moral claims. However, it is rather typical that these authors explicitly contrast themselves with these 'realist' starting points in order to present their own arguments – showing the relevance of the orientation I sketched out here.

For the deconstructivist approach, politics and power figure very much as its key concern. In this approach, the assumption that moral claims can be tested as if they were truth claims is disputed: moral claims are not considered to have objective status. Instead, they are derived from concrete social structures. This means that it cannot be expected that a moral claim will have the same status independent from time and place. The origins of this approach may be found in Nietzsche's work and are particularly recognisable in poststructuralist sociology, critical theory (Hoy, 2005) and STS (Sismondo, 2008). Starting point in all of these branches of research is that every truth is a human-made truth, with power structures, belief systems, and ingrained routines determining what is true and right. In other words, the question about what is true is a political question (Foucault, 1997). When claims are studied that are considered moral 'truths', one should not look at the content of these claims but at the social and political context within which these claims are made. Moral truths must be deconstructed to reveal which social conditions ensure that a particular morality is maintained as true.

The deconstructivist approach provides a sharp critical toolkit that might be used to identify those moral claims that are taken as moral truths. As such, moral wrongs could be discovered and, potentially, strategies to overcome these wrongs could be formulated. At the same time, however, the approach is *methodologically nihilistic*. The approach can be used to uncover moral wrongs, but it does not provide the tools to say why something is wrong and what can be done to make things right. Often this methodological nihilism spills over into moral relativism, which means that *no* moral system is deemed better than another because moral standards used to say that something is 'better' are also culturally embedded. Strategies to overcome moral wrongs then become senseless. Interestingly, research domains closest to the deconstructivist tradition such as critical theory, STS, and feminist studies have strong normative outlooks, endorsing justice and engagement of scholars (for instance see Mamo & Fishman, 2013), while genuinely nihilistic positions tend to spill over to fields such as policy sciences. In this field, moral issues are often exclusively taken as mere stakeholders' input, meaning that this is empirical not normative information. It is telling that in policy sciences, politics is often portrayed as a 'game'(cf. Scharpf, 1997), a process that is considered amoral in itself. The game is played by actors who aim to optimize their goals that are perceived as subjective choices that need no further scrutiny.

But the fact that different value systems coexist (and that it cannot be stated which of those systems is better) does not imply that value systems in themselves have no value (Roeser, 2005). In the end, we cannot help being moral beings: *every* statement we make about how we relate to others is an inherently moral statement (also see Pesch, 2020). All our choices and assessments invoke normative qualifications about what is 'better' or what is 'worse'. Moreover, we are communal beings,

in which the political realm is where we can decide what we find important as a society, and it is also the realm that allows society to organise itself as a moral community (cf. Arendt, 1958). Politics *is* the organisation of ethics at the collective level.

Indeed, the COVID-19 crisis brings about a range of ethical choices that need to be settled collectively. It made clear that we do not live in a nihilistic universe; instead, we are apprehensive about older adults who die in an inhumane way – even if we do not know these people personally. Most of us have seem to have sacrificed our daily routines and our direct interests for the common good without hesitation (Lynch & Khoo, 2020). It shows that humans have the innate quality to help out people in need (Warneken & Tomasello, 2006). Also those who fall outside every risk group know how to empathise with the victims, their families and the care providers, testifying the claim that empathy is a key driver for human behaviour (De Waal, 2006; Tomasello et al., 2005). Having said that, the pandemic is in its very nature a 'collective action' problem (Harring et al., 2021): the ethical questions that are brought about by COVID-19 cannot be solved by the aggregate of individual reactions. This raises the question of how society can organise itself to make collective choices in the face of a pandemic. What are the conditions that permit politics to focus on the values that we collectively consider to be important?

To answer this question, it is necessary to see what relevant values are and to understand how these can be substantiated in practical arrangements. Here I start with the Dewey's pragmatist approach to values, which allows a non-static account of values that can be straightforwardly embedded within the idea of deliberative democracy. However, as I will explain below, theories on deliberative democracy tend to underplay the complexity of institutional arrangements: while values are not seen as static any longer, institutions still are. To overcome this problem, it is vital to be able to critically deconstruct the workings of institutions to see whether institutions can deliver their intended functions. After all, they should be adjusted if they do not do so.

7.3   Values and Deliberative Democracy

To allow the connection of values and politics, I will first turn to *deliberative democracy*, which can be seen as the political shape that will enable us to say something about how we want to live together, by determining the values that we find worth pursuing as a collective. In this, we can understand values as the following: values inform the *understandings* that allow people to make sense of social phenomena to make decisions in anticipation of future events (Dewey, 1922, 1927). This account of values assumes that humans constantly judge what to do next by interpreting situations in terms of whether they are desirable or undesirable. Values give normative significance to a broader range of experiences and projections. They can be considered concepts that *aggregate* a variety of impressions that allow agents to prepare for future actions (Habermas, 1985; Rawls, 1997). As a higher-order categorisation of meanings, values *can be made explicit*, enabling them to be the basis for

collective deliberation and decision-making processes. It is the fact that values can be made explicit that allows the *deliberate organisation of society*, facilitating discussions about collective courses of action. In other words, the explication of values and the deliberation on their prioritisation provides effective and legitimate forms of collaborative decision making.

This is done by enacting public reason, individuals in their capacity as citizens engage in deliberation about what is good for society as a whole (Habermas, 1985; Rawls, 1997). Thus, individuals imagine themselves as part of a greater whole, members of a public, which motivates them to contribute to discussions about the greater good. Subsequently, the outcomes of these discussions are taken as guidance to establish and adjust institutions, which ensures that these institutions are responsive to society (cf. Taylor 2002). In other words, by making values explicit and turning them into objects of collective reflection, we can make justify them according to moral standards that, likewise, have been subjected to collective scrutiny and deliberation.

The deliberative organisation of society is mainly done by erecting the relevant institutions and institutional domains. These institutions and domains compartmentalise social reality into different social contexts in which specific rules are maintained. They allow society to structure itself according to the right moral standards so that essential values can be maintained and pursued within social collectives.

Maybe the most basic compartmentalisation is the separation of social reality into a public and a private sphere. This construction of a boundary between these two spheres allows for both 'negative' and 'positive' freedom (see Berlin, 1969). While negative freedom is secured by installing a private sphere in which an individual is not restricted by others in her activities; positive freedom', understood as the freedom for collective self-determination, is pursued by the establishment of a public sphere in which members of a society can settle on a collective course by political action. Political theory presents the strict division into a public and private sphere as the way to overcome the problem of *value pluralism*, which is an elementary problem for democracy because even if there is consensus about the prominence of certain values, individual persons will diverge in their assessment of the relative importance between them and their understandings of these values. As authors like Jürgen Habermas (1996), John Rawls (2009), and Richard Rorty (1989) maintained, the public sphere allows for a common ground at the collective level, while individuals are entitled to their own sets of moral preferences in the private sphere.

The COVID-19 pandemic shows that the boundary between the public and private sphere is far from unequivocal. While a majority of people in developed countries comply with governmental measures, such as lock-downs and vaccination programmes, a minority opposes these measures, sometimes in very vocal ways. To a significant extent, this opposition is the result of people who contest the boundary that is drawn between the private sphere and the public sphere plays, but it is also the result of the indiscriminate use of different conceptions of this boundary.

Negative freedom informs a first conception of the public/private distinction in which the private sphere allows for choices about how to live, where to go, with

whom to interact. We use this freedom to shape who we are, to constitute our personal identity. Public authorities may enforce laws and policies that ensure justice and well-being, but challenging the liberty to shape one's identity is not acceptable in any democracy. Opponents to corona-related measures as lockdowns perceive these measures to form (or threaten to form) such a challenge.

However, one may also recognize other conceptions of the public/private boundary that play a role in the societal controversies concerning COVID-19. An epidemic challenges the boundaries between individual and collective in a physical manner. This is especially relevant, as the integrity of the individual body can be said to be the epitome of the private sphere: the core of privacy is that we aim to hide uncontrollable bodily functions from the sight others (Moore, 1985; Pesch, 2015). In fact, this physical understanding of the public/private boundary that revolves around autonomy, control and dignity underlies the political understanding that pertains to freedom. A virus invades the individual body without respecting its integrity at all, but it does not challenge our understanding of the public/private boundary because of its invisibility. The injection of a vaccine however clearly breaches the boundary between what is inside and what is outside of the body. Only other people in whom we have special relation, our family or trusted professionals such as doctors, are allowed to cross this boundary. Even though in the case of COVID-19, the integrity of the body is compromised by medical specialists, this action is still commissioned by the government, which ought to refrain itself from intervening in the private sphere of the body.

This bodily connotation of privateness and publicness transfers into an informational connotation. Just like we need to keep control over our bodily processes, in the sense that we hide these processes from the sights of others (Geuss, 2001), we also need control over what others know about us. Debates about data privacy are derived from this need to keep things secret. Apps that track the movements of people or that show whether a person is vaccinated or not, may violate this need.[2] Especially as the combination of different data streams may be used to construct a profile a person, severely reducing the ability of that person to control what she wants to keep secret.

Publicness and privateness not only pertain to the relation between an individual and a social collective, this conceptual pair is also used to separate institutional domains that allow us to categorise roles of individuals and organisations. For instance, the market domain is portrayed as a private domain as well, which grants businesses and consumers the freedom to pursue their preferences by exchange goods and services for money. Measures to reduce the number of human contacts in public places precisely target private enterprises as stores, restaurants, or music venues are closed, challenging the freedom that characterises the market as a private domain. Moreover, representatives of these enterprises feel that they are now responsible for solving a problem for which they are not responsible: they have not

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[2] https://www.aldeparty.eu/corona_dictatorship_watchdog, accessed on 10-12-2021.

caused the pandemic and they are not the designated party to do something about it; this is considered a task for the government or individuals.

The idea of bodily integrity also plays a role on another level. A nation is often portrayed as a 'body' that needs to be protected against invasive forces. The metaphor of viruses and disease is often used, and mostly abused, to demonise and exclude strangers (Bauman, 2013). In the case of COVID-19, we are dealing with a real virus of which the spread is not restrained by the borders of a nation, just like the virus is not restrained by the boundaries of the human body. Reactions to fight the virus predominantly have a domestic character and there seems to be a lack of international coordination. There is no global public sphere that allows for collective self-determination, instead there are organisation such as the World Health Organization (WHO), which are very much confined by national interests and outlooks (Davies & Wenham, 2020).

Individuals appear to have many reasons not to get vaccinated controversies (Murphy et al., 2021), which may pertain to the different conceptions of the public/private boundary levels. In the end, this boundary is so elusive that it is untenable to maintain a neat separation into two spheres (cf. Benn & Gaus, 1983; Weintraub, 1997). Another related problem that can be recognised in discussions about corona-related measures is that there is no 'agreement to disagree', a principle that can be seen as the foundation of deliberative democracy. Not only the legitimacy of public authorities is disputed by some, with populist leaders and protestors speaking of dictatorship and even genocide,[3] also the very idea that we share the same reality appears to be disputed as Bruno Latour argued (2013). Latour wrote about climate change, but his words also match the refutations of scientific findings about the existence or seriousness of the coronavirus (Hartwell & Devinney, 2021).

What these examples derived from the COVID-19 crisis show is that values can mean different things between different social contexts, but even they can mean different things *within* a singular context. Moreover, these meanings can always be subjected to societal contestation. This is illustrated by many faces of the public/private boundary that play a role in debates about corona-measures. This boundary outlines a compartmentalisation into different institutional spheres that allow certain values to be pursued, however, this boundary can be drawn in a variety of ways, invoking different understandings of values. The articulation of values via public reason can be taken as a theoretical construct that figures as a normative ideal that guides the further development of the institutions that support deliberative democracy, but to take further steps in de development of deliberative democracy, the black-box institutions need to be opened.

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[3] E.g. https://www.rfi.fr/en/france/20210715-down-with-dictatorship-anger-at-france-s-sweeping-new-covid-rules-macron-vaccination-yellow-vests; https://theconversation.com/bolsonaro-faces-crimes-against-humanity-charge-over-covid-19-mishandling-5-essential-reads-170332 accessed on 18-11-2021.

7.4   An Enlightened Moral Project and Messy Institutions

This section will propose a tentative approach that integrates the attention for values, institutions, and public deliberation. This approach begins by acknowledging the cardinal role of public values developed and entertained in deliberative processes, and then proceeds by acknowledges the conditionality of institutional developments.

Indeed, processes of deliberation should not be seen as isolated from the *institutions* that support them. The institutions developed in modernity embody and reproduce certain values that cannot be discarded if one wants to maintain democracy. Political institutions such as parliamentary democracy, the legal system, and public administration, and the non-political institutions of the capitalist market and modern science to facilitate values like autonomy, freedom, justice, dignity, well-being, and progress in a myriad of ways. For instance, we can see how freedom is shaped differently in a political or in an economic context: while parliamentary democracy allows for political freedom by giving citizens the right to vote, to join a political party, to run for office, etc., the capitalist market allows for economic freedom by giving consumers the right to buy the products or services they prefer.

As such, institutions figure as the vehicle with which society has been organised to enable collective processes of moral deliberation. To underpin my analysis, I'd like to portray the modern era that emerged with the Enlightenment here as a 'moral project': the collective attempt to actively shape the world according to given moral hypotheses. This moral project revolves around the establishment and further adjustment of institutions, which can be defined as societal contexts in which given sets of rules guide collective action. Values can be taken as 'moral hypotheses', they evolve from public deliberation and then are further articulated and tested within institutions. Institutions allows us to find out what a value actually means within a certain setting.

In this, an ongoing dialectical relation can be recognised: on the one hand, the right institutions are set up following collective deliberation; on the other hand, the capacity for public reason is nurtured by setting up the right institutions. Over the course of the Enlightened moral project, a patchwork of institutions has been development that have led to the compartmentalisation of society into different contexts that secure and further shape certain values. The further evolution of this patchwork of institutions is characterised by dynamics that play out within and between institutions. These dynamics are messy and they have a major impact on the further substantiation of values, compromising the capacity of institutions to test values as hypotheses.

A first issue is that institutions tend to create specific path-dependencies, most notably the rules that characterise an institution often come to form a reality on their own. This process of bureaucratisation means that goals are 'displaced', and rules that have been set up to safeguard certain values may become ends in themselves (Merton, 1940). Also in the context of corona-measures processes of goals displacement might become a reality, for instance when tracing apps will continue to be

used after the end of the pandemic to serve other goals, such as surveillance. But such processes of goal displacement may also be traced at the level of institutional domains (Pesch, 2014), which give rise to societal distrust. For instance, looking at the political domain, we see how political parties have become subject to Michels's iron rule of oligarchy (Michels, 2019); politicians are recruited from a narrow societal segment and stick to party discipline. Political agendas are to a large extent set by media hypes and lobbyists pursuing a specific interest (Lowi, 1969)). Also in the market domain, a decline of responsiveness to its original goal can be observed. Companies – especially the larger ones – are often more reactive to the wishes of shareholders than to the wishes directly expressed by consumers or groups of consumers, so that the freedom of individual consumers to pursue their self-interest is seriously obstructed (Galbraith, 1998; Mazzucato, 2018). Likewise, the domain of science reveals patterns of institutional goal displacement, for instance in case of the emphasis on quality measures such as impact factors and past track record, which brings about certain problems, such as the hampering of scientific activities that do not belong to the dominant paradigms (Macdonald & Kam, 2007).

The second issue is that the *boundaries* between institutions are usually ill-defined. At these boundaries, there are continuous negotiations about which rules are valid on which occasions. For example, one can think of the boundary between political decision-making and science-based expertise (also see Lindblom & Cohen, 1979). The demands for accurate science and effective democratic decisions may be conflicting. What counts as 'good' science may not be 'good' decisions and vice versa. Workable solutions are established, but these solutions are temporary and conditional (Gieryn, 1983; cf. Jasanoff, 1990). In Dutch policy-making, science-based knowledge is coordinated by the National Institute for Public Health and the Environment (RIVM) (Pesch et al., 2012). This 'boundary organisation' gathers scientists and medical expertise and gives advices to the government.[4] A first problem is that an ongoing pandemic brings about many questions that cannot be answered yet by science. As the advice given is based on knowledge that is incomplete it can easily be contested by other scientists. In the Dutch debate, alternative interpretations were quickly distributed via traditional and social media. The proliferation of such interpretations appeared to have undermined the credibility of the advice and eventually also the measures that are taken. A second problem is RIVM has been accused by other scientists, politicians, and by the general public that is was doing politics instead of science, by being too close to the policy domain.[5] A third problem is that science-based knowledge, even if it is complete, cannot serve as the exclusive ground for political decisions, as these have a moral and not a factual character. In the end, the government has to determine which measures have to be taken, by making trade-offs between competing values in a situation that is highly uncertain. As Prime Minister Mark Rutte expressed: "In crises like these, you

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[4] https://www.rivm.nl/coronavirus-covid-19/omt, accessed on 20-11-2021

[5] For instance see, https://www.medischcontact.nl/nieuws/laatste-nieuws/artikel/kritische-hoogleraren-vinden-de-wetenschappelijke-basis-van-coronamaatregelen-onhelder.htm, accessed on 20-11-2021

have to take 100% of the decisions with 50% of the knowledge and bear the consequences of these decisions".[6]

The variety of institutions brings about a compartmentalised social life granting certain roles to actors who represent certain institutions, but in a situation that is as complex as COVID-19, this compartmentalisation cannot be maintained. Scientific experts are asked to give advice on the political decisions that need to be taken. We allow doctors to intervene with our bodily integrity, but vaccination programmes have to be incited by government. Pharmaceutical industry needs to have to have the incentives to innovate that of a competitive market provides, so the appropriate medicine is developed. The mixture of activities from different institutional domains raises discontent, but it a discontent that we have to accept in order to address major societal challenges. In the end, there is no singular solution to these problems, science and politics are institutions that serve their own values and have their own rules and bringing them together will inevitably give rise to contestation.

The assignment for theorists of deliberative democracy is not to find out the conditions that would give rise to full consensus about the status of values or to create arrangements that are 'perfect' in theory. The take on values as hypotheses shows that institutions are contexts that allow for *moral learning*, for ways of finding out what values mean or can mean in specific contexts. In this, societal conflict can be seen as a necessary source of information (Cuppen, 2018; Rip, 1986), it shows whether values substantiated in institutions align with societal specifications of these values. It is further input of a messy deliberative process that may give rise to the adjustment of institutions (Callon, 1998; Pesch, 2021). By all means, COVID-19 has given rise to a global crisis, but it is not necessarily a democratic crisis (Walby, 2021). Because of the limitations of time, societal debates are heated, chaotic and sometimes nasty, but it we accept them as learning opportunities, then we can use them to move forwards. This does not mean that we should accept nor underestimate active attempts to cause a rift in the idea of a common moral ground or a shared reality as undertaken by some populist leaders. Such attempts are no mere expressions of the freedom of speech or the freedom to have political preferences; on the contrary, they threaten these freedoms as they aim to undermine the democratic institutions that serve them.

7.5   What Can Ethics Learn from the COVID-19 Crisis?

Let me use this final section to recap the central claims that have been made in this chapter. This chapter proposed values as concepts with which we give a multitude of situations moral significance, with which we can determine whether we find something good or bad, and with which we can compare certain conditions in

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[6] https://nos.nl/video/2326873-rutte-we-hebben-iedereen-nodig-17-miljoen-mensen, accessed on 20-11-2021

normative terms. Specifying a value is not an end in itself but guides actions and choices. A value is an evaluation that motivates an action or an intervention. This means that an ethical analysis must not only determine whether something is 'right' or 'wrong', but especially *how* it can be improved. It concerns the identification of alternative options for action and the exploration of the consequences of those options. Indeed, values can be seen as conceptual means to organise our lives morally – either at the individual level or at the level of the social collective.

In this, deliberative democracy appears to be the most suitable form for the moral organisation of social collectives. At the same time, it needs to be acknowledged that decision-making processes within deliberative democracy are messy. The institutions set up to serve and protect us are not without problems, and they should constantly be subjected to reconsideration and redesign. Ethics can nurture the dialectical relation between institutions and values by forwarding and fine-tuning the moral hypotheses about how specific understandings of values can be secured in real-life institutions. Here, deconstructivist methods – dropping their nihilism – can be applied, not to denounce the reality of values but to unravel moral claims with which further moral refinement can be pursued. Also, we have to have more thorough accounts of how societal contestation can be used to adjust further institutional development, so to warrant their function as contexts in which values-as-hypotheses can be tested. The grounds and conditions for moral learning ought to be mapped out in much more detail.

The need to have an approach that integrates reflections about values, institutions, and deliberation is pressing, as COVID-19 is far from the only global crisis that invokes firm value-laden decisions we are facing. One only has to think about the radical societal, political, and moral changes needed to take on the challenge of global climate change (Pesch, 2018, 2020b). For example, it is easy to consider the COVID-19 pandemic to be a 'wasted' crisis. The arrival of COVID-19 could have been taken up as an opportunity to reconsider the lock-in of vested interests and incumbent practices; instead, policy decisions primarily served the continuation of the existing economic status quo, urging producers to produce more and consumers to consume more (cf. Dartnell & Kish, 2021; Heintz et al., 2021). Not only does this reveal the reproduction of incumbent institutional practices, but it also testifies the unwillingness of political leaders to address issues that give rise to societal contestation. This suggests that the value pluralism that should be key to public deliberation is seen as unwanted (also see Cuppen & Pesch, 2021; Pesch & Vermaas, 2020). Hopefully, an ethics that can pinpoint these shortcomings and give concrete recommendations would help conquer such developments. Though I have only explored my ideas tentatively in this chapter, I think that seeing messy institutions as contexts within which values can be tested and substantiated as hypotheses would serve such an ethics.

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