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European Values – and Others. Europe's Shared Values: Towards an ever-closer Union?

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The purpose of this paper is (a) to point out some difficulties in the notion of European values, (b) nevertheless to present some ideas on what might be at least part of specific European traditions in bioethics, and (c) to outline a conceptual framework for further conceptual and empirical studies in this area. In European declarations and conventions, a number of important values are enshrined, including human dignity, integrity, freedoms, autonomy, health, safety and security, justice, prosperity, equity and equality, as well as solidarity. Since almost all of these values are also referred to in many other declarations, the notion of European values is problematic. Moreover, Europe is becoming increasingly multicultural due to immigration. If there is a particular European approach to ethics, based on European values, two possibilities suggest themselves. First, although the same terms referring to basic values also appear in, for instance, various UN declarations, these terms are interpreted in a particular way in Europe. Secondly, the difference lies in the ranking order between the values. In this paper, the second of these possibilities is explored. However, the notion of a ranking order can be interpreted in several ways, which are also discussed in the paper. The paper concludes with some remarks on the necessity of a global dialogue on ethical issues.

Introduction

Science does not take place in a vacuum. It is embedded in a context of values, social practices, economic conditions and historical traditions that have to be taken into account in the evaluation of new and emerging technologies.[1] The question then becomes[2] what the European community of values is, and how values are ranked within this community.

Ethical problems presuppose conflicts between values. Therefore, a discussion and analysis of European values will not only have a sociological but also an ethical significance. There is a considerable overlap, however, if debates on ethical issues in Europe, the United States and Asia are compared regarding topics, assumptions, values, principles, and conclusions. The varying extent of overlap makes it difficult to specify precisely what are the European values or what is a distinctive European approach to ethics.

This could be demonstrated by a comparative analysis of the UN Millennium goals and the reports produced by the EGE (the European Group on Ethics in Science and New Technologies), The Nuffield Council on Bioethics, The President's Commission in the US and, for instance, the articles in *Eubios Journal of Asian and International Bioethics*. Similarities could also be shown by comparing the UN Declaration of Human Rights, the UNESCO Universal Declaration on Bioethics and Human Rights, the European Convention on Human Rights and Fundamental Freedoms as well as the Oviedo Convention.

More basic research needs to be done on European traditions in bioethics. The 'four principles approach'[3] cannot be imported from the US and applied mechanically in a European context.[4] The purpose of the present paper is (a) first to call attention to some difficulties in the notion of European values, (b) nevertheless to present some ideas on what might be at least part of specific European traditions in bioethics, and finally (c) to outline a conceptual framework for further conceptual and empirical studies in this area.

A problematic notion

The notion of 'European values' is a difficult one. Obviously, the concept 'European values' is not identical to the concept 'values in Europe'. What precisely are the European values? In many European countries multicultural communities exist where Europeans form a minority and the dominant cultures, religions and values are Asian, Indian or African. There are also important historical and religious differences between many European countries, reflected in differences in legislation and in diverse views on what is ethically acceptable.[5]

In addition, values are relative to problems in the sense that certain sets of values are relevant if particular issues are at stake, and other values become relevant when other issues shift into focus. Nevertheless, a political pragmatic approach is possible, and will be elaborated here. It is wedded to human rights approaches and to key European declarations and conventions. A theoretical justification of this approach is possible, along the lines proposed by several scholars,[6–8] but this falls somewhat outside the scope of the present paper.

The context of my approach to European values, then, is that of a political and ethical construct and not that of a geographical concept. To say that 'values in

Europe' is a geographical concept is to say that it refers to the values promoted or predominant in a certain geographical area. To say or suggest that 'European values' is a political or economic construct is to suggest that it is based on values promoted or predominant in a certain geographical area but that a selection, systematization and interpretation of these values is made for political or ethical purposes.

What is the point of talking about 'European values' rather than 'values in Europe'? Is this just political rhetoric? Not necessarily. There are political, social and economic gains to be made by emphasizing certain common values: it is one of several ways of keeping the member states of the European Union together by referring to values they have in common and by pointing out differences between these values and others.

The concept of value

Values can be interpreted and understood in many ways; there is not just one concept of value. A starting point for attempting to understand and explicate the notion of value relevant in this context might be to refer to conceptions of what is good for people in the long run, given what we know about human nature and human needs. Alternatively, one could proceed on the basis of conceptions of what constitutes and contributes to a good life. Ideally, these two avenues, both involving interpretations, could be pursued in the attempt to single out rational values.

The precise relations between the concepts of value, interest, and preference have been the subject of much theoretical discourse over the years. However, for the purpose of this paper, some illustrations will be sufficient. As an example, consider 'health'. Health is one of the obvious positive values in our culture (Ref. 9, p. 352). Health is a good thing, because people feel good when they are healthy, and healthy people have better chances of living a good life.

But there are also many other important values. In European declarations and conventions, a number of basic values are enshrined, including human dignity, integrity, various freedoms (including freedom of expression and freedom of movement), autonomy, health, safety and security, justice, prosperity, equity and equality, as well as solidarity. Other values in our culture include economic growth, the quality of life, beauty, knowledge, as well as a number of democratic values, including openness, transparency, and participation in decision-making.

Libraries have been written on the precise interpretations of these values. However, these interpretations will not be reviewed here. The main point so far is simply to stress that there are a number of generally accepted values (where each term above can be taken to refer to a family of related and sometimes non-equivalent values) in our culture.

Relations between values

The relations between the values mentioned are complex and dynamic, as Figure 1 suggests. Here 'health' has – somewhat arbitrarily – been put in the middle, and the other values may be related to this specific value in different ways.

For instance, violations of privacy and integrity can have a negative impact on people's health. Freedom can promote economic growth. Economic growth can promote new knowledge, which in its turn can help to improve healthcare and health by the creation or invention of new diagnostic and therapeutic methods. On the other hand, the unrestricted freedom of some can also endanger the integrity and dignity of others, which in turn may undermine or threaten their health and quality of life.

The importance of traditions

Historical, political and cultural traditions help to shape the views of what is ethically acceptable. But they do not decide such issues – critical examination of these traditions is important. History provides too many examples of sexist or racist societies, as well as of intolerant religious cultures, where ethnic and sexual minorities (Jews, gypsies, homosexuals…) and majorities (women) have been exploited and suffered. A relevant question is always 'Cui bono?' – good for whom? Or who benefits? Who loses? The starting points of this examination should be made explicit. Plurality and open debate is essential to the long range survival of any society.

What holds a union of states together? Not just geography, not just a particular leader, not just the possession of powerful weapons, not even a common history. Norms and values will play a crucial role in the integration of the member states of the European Union, as I have argued elsewhere.[5] What can we learn from

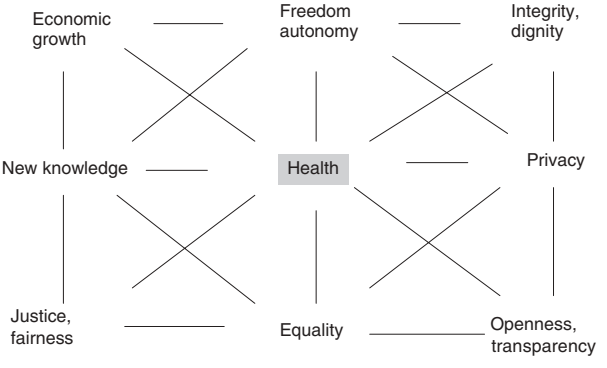

Figure 1. Relations between values

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history? Perhaps the only thing we can learn from it is that we can learn nothing from it? That, however; would be too pessimistic a conclusion in my view. From studies of the rise and fall of the Roman Empire,[10] as well as of other empires, such as the Byzantine, the Hapsburg, the Ottoman, and the British,[11–15] we can learn about the importance of common values, common goals and common enemies. People do not want to risk their lives for something they do not believe in.

Obviously, and this is part of the problem, the values of one individual may differ from those of another. Similarly, values may differ between professions and institutions. Yet, to survive in the long run, a society requires a minimal shared set of values. These shared values form the moral identity of a society, and they provide the basis when trade-offs between different values have to be made.

Trade-offs between values

In all societies, trade-offs between values take place**.** Certain values have to be sacrificed in order to preserve others. Under what conditions is this possible, given the diversity of preferences and values in our culture? One person may prefer apples, another pears. Some want a long life, others a rich life. Some prefer Mozart, others Madonna. Still others prefer Bach, Brancusi, or Botticelli. Is a 'gold standard' possible? Some philosophers think so; but I remain sceptical.

If the utilitarians are right, a gold standard does exist. Different values can, in principle, be translated or reduced to pleasure, happiness, or interest satisfaction, depending on the version of utilitarianism preferred.[15–17] This approach could provide a solution to all normative problems. Should we protect the unconditional inviolability of the human embryo? Or should we allow research on human embryos, including human embryonic stem cell research, provided it is regulated in a certain way? If we knew what option would lead to most pleasure, happiness, or interest satisfaction, we would have the answer to these and many other pressing problems of the world, including the conflicts in the Middle East. Thus, it might be tempting to use happiness or pleasure as a gold standard and translate or reduce other values to pleasure or happiness.

However, this raises both theoretical and practical problems. For one thing, we would be stuck with what Derek Parfit (Ref. 18, p. 388) has called the 'repugnant conclusion'. We are morally obliged to create more and more people living under conditions barely worth living. Ultimately however, in my view, we have to make up our minds what is most important, considering, of course, also the consequences of our decisions for future generations. If values clash in a certain situation, they can be ranked according to importance. The necessity to make a decision can be concealed by re-definitions, interpretations, clarifications, and so forth: but these moves are not ethically neutral.

The option of ranking

Almost all the values mentioned so far can also be found also outside Europe. But societies may differ as to how they rank values. The welfare of individuals and collectives are considered as values in most societies – but they are not always and everywhere valued in the same way. In terms of the ranking order of values it is at least, in theory, possible to distinguish between different societies. For example, the principle of individual autonomy, based on the value of freedom, is on the whole ranked differently in Europe and in Japanese or American culture. On the basis of different ranking orders between values, different types of societies can be identified and characterized; and trade-offs between different values can be made.

The values discussed here can also be found in many other cultures. These values per se are thus not distinctively European. If there is a particular European approach to ethics, based on European values, two possibilities suggest themselves. First, although the same terms referring to basic values also appear in, for instance, various UN declarations, these terms are interpreted in a particular way in Europe. Second, the difference lies in the ranking order between the values. I am particularly interested in the second of these possibilities. To demonstrate this though, requires more conceptual analysis and empirical work than can be undertaken in this paper, the purpose of which is to discuss this possibility and suggest that it deserves closer examination. Personally, I would be prepared to argue its plausibility. This is then a central hypothesis in this paper.

How are these ranking orders in fact established? And how should they be established ideally? The answer to the first question varies with country, time and issue. As for the second question, my proposal would be that these ranking orders are established ideally in dialogues of the sort Habermas and Apel described once when they outlined the ideal community of communication, where 'herrschaftsfreie Dialogue' is proposed as a regulatory ideal.[19–22] The ranking orders are not fixed once and for all, and they are relative to issues. Thus, they are preliminary and temporal and will have to be revised if and when the evidence or the situation changes.

Non-negotiable values?

Are there any non-negotiable values, values that are always at the top (or bottom) of any ranking order of values? This has to be determined in a dialogue between the parties, and whatever is decided at a certain moment may change. According to a contractualist approach, which I am adopting here, there may very well be certain prima facie non-negotiable values, such as the value of human life. But in certain situations these values may be sacrificed for others, for example in situations involving abortion, war or any other kind of emergency.

What I am suggesting then, is that there could be several different ranking orders of values depending on context, situation and problem. A ranking order has to be established in a dialogue between the agents and the parties concerned (that is, those directly and indirectly affected). This order is preliminary, and may have to be revised as the situation changes and new evidence becomes available. It also has to be somewhat flexible so that it can be adapted to new situations.

Finally, a reservation, I do not take for granted that all values in Europe can be ordered along one dimension only, that is, in a linear fashion. In other words, I do not want to exclude the possibility that some values are incommensurable.

Thus, what I am *not* suggesting is that:

- there is one once and for all given hierarchy of values in Europe (or elsewhere);
- this ranking order or hierarchy of values is independent of context, situation and problem;
- the hierarchy is decided once and for all by some organization, institution, party, church, or state;
- all values are to be ordered along one and the same dimension, so that for all values it holds that one is more important than the other, or the converse, or the values are equally important; and
- the sanctity of human life is necessarily always the top value of a European hierarchy of values (no trade-offs between actual or potential human lives would then be possible).

Interpretations of ranking orders?

What does the notion of a 'ranking order' mean? What is one saying or suggesting by ranking values in a certain way? Unfortunately, that is far from clear, and several non-equivalent interpretations are possible, including the following:

Radical interpretation A. Satisfy the top value and not a lower value, a value further down in the hierarchy, if you cannot satisfy both.

Radical interpretation B. Satisfy the top value and not a lower value, a value further down in the hierarchy, only if you cannot satisfy both.

Temporal interpretation A. Begin to satisfy the top values before you begin to satisfy the values further down in the hierarchy.

Temporal interpretation B. Complete satisfying the top values before you begin to satisfy values further down in the hierarchy.

Economic interpretation. More resources should be spent on satisfying the top values than on values further down in the hierarchy.

Moral interpretation. Violations of the top values should be more severely blamed morally than violations of values further down in the hierarchy.

Regulatory interpretation. Violations of the top values should be more severely punished than violations of values further down in the hierarchy.

Educational interpretation. More time should be spent on education and information in schools about the importance of the top values than on values further down in the hierarchy.

Social interpretation. More praise and higher status should go to those who promote and practise the top values than to those who promote and practise values further down in the hierarchy.

The interpretations listed are formulated as guides to action. That is why they have been stated in normative terms. To each corresponds an empirical version, where 'should be' is replaced by 'is', thus describing the actual interpretation of a particular ranking order in a specific context.

Needless to say, several combinations of these interpretations are possible, both within the group of normative interpretations and within the group of empirical interpretations – as well as between interpretations of these two kinds. But I will not bore the reader by going through all possible combinations.

Several points emerge from the discussion so far about the interpretation of ranking orders. First, it is essential to avoid generalizations. There is not one particular once and for all valid interpretation. Different ranking orders can be interpreted differently in different contexts. The choice between the various interpretations is not ethically neutral. Winners and losers are created by such choices. There is a 'politics of interpretation' also in this area.[23] Besides, almost all terms referring to values can be interpreted in more ways than one, and we need to encourage the dialogue about how these values are to be interpreted in a changing world.

By separating four main types of ranking orders between values as to importance – value X is more important than value Y, Y is more important than X, X and Y are equally important, and X and Y are incommensurable – and then distinguishing between a number of normative and empirical interpretations of each of them, a conceptual framework is outlined for empirical studies of European ranking orders of values, as well as of ranking orders of values in Europe.

These values and ranking orders of values constitute an important aspect of European identity, that is, at least a partial answer to the question, 'What does it mean to be European today?'. On the assumption that values and ranking orders are essential to the perceived identity of Europeans, as well as to their image of themselves, this approach could also shed light on our understanding of European identity.

Criteria: process and substance

Where does this lead us in the landscape of ontological and epistemological theories of values? Are there objective values, for instance, and correct ranking

orders of these values, but are we unfortunately unable to find out what they are? Or should we rather take an evolutionary approach to ethics and regard values and ranking orders as inventions in the struggle for survival and a good life? Even those who – like myself – are inclined towards the latter view, will have to make certain distinctions.

For example, the following two positions should be separated.

(a) *Radical relativism*, according to which everything is open to negotiation. There are no restrictions on what the parties establishing a contract may agree to. What matters is that they – with or without a Rawlsian 'veil of ignorance'[24] – have agreed on the values and on the ranking orders of these values, according to which normative conflicts are to be handled.

(b) *Restricted relativism*, according to which there are restrictions depending on the interpretation of human nature or on what constitutes or contributes to a good life. Although there is a wide spectrum of possible interpretations of these notions, the spectrum is not infinite and will thus impose some restrictions on the freedom of the parties establishing the contract.

The second position is the one I would be inclined to favour here.

Suppose that the ranking order, and revisions of it, is (to be) decided in a dialogue between the stakeholders. The conditions of this dialogue – and the process – will then be important. Attention to the decision-making process will be essential in any society that wants to be (perceived as) democratic. Here the writings of Apel and Habermas[19–22] may serve as a useful starting point. But attention to the process is not enough. A constructive account of practical reasoning is also required.[26]

A holistic approach

The approach suggested here is holistic in the sense that such ranking orders, hierarchies, interpretations and conceptions are not ethically neutral. They do not take place outside the moral debate. There is no impartial view from the outside from which the criteria may be decided. Internal consistency will obviously then be important. As suggested above, two avenues, which ideally could be combined, include interpretation of human nature and conceptions of the good life – the latter, of course, a well-known Aristotelian approach.

The piecemeal and partial revision and changes of values and ranking orders of values is an ongoing enterprise. The world is changing, though not constantly and at the same speed everywhere, as are our knowledge and perception of problems, possible solutions and situations – and of the relations between them. As this revision cannot take place outside the moral debate, and as there is no

impartial view from nowhere, this is a bit like repairing a boat piece by piece while it is sailing along.

European ranking orders?

Is there one specific European ranking order of values? A ranking order that is independent of issue and context? I think the answer has to be *no*. But it appears that there is a family of widely accepted ranking orders in Europe, in which certain values rank high (though not always equally high), and which differ in some way from ranking orders outside Europe. High-ranking values in Europe include human dignity, solidarity, transparency, equity and equality as well as social justice.

But these values do not rank equally high independently of specific problems. If priority setting or allocation of health care resources is discussed, various interpretations of justice and fairness would be top values and autonomy would come further down in the hierarchy. If, however, the issue is abortion or participation in clinical trials, the order of values would most likely be reversed.

Theoretical justifications of human-rights based approaches

Theoretical justifications of human-rights based approaches are possible, but fall somewhat outside the scope of the present paper. At this point I will refer again to the works of Gewirth and Beyleveld. The Principle of Generic Consistency[6] requires of every agent that he act in accordance with the generic rights of his recipients as well as of himself.

The basic idea of this principle is: always act so that you do not infringe the freedom and well-being of the recipients, as well as your own freedom and well-being. This principle could also be used to justify ranking orders between values. If the value of truth (or truth-telling) in a particular situation clashes with the value of human life, this principle suggests that human life is to be ranked higher than truth (or truth-telling).

Towards an ever-closer union?

Will the values in Europe – which thus are not the same as European values – and the various ranking orders between them in the future become more fully harmonized? In that case Europe will move toward an ever closer union, not only politically but also in a more fundamental sense, i.e. regarding its values – which would seem to be the basis for a tenable political union.

Two questions need to be separated at this point. First: is this possible? The difficulty is, of course, that there are so many different historical, political, economic, religious traditions within Europe, which make harmonization difficult to achieve. Of course, the more fundamentalist are these traditions, the greater will be

the difficulties. Moreover, what is the level of ambition? Harmonization in some areas, in many, or in all? To achieve harmonization in some areas may be comparatively easy and hence a realistic political goal. But to achieve consensus in all areas is extremely difficult, if not impossible, for the reasons indicated above.

The second, and more difficult question is: is harmonization desirable? The answer will depend on what we want to achieve (positive goals) and to avoid (negative goals). Positive ethical and social goals include: social cohesion, social justice, fair access to goods and services independently of place of living, an improved standard of living, participation in decision making, cooperation between researchers, etc. Negative goals include: discrimination, unemployment, brain drain, medical tourism, epidemics such as HIV or Ebola, and exploitation of vulnerable groups. In other words, the answer will depend on the ranking order between more or less fundamental values.

Suppose that the answers to both questions above are in the affirmative: it is accordingly asserted that harmonization is both possible and desirable. Nevertheless, the difficulties of achieving this should not be underestimated. And even if harmonization can be achieved, it will take time to move in the direction of more harmonization. It will also require an open-minded dialogue with respect for different cultural traditions in Europe.

According to the principle of subsidiarity, the European Commission has no legal competence when it comes to health care and medical research; member states are granted autonomy in these areas. Yet clearly there is a need for improved cooperation between decision-makers, stakeholders and institutions in the member states of the EU. There are certain factors favouring harmonization in health care and medical research, including, for instance, the EC directives. The member states are obliged to transpose these directives into national law – even though there is a certain liberty as to the interpretation and implementation of the directives.

Important directives relevant to health care and medical research include Directive 95/46EC on the protection of personal data, Directive 98/44EC on the legal protection of biotechnological inventions, and Directive 2004/23/EC on setting standards of quality and safety for human tissues and cells.

Concluding remarks

To some extent, different positions in Europe regarding research on embryos, abortion, in vitro fertilization, animal welfare, national versus global interests, and so forth, could be due to disagreement about facts or interpretations of facts. More likely though, they indicate tensions between values and ranking orders between values, due in part to different historical and religious traditions.

In view of such tensions in Europe, we need an enlightened debate about what we take to be the essential European values that should be protected, in particular

when it comes to their interpretation and ranking order in cases of conflict. Creating the conditions for such debate is an important task of the EGE (the European Group on Ethics in Science and New Technologies) and the NECs (the National Ethics Councils and similar bodies) as well as of journals devoted to promoting dialogues between fundamental and applied ethics and providing a forum for transnational dialogues on ethical issues.

In this context one should also not exclude the possibility that European values and ranking orders could have a market value. In this case, values and ranking orders should not only be seen as restrictions and costs. They can also be seen as assets on a competitive market, if consumers are not indifferent as to how goods and services have been produced.

Future challenges include the necessity for Europeans to cooperate with others, as globalization processes (which we may like or dislike) will progressively integrate the economies of the national states, and make us all increasingly interconnected. Today, there is intense development in Singapore, Korea, China and Japan, especially in biotechnology. Similarly, the development of advanced information technologies in India is progressing very quickly.

The EU will need to establish a dialogue with the USA and Asia, for instance, concerning the patentability of biotechnological inventions, on food safety, on cloning of animals for various purposes and on the use of GMOs (genetically modified organisms) in food production, on medical and non-medical applications of information technologies and similar areas. European declarations and conventions can serve as a basis for dialogue. They are not meant to replace thinking, but to stimulate thinking.

If there are any specific European ranking orders of basic values, as suggested here, they should be clarified before and during this dialogue. That applies not only to the interpretation of the ranking orders and the values, as suggested above, but also to their proposed range of application and the extent to which there is flexibility in the ranking orders.

If there are conflicts between values, it is hardly helpful to suggest that each value, each principle, should be interpreted in the context of other values and principles. This is only a way of concealing the problems in order to reach a consensus on a political document. The values, as well as the ranking orders between values, have to be made explicit to promote a constructive dialogue.

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