

## FRIENDS OF THE SCOTSMAN /

### The equality of all human beings is the highest value

A German court's ruling on assisted suicide is in effect an attack on civilised society, argues **Calum MacKellar**



In February of this year, the Federal Constitutional Court of Germany ruled that an individual's autonomy was far more important than the value of his or her life. It did this when declaring that a law prohibiting assisted suicide was unconstitutional, with the Court's press release indicating: "The general right of personal autonomy guarantees the right to choose, in self-determination, to take one's own life based on an informed and deliberate decision." Adding: "This right includes the freedom to ... resort to assistance provided voluntarily by third parties for this purpose." Moreover, the Court stated that all persons had a right to commit suicide, as such, and that this "is not limited to situations defined by external causes like serious or incurable illnesses, nor does it only apply in certain stages of life or illness. Rather, this right is guaranteed in all stages of a person's existence."

But in this ruling, the German Court has also indirectly reduced human beings to "autonomy entities" since the worth of life is seen as secondary. Thus, persons have become units of self-determination who only need a justice system (in the context of a social contract) in order to police any conflicts between them. In other words, the Court completely undermined the very notion of inherent human dignity. Of course, the German judges were right to indicate that: "Inalienable human dignity ... requires that any human being be unconditionally recognised as an individual with personal autonomy." It is also true that personal autonomy is inherent in human dignity. But where the Court made one crucial and fundamental mistake, was to assume that human dignity could be reduced to individual autonomy.

Article 1 of the 1949 Basic Law of the Federal Republic of Germany indicates that "Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority." However, according to its Constitutional Court this Article now means: "Self-determination shall be inviolable. To respect and protect it shall be the duty of all state authority." This, of course, is absurd and is even incompatible with the crucial equality provisions of the 1948 United Nations' Universal Declaration of Human Rights. For example, this states in Article 1 that: "All human beings are born ... equal in dignity and rights."

In this regard, the Oxford English Reference Dictionary defines dignity as the "state of being worthy of honour and respect" although the concept also includes aspects of

"value" and "worth". Thus, according to this Declaration, the important reality of human equality (in dignity) must reflect the equal value and worth of all human beings. That is to say, this equality cannot be based on autonomy since this varies considerably between all members of society. It is even very limited in infants and adults with serious mental disabilities.

A civilised society can only exist if the social contract between all individuals is based on justice and the equality of value of all persons. This means that the concept of autonomy must come second to this equality in value. Indeed, the only reason why anyone would actually respect the autonomy of the other, in an appropriate and just manner, is because all individuals are seen as equal in dignity, value and worth.

It should also be noted that nowhere in German constitutional legislation is it explicitly stated that the concept of human dignity is equivalent to the notion of individual autonomy. Thus, for the Constitutional Court to infer such an understanding of human dignity is deeply misleading.

The judges were thus clearly confused in their mistaken and very dangerous understanding of human dignity when they put the concepts of freedom and autonomy above the equal worth and value of human beings. Indeed, in so doing, the Court was sawing off the very branch of the tree on which it was sitting. This is because if the equality in worth of all persons is no longer the highest value in society or if certain lives are seen to be unworthy of life, drafting laws based on justice and human rights becomes meaningless as does the very existence of a Constitutional Court.

Moreover, if autonomy has priority over the value and equality of life, a total collapse of civilised society is inevitable. It would result in a degenerate brutal jungle where no reason, whatsoever, would exist for the autonomy of the strong not to abuse, with impunity, the autonomy of the weak. This means that Germany's Constitutional Court must return, as a matter of urgency, to the provisions of the UN's Declaration of Human Rights which were actually drafted, in part, to bring civilised values back to this country after the barbarities of its Nazi government. *Calum MacKellar, Director of Research of the Scottish Council on Human Bioethics*



# A green recovery will change lives



The UN's Global Goals provide a framework to drive fundamental change, writes **Catherine Gee**

At this time, as we unfurl from the global health pandemic that has restricted us to our homes and local places, finding the balance between the economic, social and environmental drivers of sustainable development has never been more important.

The Green Recovery is what Scotland has committed to. It is what the charity I work for has committed to. But, what does it really mean to us as individuals? What does it mean for those of us who have a dream for our families, our businesses and our friends; who have had visions of the future put on hold because of the health pandemic that has, rightly, been first and foremost in our minds.

If we look back at history, it is the economic drivers that have always won first place in building back better. Now we have an opportunity to rebalance. The green recovery isn't just about putting our environment first; an effective green recovery should harness the opportunities to tackle our nature and climate crises and use them to propel us towards positive change regarding social, health and justice disparities too.

Covid-19 has exposed the inequalities and challenges that the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change set out to address. It has shown us that governments across the world can respond decisively to a crisis, and at a scale we didn't dream was possible.

At the very end of July I was delighted to see the publication of the Scottish Government's landmark review

of the progress Scotland has made in delivering the 17 UN Sustainable Development Goals (Global Goals) – which as a nation we signed up to in 2015 – with the aim of protecting the health of our planet, reducing poverty and addressing inequality.

The review – developed in partnership with the SDG Network Scotland, a coalition of over 500 organisations and individuals of which I am extremely proud to be an interim steering group member – provided a detailed and honest analysis of Scotland's progress. It highlights that as a country we are making great headway. But sadly, it also acknowledges that more needs to be done, much more. There were gaps and challenges before Covid-19 shook the world, and now in the context of the pandemic, there is even more need to address these and crucially to embed the framework of the Global Goals in a global green and just recovery plan.

When it comes to the Global Goals, Scotland is leading the way and we play a crucial role. Our government has already aligned its National Outcomes to them, and over the next decade has committed to strive to deliver against them.

I truly believe that the ambitions of the Global Goals have never been more important. In 2016 Keep Scotland Beautiful fully aligned activities to them, and for the past three years our annual review has reported our contribution. As an environmental charity we know we must back the global effort to protect our planet and people. And, we have been working hard to bring the Global Goals to

those we work with in simple and easy terms; through our Eco-Schools and Climate Ready Classrooms programmes we have helped young people understand the part they play in their lives; we have broken down the myths of the Global Goals to the community groups we work with across the country as part of our It's Your Neighbourhood, Upstream Battle and Cup Movement campaigns; and we have linked our climate emergency training to the ambitions of Goal 13 on Climate Action.

Financial and job security repre-

sent huge concerns for people across the country. Yet economic recovery measures need not conflict with the imperatives of sustainable development: indeed, a recent Scottish Environment LINK poll shows that 76 per cent of people living in Scotland believe measures for a #GreenRecovery should be prioritised in the Government's response to the pandemic.

We've all experienced the health benefits of spending time in our local green and blue spaces during the global pandemic, so it is no wonder that the interconnected social, health and

justice benefits of a greener, more sustainable recovery have become more apparent.

If we are to create resilient societies that can cope with the challenges ahead – not least those posed by the climate emergency – a global approach will be crucial. We urgently need to turn the recovery into a real opportunity for the future of our young people, and we need to use the Global Goals as a framework for a much-needed reprioritisation.

*Catherine Gee, Operations Director at Keep Scotland Beautiful*



↑ A volunteer fishes a bottle out of the River Clyde as part of Keep Scotland Beautiful's Upstream Battle clean-up campaign



### Erdogan's brinkmanship is an attempt to undermine western security

The time for complacency and hesitancy is over, says **Marco Vicenzino**

The escalating maritime dispute between Turkey and Greece involving the delimitation of their continental shelves can no longer be viewed as a bilateral issue. It must be interpreted within the broader context of Turkey-European Union relations. President Recep Tayyip Erdogan's strategic and geopolitical ambitions in the Eastern Mediterranean and beyond and violation of the territorial integrity and sovereignty of a Nato ally and European Union member state which directly undermines western security interests.

The bottom line is that Erdogan's aggressive agenda is destabilising the entire region at a critical juncture when the Covid-19 pandemic is already wreaking enormous economic havoc globally – and particularly in Europe's southern flank.

In recent years, Russia's takeover of

Crimea and Chinese expansion into the South China Sea serve as leading examples of major powers disrupting the established international order and emboldening others with territorial claims to take action. Now the prime example is Erdogan in the Eastern Mediterranean.

At home, Erdogan is confronted with enormous economic challenges. His robust regional agenda provides an outlet and distraction from Turkey's deeper economic malaise and strengthens his nationalist credentials as a powerful leader defending Turkish pride and prestige and protecting Turkish interests.

However, Erdogan's policies over time have led to increasing regional isolation and greater responsibility for the deteriorating status quo.

The EU's constant reluctance to act and confront Erdogan's ambitions will only encourage him to further

pursue his dangerous game of brinkmanship and further destabilise the region economically and politically.

Germany's Chancellor Angela Merkel acts as the consummate mediator. However, at times firm decision-making is required when reaching a critical crossroads – particularly when the territorial integrity of an EU member state is at stake.

The Greek government has been constantly requesting assistance from its fellow EU members, and Nato allies, in confronting Erdogan. Thus far in Europe, only France has been willing to actively assist Greece beyond rhetorical support and threats of sanctions against Erdogan. France's leadership fully recognises the longer-term risks that Erdogan's agenda poses to the region and the need to confront it sooner rather than later. France's dispatching of military assets to the Eastern Medi-

terranean has sent a clear message. Over the years, Erdogan has generally been able to exploit EU divisions to his advantage. Whether Erdogan has overplayed his hand with Europe in the Eastern Mediterranean remains to be seen. The ball is now in Europe's court.

For now, the Trump-Erdogan relationship remains cordial and US leadership has been largely silent apart from the diplomatic rhetoric advocating the need for dialogue between all sides.

However, the level of American engagement could shift with the approaching US election – particularly should the situation in the Eastern Mediterranean deteriorate and serious confrontation ensue. Furthermore, Erdogan may find a less friendly occupant in the White House should there be a change of administration after November 3.

The longer the game of brinkmanship continues in the Eastern Mediterranean, the higher the risks for a miscalculation that could trigger a vicious downward spiral into the abyss. The stakes for western security are higher than ever. Complacency and hesitancy are no longer options.

*Marco Vicenzino is a geopolitical expert and international business advisor to senior executives operating globally (www.globalsp.org) and member of the International Advisory Council of the Asia Scotland Institute*



### Society needs to relearn how to respect different opinions

Insult and offence rages in Scotland as we surround ourselves with only those share our beliefs, writes **Stuart Weir**



Difference is of the essence of humanity. Difference is an accident of birth and it should therefore never be the source of hatred or conflict. The answer to difference is to respect it. Therein lies a most fundamental principle of peace: respect for diversity. So stated the late Nobel Peace Prize winner John Hume. Without recognition of difference of opinion which moves to intellectual respect for that opinion we openly denigrate one another. We must learn afresh to respect our neighbour's opinion purely on the basis that s/he is a fellow human being expressing a view that is important to them. In other words, we hold difference and commonality together in one hand. Difference, because we all espouse slightly alternative takes on the world; commonality, because we all share the one species and the same space as one another.

With the Scottish Government's proposed Hate Crime and Public Order (Scotland) bill we see the birth of something that has been simmering away steadily in Scotland for a while but has now come to the boil. People everywhere are more and more exercised and exacerbated by the views of others. This is manifest on social media where increased retaliation and venom is fired at those who put their views out there. Some of these platforms have descended into forums of toxicity which either draw you into the mire, force you to observe but never participate in the debate, or abandon the space completely.

Moreover, there's a trend that certain opinions held on controversial social issues must be embraced in order to be considered a human of any worth. There's a perceived group of opinions on these social issues in Scotland that have been gathered together like cards which make up a royal flush. This hand has become sacrosanct. If you take out any of these cards and replace it with another you literally get shouted down. If you don't hold the whole set you are at best treated as suspicious. Such knowledge is felt more than felt.

What is happening here? Insult and

offence in Scotland rages as we progressively surround ourselves with only those who can subscribe to our intellectual, tribal or social manifestos. There's certainly very little evidence of people taking the time to work as co-belligerents on issues in the political realm. Nor is there much evidence of a widespread, patient probing of the other's views at the personal level without a flashpoint of insult occurring and the whole discussion falling apart. It is evident in my collection of social experiences that we refuse to or no longer know how to give people time to unpack their position on an issue. Giving someone time and space to unfurl what they believe is one key practice to honour the differences we hold in our little country. And without time and permission to share your views the opportunity to ask searching questions of such views can never be aired either.

By making this space and time for our fellow species we begin to see views we don't necessarily hold with greater nuance. And it is when that begins to happen that respect of a certain position can grow. Without giving someone time and permission to elaborate we render our fellow human to some sub-species whose opinion isn't worth terribly much. Scotland needs tolerance and plenty of liberty going forward in 2020 not an atmosphere of second guessing and looking over our shoulder, which is what an unredacted and toned down version of the proposed hate crime legislation will engender. Only when we learn to treat others as we ourselves want to be treated will we appreciate those who are "different".

*Stuart Weir, national director of CARE for Scotland.*



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