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Bioethics Research Group and beyond: Three decades of studies in ethics and political philosophy

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Abstract

The aim of this paper is to present some important contributions to ethics, value theory and political philosophy the former members of the Bioethics Research Group have made. The group was established at the University of Copenhagen in 1992 and was formally dissolved in 1997, but the members continued to work in ethics and political philosophy and set up research groups and centres at four Danish universities. Within four research themes, contributions made over the years are described. Research outputs of the group have, in various ways, served to bring studies of ethics and political philosophy originating in Denmark into the wider international research arena. Members of the group have increasingly included empirical approaches in their research and have thereby participated in the more general “empirical turn” in analytic philosophy. Some members of the group can also be said to have participated in a “pluralist turn”.

Keywords: ethics, bioethics, political philosophy, Danish philosophy, animal welfare, criminal justice ethics, equality

1. Introduction

Is active euthanasia morally wrong? Is it morally acceptable to edit human genes if that will somehow improve the lives of present or future people – e.g. by preventing them from developing certain diseases with a generic component? Should young people in need of medical resources take priority over old people if we lack adequate resources to address the needs of everyone? Must doctors respect the autonomy of patients when, irrationally, they refuse life-saving treatments? Once bioethical questions like these received little attention from philosophers. However, since the 1970s they have come to occupy a prominent place in philosophy, and specifically applied ethics, the more general field to which bioethics belongs. This development was facilitated in good part by the widely read and thought-provoking work of philosophers including Peter Singer, Jonathan Glover, Derek Parfit, Michael Tooley, Judith Jarvis Thomson, Robert Nozick and others.

In 1992, in response to a growing sense that bioethical questions like those indicated above urgently needed to be addressed, a small group of philosophers in the Section for Philosophy at the University of Copenhagen – Nils Holtug, Klemens Kappel, Jesper Ryberg and Peter Sandøe – established the *Bioethics Research Group*. Sandøe, then in his thirties, was the most senior of the four. He was educated at the University of Copenhagen (MA, 1984) and Oxford University (D. Phil., the Oxford Ph.D., 1989). At the time he worked as an externally funded researcher, but he became associate professor of philosophy in 1994. His three junior colleagues were in their twenties. Holtug had just started his Ph.D. exploring ethical issues raised by applications of gene technology with Sandøe as a supervisor. Kappel was studying philosophy and medicine in parallel, and at that time he was working on an MA thesis on priorities in health care supervised by Sandøe. In 1993 he joined the Medical Faculty as a Ph.D. student of medical ethics, but he retained his link with the bioethics group and had Sandøe as co-supervisor. Ryberg embarked on a Ph.D. project on population ethics in 1993, also supervised by Sandøe.

Over the next couple of years, the Bioethics Research Group expanded. In 1993 another philosopher, Karsten Klint Jensen, joined the group as he began a Ph.D. on ethical issues relating to animal production, also supervised by Sandøe. And in 1994 the young philosopher and political

scientist, Kasper Lippert-Rasmussen, also joined. Unlike the others, he had not been educated at the University of Copenhagen, but at Aarhus University, and had subsequently taken his Ph.D. in ethical theory at Oxford University. When he joined the group, he was completing his Ph.D. and he subsequently held various positions in the philosophy section at the University of Copenhagen. Finally, in 1997 another young philosopher educated at the University of Copenhagen, Thomas Søbirk Petersen, joined the group. He was starting a Ph.D. on the ethics of assisted reproduction at this point. He was supervised first by Sandøe and later by Lippert-Rasmussen.

The name “Bioethics Research Group” was chosen to signal three things. The first was that the focus would be on ethical issues created by modern biotechnology. The second was that the aim was to develop new research, rather than just reporting on existing international research to a Danish audience. And the third was that this aim was to be pursued within a collaborative team. This played out in ways that distinguished the work of the group from what was happening elsewhere in the Copenhagen philosophical environment at the time.

A key feature of the way the group worked was its regular meetings. At these, members took turns in presenting draft papers. The papers were discussed and commented on by the other members. This was unusual in the Copenhagen philosophy environment where at that time much research was conducted in a highly individualised way.

Another important feature was internationalisation. All of the founding members of the group had spent part of their formative years at the University of Oxford, and from the start there was close collaboration with like-minded researchers overseas, particularly in the UK, the US, Sweden, the Netherlands and Australia. Initially the Copenhagen group was very much at the receiving end when it came to intellectual inspiration, but gradually its members developed research profiles of their own with a significant international presence. This was made possible because from the outset all of the members of the group embraced the goal of publishing internationally in widely read international journals, or in monographs or book chapters published by international academic publishers such as Oxford University Press and Blackwell. This again was novel, as most of the publications coming out of the Copenhagen and other Danish philosophy environments at the time were intended for a domestic Danish audience.

A third important feature of the group’s work was the effort to engage with real-life ethical problems. Initially there was a lot of focus on ethical issues coming out of developments in gene technology, biomedicine and other applications of biological science. However, from the outset other ethical and political issues were also covered. Thus, in his Ph.D. Ryberg focused on the effects of decisions about the distribution of goods on populations and Lippert-Rasmussen concentrated on the critical appraisal of various forms of deontology.

The group’s focus on real-life ethical and political problems was very much in keeping with wider contemporaneous developments in Denmark. In 1987 an ethical council had been established by the Danish Parliament. It was tasked with giving advice and creating debate on new forms of gene technology and other kinds of biotechnology. Academics were involved in the public debates that followed, but initially they came mainly from the field of theology. Normative and applied ethics were not much studied in philosophy in Denmark at the time. All of this changed over the next few years, to a large extent as a consequence of the efforts of members of the Bioethics Research Group.

Increasingly, research councils and other academic bodies in Denmark also began to take an interest in bioethics, and indeed the early work of the Bioethics Research Group was often funded by grants

from these bodies. Peter Sandøe's post in the first few years of the group's existence was funded by an individual post-doctoral grant for work on animal ethics from the Research Council for the Humanities. Holtug's Ph.D. was funded by a grant to Peter Sandøe from a special biotechnology research programme established by Parliament in the late 1980s. Kappel and Jensen had their Ph.D. projects funded by a large interdisciplinary and inter-institutional bioethics project led by a theologian from Aarhus University, Svend Andersen, in which Sandøe was a senior participant. Again, this organisational strategy, in which the aim was to build and run a research group using external funding, marked a departure from the approach to philosophical research then prevalent at the University of Copenhagen.

Another feature distinguishing the work of members of the Bioethics Research Group was a commitment to ethical theory. The group's members were heavily influenced by thinkers such as R. M. Hare, Peter Singer, John Broome, Frances Kamm, Derek Parfit, G. A. Cohen and Shelly Kagan. There was a clear methodological awareness of the metaethical foundations of applied ethics. From the outset the idea of reflective equilibrium, developed by John Rawls and refined by Norman Daniels, served as a shared methodological reference.

However, although members of the group were focused on international collaboration and publication, there was also an effort to contribute to discussions on ethics for a wider audience, typically in Danish. Thus all the founding members of the group in 1993 published popular essays in a reader edited by Holtug and Kappel.¹ Since 1991, Sandøe had been chairing a national ethics advisory board on Animal Ethics. He was highly visible in all national media. This focus on public outreach, dissemination and debate has been an important part of the work of all members of Bioethics Research Group. This again was a clear difference with the existing philosophical environment in Copenhagen, which in the early 1990s was largely invisible to a wider public.

The members of the Bioethics Research Group shared a philosophical perspective with four main features: it was consequentialist, welfarist, secular and argument-driven. The first two features distinguished members of the group from most other Danish scholars working on ethics during the same period. The third represented a significant departure from the theological dominance of Danish academic ethics of the time – a dominance which, partly through the work of the group, declined in the following decades. While the members shared welfarist commitments, they never agreed over distributive principles. Different members were in favour of utilitarian, egalitarian or prioritarian perspectives.

The Bioethics Research Group was formally dissolved in 1997 when Sandøe left the University of Copenhagen to take up a position as Professor of Bioethics at what was then the Royal Veterinary and Agricultural University, Copenhagen. Some collaborative work continued among those remaining at the University of Copenhagen, but gradually other members, but not Holtug and Kappel, moved to other universities. Ryberg and Petersen took up posts at Roskilde University, Lippert-Rasmussen went to Aarhus University, and Jensen was appointed by the Royal Veterinary and Agricultural University. Apart from Jensen, who retired as an associate professor in 1996, all former members of the group are currently (2020) full professors and have, or have had, their own research groups, and even research centres, at four Danish Universities.

¹ Nils Holtug and Klemens Kappel, *Anvendt Etik [Applied Ethics]* (Copenhagen: Nyt Nordisk Forlag Arnold Busck, 1993).

Name of research centre and hosting university	Period of function	Head of Centre	Others involved	Thematic focus
Centre for Bioethics and Risk Assessment, Royal Veterinary and Agricultural University (from 2007 University of Copenhagen)	2000-2010	Sandøe	Jensen Kappel	Use of biotechnology in agriculture, food production and animal experimentation
Research Group for Criminal Justice Ethics, Roskilde University	2005-	Ryberg	Petersen Lippert-Rasmussen	Ethics issues pertaining to criminal law and criminal justice practice
Centre for the Study of Equality and Multiculturalism, University of Copenhagen	2007-2012	Holtug	Lippert-Rasmussen	Normative and empirical issues relating to issues of distributive equality and multiculturalism
Centre for Advanced Migration Studies, University of Copenhagen	2013-	Holtug (until 2019)		Interdisciplinary research on migration and diversity. Also responsible for the Master's in Advanced Migration Studies at the University of Copenhagen
The Centre for the Experimental-Philosophical Study of Discrimination, University of Aarhus	2020-	Lippert-Rasmussen	Holtug	Studies of discrimination draw on both philosophical methods and experimental methods from social psychology
Centre for the Study of Companion Animal Welfare, University of Copenhagen	2020-	Sandøe		Companion animal welfare and ethics of companion animal use

Table 1. List of interdisciplinary (and mostly also inter-institutional) research centres led by the original founders of the Bioethics Research Group following dissolution of the Group in 1997.

There has naturally been a widening of the subjects covered, and a branching out into new areas, but despite this, applied ethics with a welfarist and consequentialist focus characterises much of the later work by former members of the Bioethics Research Group. On the other hand, there have also been some important shifts over time in the working methods of the members of the original group. All of the members have developed their approach to ethics and political thinking. They are now more interested in empirical findings from the social and natural sciences than they once were. To this extent, they have moved on from armchair “analytical philosophy”, where there is a heavy reliance on thought experiments and science fiction (although they continue to use these methods where appropriate). Two members, Sandøe, and (less so) Holtug, now also conduct empirical studies in collaboration with new colleagues from the empirical sciences. Lippert-Rasmussen’s research has so far drawn on, or consisted in, empirical studies to a very limited degree, but one of the founding ideals of his newly opened Centre for the Experimental-Philosophical Study of Discrimination is to combine experimental methods of social psychology with traditional philosophical tools such as conceptual analysis and the use of thought experiments.

The aim of this paper is to present in summary some important contributions to ethics, value theory and political philosophy the members of the Bioethics Research Group have made. Within four research themes, we have tried to describe an array of contributions made over the years, and to

indicate their international impact. These are meant as examples, albeit influential ones. Of course, other contributions could have been selected, and these would have highlighted the work of other members of the group more strongly. Following the presentation of these themes we will present some concluding reflections on how to situate the work of the group in an international setting.

2 Changing nature to suit human purposes – does it matter morally?

As already mentioned, one early interest of the Bioethics Research Group was the use of gene technology and other forms of biotechnology to artificially alter various forms of living organism. This was the prime focus of Holtug's Ph.D. The approach to the issue taken by Sandøe and Holtug was outlined in a paper from 1993.² Here they looked at the development and use of transgenic animals – i.e. animals to which a gene from another animal or other living organism has been added. Such a change not only alters the function of the animal, but is also, typically, heritable, meaning that the genetic modification persists in subsequent generations. Most transgenic animals (of which there are thousands) have been produced for contained use in various forms of animal experimentation, but from the outset the idea of creating transgenic farm animals was also canvassed and had supporters.

In a short paper published in an animal science journal, Sandøe and Holtug did three things: first, they mapped eight possible ethical concerns ("worries") to which the development and use of transgenic animals could give rise; second, they raised two questions, one empirical and the other ethical, in light of which the worries should be assessed; and finally, they assessed the listed concerns in light of the questions, concluding that it is only the concern about animal welfare that matters from an ethical point of view. The two questions were: Is the worry based on a correct representation of facts about the design of transgenic animals and their use? Does the worry apply to other things which we already accept – for example, ordinary breeding techniques?

Of course, it is open to those who do not agree to challenge the conclusion, but then they would be forced to argue in reply either that the technique has negative effects that are overlooked by Sandøe and Holtug or that some of the things we already accept, such as conventional farm animal breeding, are also ethically problematic for reasons other than those having to do with animal welfare. In that way, the paper set the agenda for future discussions.

The argument that modern biotechnology does not differ morally from other ways of changing nature that are already widely accepted can be turned on its head. In other words, it can be argued that there may be moral problems with the ways in which we already change nature. This was exactly what Sandøe and Holtug did, together with an animal scientist, in a paper published in 1996,³ where they argued that the way animals were being improved through selective breeding to serve human purposes (e.g. where farm animals, generation after generation, are bred to deliver meat, milk and eggs in an ever more efficient way) may have detrimental effects on the animals' welfare.

This empirical argument about the potentially negative effects of breeding on animal welfare was later substantiated by Sandøe, working with colleagues from the fields of farm animal breeding and animal welfare science, in a number of papers, including an influential review paper published in

² Peter Sandøe and Nils Holtug, "Transgenic animals – which worries are ethically significant." *Livestock Production Science*, 36, 1, 113-116. (1993).

³ Peter Sandøe, Nils Holtug and Henrik Bülow Simonsen, "Ethical limits to domestication." *Journal of Agricultural and Environmental Ethics*, 9, 2, 114-122. (1996).

1999.⁴ Later, together with colleagues, Sandøe also engaged in empirical studies of the welfare effects of breeding and other forms of biotechnological intervention. For example, in a 2006 paper he was involved in showing that a line of transgenic pigs with a gene from a jellyfish that makes the pigs glow in fluorescent light experience no welfare problems as a result of the genetic alteration.⁵ Again, in a paper published in 2019 he took part in demonstrating that French Bulldogs bred to have a very short muzzle suffer badly from the so-called Brachycephalic Syndrome, and that the associated problems cannot easily be resolved by changing breeding goals.⁶

In the 1996 paper mentioned above two ethical approaches to human-driven changes to the nature of animals are discussed: one is based on the notion of genetic integrity and the other is based on animal welfare. It is argued that animal welfare approach is superior, and that it is counterintuitive to claim that genetic structures presently existing should have some claim to be preserved even if they have deleterious welfare effects. Arguments for this welfarist approach to animal modification for our benefit have been refined over the years. They received their most sophisticated formulation in a 2014 paper which Sandøe co-authored with a number of animal scientists and the philosopher Clare Palmer.⁷

Here the starting point is a challenge to the welfarist position called the “Blind Hens Challenge”. Many people find the breeding of blind hens intuitively repellent. The challenge is that “welfare-only” positions appear to be committed to endorsing this practice if it produces welfare gains. The context of the discussion is a study by two poultry geneticists who argue that the welfare of laying hens could be improved by breeding them to be blind. The claim is that blind hens can still find their feed and water but, unlike sighted hens, do not feather-peck and cannibalise each other and experience no other welfare problems. Based on an observational study of blind hens in which Sandøe was involved, it is argued that one of the poultry geneticists’ claims is empirically false: blind hens do have serious welfare problems due to their blindness. But what if that was not the case? Would it then be morally unobjectionable for the welfarist to breed blind hens? In the paper it is argued that on closer analysis the welfarist position here is more in line with common sense than first appears, and that alternative positions, according to which either the *telos* or the rights of animals should be respected, do not offer a more convincing solution to questions raised by the possibility of disenchanting animals for their own benefit.

Besides looking at both the factual and normative claims underpinning ethical concerns about changing the nature of animals and other living beings, Sandøe has worked with colleagues with a sociological background in a number of projects investigating the real concerns that members of the public and other stakeholders have. The findings from these projects show that a diversity of views are detectable. Generally speaking, potential impact on human and animal welfare do seem

⁴ Peter Sandøe, Birte L. Nielsen, Lars Gjøl Christensen and Poul Sørensen, “Staying good while playing God – the ethics of breeding farm animals.” *Animal Welfare*, 8, 4, 313-328. (1999).

⁵ Jesper Lassen, Mickey Gjerris and Peter Sandøe, “After Dolly – ethical limits to the use of biotechnology on farm animals.” *Theriogenology*, 65, 5, 992-1004. (2006).

⁶ Eva-Marie Ravn-Mølby, Line Sindahl, Søren Saxmose Nielsen, Camilla S. Bruun, Peter Sandøe and Merete Fredholm, “Breeding French bulldogs so that they breathe well - a long way to go.” *PLOS ONE*, 14, 12, e0226280. (2019).

⁷ Peter Sandøe, Paul M. Hocking, Björn Forkman, Kirsty Haldane, Helle H. Kristensen and Clare Palmer, “The blind hens’ challenge: Does it undermine the view that only welfare matters in our dealings with animals?” *Environmental Values*, 23, 6, 727-742. (2014).

to matter. However, precautionary attitudes and concerns about the transgression of natural borders are also widespread.

In a 2002 paper it is argued that the reason why genetically modified crops met with resistance from the European public was not simply that people were badly informed. There were also differences of approach to ethical evaluation between the public and the experts promoting these crops.⁸ Large segments of the public seemed to be sceptical because they cared about the naturalness of food, and because they could not see the benefits of the new crops. Studies like this served to change the agenda for debates about GMOs, ensuring that they were not only about risks to human health and the environment, but also included broader discussions of natural food, other moral concerns, and which benefits matter from a moral point of view.

Further studies, reported in a 2013 publication,⁹ revealed that multiple meanings of “naturalness” are at play, and that in different ways these affect the acceptability of genetically modified crops. For example, so-called “cisgenic” crops (where the added gene is from the same plant species) will be viewed by some as more acceptable in light of a substance-based idea of naturalness, where cisgenic crops are more natural because they do not contain genes from other species. Inspired in part by this finding, Kappel and Sandøe were involved in writing an influential 2015 review of the idea of using genetic modification to bring back useful properties that have been lost in the selective breeding of modern food crops.¹⁰

Empirical studies were also used to draw practical conclusions about biotechnology in a 2006 paper by Sandøe and two colleagues about the use of cloning and other forms of biotechnology on animals.¹¹ In this paper it is argued that only “in cases where the usefulness of the technology can be said to outweigh countervailing moral concerns, as in biomedical research, will applications of animal biotechnology stand up to scrutiny in the public sphere”. The conclusion here, of course, as in the previous case, is not so much about what is right or wrong, but more about what is feasible in terms of societal acceptance.

The general answer to the question raised in the heading of this section seems to be: No, changing nature to suit human purposes does not matter *per se*. What matters is to avoid negative impacts on animal welfare, and, where risk is involved, to weigh the risk against potential human benefits. However, the fact that many care about naturalness may be a genuine consideration – both in terms of the welfare effects of not having one’s concerns considered and in terms of finding robust societal solutions on how to use and regulate modern biotechnology.

3. Animal welfare – how should it be defined, measured, and promoted?

⁸ Jesper Lassen, Kathrine Hauge Madsen and Peter Sandøe, “Ethics and genetic engineering – lessons to be learned from GM food.” *Bioprocess and Biosystems Engineering*, 24, 5, 263-271. (2002).

⁹ Henrik Mielby, Peter Sandøe and Jesper Lassen, “Multiple aspects of unnaturalness: are cisgenic crops perceived as being more natural and more acceptable than transgenic crops?.” *Agriculture and Human Values*, 30, 3, 471-480. (2013).

¹⁰ Michael G. Palmgren, Anna Kristina Edenbrandt, Suzanne Elizabeth Vedel, Martin Marchman Andersen, Xavier Landes, Jeppe Thulin Østerberg, Janus Falhof, Lene Irene Olsen, Søren Brøgger Christensen, Peter Sandøe, Christian Gamborg, Klemens Kappel, Bo Jellesmark Thorsen and Peter Pagh, “Are we ready for back-to-nature crop breeding?” *Trends in Plant Science*, 20, 3, 155-164. (2015).

¹¹ Jesper Lassen, Mickey Gjerris and Peter Sandøe, “After Dolly – ethical limits to the use of biotechnology on farm animals.” *Theriogenology*, 65, 5, 992-1004. (2006).

Sandøe has over the years continuously focused on the concept of animal welfare in combination with an interest in how the well-being of animals is affected by the way they are kept and cared for by humans (e.g. on farms and in laboratories).

Interest in the subject of animal welfare was partly inspired by work that Sandøe had done while still at the University of Copenhagen, where (sometimes in collaboration with Kappel) he studied human quality of life in the context of priority-setting in health care. At that time, health economists had recently developed the idea of QALYs (Quality Adjusted Live Years) as a means of comparing outcomes of medical treatments. In a reader in Danish from 1992,¹² and in several international papers co-authored with Kappel, Sandøe discussed limitations of the approach to measuring human welfare defined by the economists and analysed the controversial ethical assumptions linked to priority settings that aim merely at maximising outcomes in terms of quality of life. One such assumption, discussed in a 1992 paper by Kappel and Sandøe, was that, normally, the lives of older people will be less important to save than the lives of younger people because typically the latter gain more live-years from being saved than the former.¹³

With this background in the study of human quality of life, Sandøe, working with a colleague from the Royal Veterinary and Agricultural University, published a conceptual piece in 1992 where they outlined all the steps involved in assessing animal welfare, and pointed out that at each step there are ethical choices to be made.¹⁴ Hence, although scientific methods looking at animal behaviour, physiology and pathologies are important, they cannot stand alone. This was quite a controversial point at that time, when animal welfare science was still in its infancy and it was important to scientists in the field to state that they were doing proper science and not ethics and philosophy. According to some animal welfare scientists, ethics should enter the picture only after the scientists have conducted an objective assessment of animal welfare.

Sandøe disputed this. Ethics, he claimed, enters the picture from the outset, when the scientists are choosing a definition of animal welfare. In a 1999 review of attempts by philosophers to develop and defend a specific theory of human quality of life, Sandøe separated three leading ethical theories: perfectionism, hedonism and the preference theory.¹⁵ He argued that each has specific strengths and weaknesses, and that none of the three views comes out as the uniquely correct one. This paper was later re-written in collaboration with an animal welfare scientist, applying the same points to the study of animal welfare.¹⁶ Together with similar points made in parallel by other people working in the field these contributions had a significant influence on the international study of animal welfare, so that today it is widely acknowledged that this kind of study will involve ethical considerations from the outset and not just in its application.

Recently Sandøe has been involved in conceptual work examining both ends of the welfare scale. With colleagues from Edinburgh University, he has written about different notions of positive

¹² Peter Sandøe (ed.), *Livskvalitet og etisk prioritering* [Life quality and ethical prioritization] (Copenhagen: Nyt Nordisk Forlag Arnold Busck, 1992).

¹³ Klemens Kappel and Peter Sandøe, "QALYs, Age, and Fairness." *Bioethics*, 6, 4, 297-316. (1992).

¹⁴ Peter Sandøe and Henrik Bülow Simonsen, "Assessing animal welfare – where does science end and philosophy begin?." *Animal Welfare*, 1, 4, 257-267. (1992).

¹⁵ Peter Sandøe, "Quality of life - three competing views." *Ethical Theory and Moral Practice*, 2, 1, 11-23. (1999).

¹⁶ Michael C. Appleby and Peter Sandøe, "Philosophical debate on the nature of well-being: Implications for animal welfare." *Animal Welfare*, 11, 3, 283-294. (2002).

welfare, arguing that there is much more to positive welfare than positive emotions.¹⁷ In this work connections are made with research agendas concerning how to integrate, or add up, a wide range of welfare measures, and how specific life events may affect the ability of animals to make the most of their life opportunities. In another paper, written with colleagues from Portugal, the UK and the US, the focus is on so-called severe suffering.¹⁸ It is argued that severe suffering is more than an incremental increase in negative state(s). It involves a qualitative shift whereby the normal mechanisms to contain, or keep negative states at arm's length, no longer function. It is argued that there are good ethical and pragmatic reasons for putting a cap on severe suffering in animals used for research.

Working with colleagues with a background in sociology, Sandøe has also studied the distribution of views of animal welfare among stakeholders. In a 2006 paper, he argues that members of the public – unlike most experts, who favour a hedonist view of animal welfare – tend to prefer an account of welfare with perfectionist elements (so that natural living, for example, in the form of outdoor access, is an important aspect of animal welfare).¹⁹ So, not only does the study of animal welfare involve ethical assumptions, but these assumptions may also turn out to be controversial.

From the mid-1990s, Jensen and Sandøe were involved in an interdisciplinary project the aim of which was to develop a tool for so-called “ethical accounting” for livestock farms.²⁰ The idea was to register ethically relevant aspects of animal production at farm level with the further aim of benchmarking and improving the farm's performance over time. The most important outcome of this project was to develop and promote the idea of assessing animal welfare at farm or group level. Most animal welfare research until then had been experimental, with small, well-defined study groups and control groups. There had been limited focus on what happens when things are scaled up at farm or group level. Sandøe and the other members of group behind the project were in charge of organising the first international conference on this subject in 1999, opening up a new research trajectory, and together with two young animal scientists Sandøe wrote an influential review paper on the subject.²¹

Since this time, Sandøe and Jensen have been deeply involved in discussion of the challenges linked to animal welfare assessment at farm and group level. One challenge that has attracted their attention and prompted them to prepare a number of publications concerns the issue of aggregation: how to add up measurements of different aspects of what matters from the point of view of an animal to obtain a net animal welfare score. A recent paper by Sandøe and three colleagues from relevant scientific disciplines does two things: it clarifies the various ethical issues (notably those to do with fairness) that occur when we try to aggregate welfare across individuals

¹⁷ Alistair B. Lawrence, Belinda Vigors and Peter Sandøe, “What is so positive about positive animal welfare? – A critical review of the literature.” *Animals*, 9, 10, 783. (2019).

¹⁸ I. Anna S. Olsson, Christine J. Nicol, Steven M. Niemi and Peter Sandøe, “From unpleasant to unbearable - why and how to implement an upper limit to pain and other forms of suffering in research with animals.” *ILAR Journal*, ilz018. (2020).

¹⁹ Jesper Lassen, Peter Sandøe and Björn Forkman, “Happy pigs are dirty! – conflicting perspectives on animal welfare.” *Livestock Science*, 103, 3, 221-230. (2006).

²⁰ Karsten Klint Jensen and Jan Tind Sørensen, “The idea of “ethical accounting” for a livestock arm.” *Journal of Agricultural and Environmental Ethics*, 11, 85-100. (1999).

²¹ Pernille Fraas Johnsen, Torfi Johannesson and Peter Sandøe, “Assessment of farm animal welfare at herd level: Many goals, many methods.” *Acta Agriculturae Scandinavica Section A Animal Science Supplementum*, 51, 26-33. (2001).

and criticises an influential attempt to set up a system to measure and aggregate animal welfare at farm level for a number of species.²² Recently Sandøe has been involved in setting up a system for adding up and comparing animal welfare at national level by utilising a combination of animal welfare measures and methods deriving from economics.²³

An important obstacle to efforts to increase farm animal welfare is economic. While there will sometimes be a win-win combining the elimination of animal suffering and premature death (e.g. due to disease) and profitability, it is often true that welfare improvements go hand in hand with higher production costs. Given that animal products are sold in a free market, it can therefore be a challenge to avoid a profits-driven race to the bottom as regards farm animal welfare. National legislation may have limited effectiveness as a result of price competition from products sold across national borders. Therefore, market-driven solutions – for example, using special animal welfare labels – appear to be worth exploring. Such solutions have been studied by Sandøe in collaboration with colleagues working in economics and sociology. An overview of the solutions and their potential and limitations can be found in a 2019 paper.²⁴

Returning, then, to the three questions raised in the heading of this section, the following can be said. The published work summarised here indicates that no single definition of animal welfare is capable of commanding universal agreement; that there are substantial difficulties measuring and comparing animal welfare, but that these can be overcome with methods from social science; and that labelling and other market-driven approaches to farm animal welfare may be essential for progress in this area.

4. Punishing offenders: Why and how much?

Following the dissolution of the Bioethics Research Group in 1997, Jesper Ryberg and Thomas S. Petersen continued to pursue interests in applied ethics. They worked specifically in the field of criminal justice ethics, which comprises a wide range of ethical issues that arise in relation to the workings of the criminal justice system. The research published by Ryberg and Petersen together over the years has focused on the ethics of punishment. Petersen, for his part, has also had a further interest in theory of criminalisation.²⁵

Most of the ethical issues raised by punishment arise from the simple fact that punishment involves something which under other circumstances would be a quintessential case of wrongful treatment – e.g. the bringing about of another's death, the deliberate causation of a citizen's suffering, or deprivation of his or her liberty. It is therefore reasonable to ask why such treatment becomes acceptable (in fact, required) if it is imposed on someone who has broken the law. Such treatment calls for a persuasive justification. Furthermore, at the more detailed level, questions concerning how, and how severely, offenders should be punished for their misdeeds give rise to numerous

²² Peter Sandøe, Sandra A. Corr, Thomas Bøker Lund and Björn Forkman, "Aggregating animal welfare indicators – Can it be done in a transparent and ethically robust way." *Animal Welfare*, 28, 1, 67-76. (2019).

²³ Peter Sandøe, Henning Otte Hansen, Helle Lottrup Halkjær Rhode, Hans Houe, Clare Palmer, Björn Forkman and Tove Christensen, "Benchmarking farm animal welfare — a novel tool for cross-country comparison applied to pig production and pork consumption." *Animals*, 10,6, 955. (2020).

²⁴ Tove Christensen, Sigrid Denver and Peter Sandøe, "How best to improve farm animal welfare? – Four main approaches viewed from an economic perspective." *Animal Welfare*, 28, 1, 95-106. (2019).

²⁵ See, for example, Thomas S. Petersen, *Why Criminalize?* (Dordrecht: Springer Publishers, 2019).

ethical challenges. An example of research dealing with the “how much?” question is the monograph *The Ethics of Proportionate Punishment* (2010) in which Ryberg challenges the influential retributive idea of proportionate punishment. According to the principle of proportionality, a more serious crime should be punished more severely than one that is less serious, and equally serious crimes should be punished equally severely. Ryberg argued, against what was the orthodox position, that the principle of proportionality does not follow in any simple way from the retributivist theory of punishment, and that it is therefore not theoretically well founded. A further element in Ryberg’s criticism of the proportionality principle was to show that the idea of comparing and ranking crimes in gravity, and punishments in terms of severity, opens up a range of theoretical challenges that are not easily met. He claimed that the challenges have generally been ignored in current discussion.²⁶

Another aspect of Ryberg’s work on punishment concerns the practical question of how one should deal punitively with repeat offenders and multiple offenders. In most Western countries repeat offenders are punished more severely than first-time offenders. In some jurisdictions the “recidivist premium” is modest, while in others – such as those upholding so-called “strike laws” – it is rather significant. However, theoretical discussion of the ethical justification of differential punitive treatment of first-time and repeat offenders has been limited. Ryberg was involved, as contributor and editor, in the two first international collections of work on this issue.²⁷

Similar issues arise in connection with multiple offenders – i.e. those who commit a series of crimes before they ultimately end up in court. In most parts of the world, the sentence of a multiple offender is not determined merely by adding together the punishments of each of the individual crimes. Rather, the standard practice is to give multiple offenders a “bulk discount”. Ryberg has edited the first international collection of work on sentencing and multiple offending. His own view is that retributively-based attempts to defend “bulk discounts” on the grounds of theories of overall proportionality should be dismissed, and that where this question is concerned a consequentialist approach is more plausible.²⁸ He was the first to draw attention to the apparent inconsistencies in the punitive treatment of repeat and multiple offenders.

Ryberg has had a longstanding interest in the ethical challenges raised by the use of new technologies in the criminal justice system. An example is the application of neurotechnology. Developments in neuroscience over the last two-three decades have given us new knowledge of the various processes that shape human cognition and emotion. Various sorts of imaging technology, such as functional magnetic resonance imaging (fMRI), positron-emission tomography (PET) and computerised electroencephalography (CEEG) have been pivotal here. Another group of technologies has been developed with the purpose of influencing or modifying the human brain. It comprises both pharmacological methods and transcranial magnetic stimulation (TMS), and also invasive techniques such as deep brain stimulation (DBS). Increasingly, these technologies have

²⁶ Jesper Ryberg, *The Ethics of Proportionate Punishment: A Critical Investigation*, p. 59-123 (Dordrecht: Kluwer Academic Publishers, 2004); Jesper Ryberg, “Proportionality and the Seriousness of Crimes”, in *Of One-Eyed and Toothless Miscreants: Making the Punishment Fit the Crime*, ed. Michael Tonry (New York: Oxford University Press, 2019).

²⁷ Julian V. Roberts and Andreas von Hirsch (eds.), *Previous Convictions at Sentencing* (Oxford: Hart Publishing, 2010); Claudio Tamburrini and Jesper Ryberg (eds.), *Recidivist Punishment: The Philosopher’s View* (New York: Lexington Books, 2012).

²⁸ Jesper Ryberg, “Retributivism, Multiple Offending, and Overall Proportionality”, in *Sentencing Multiple Offenders*, ed. Jesper Ryberg, Julian V. Roberts and Jan de Keijser (New York: Oxford University Press, 2018).

found their way into the work of the criminal justice system. They have been introduced both in relation to the cardinal task of determining criminal guilt and to help determine the sentences of those are found guilty. Among the topics considered by Ryberg are the criteria for proper implementation of neurotechnological lie detection systems at the criminal court and the ethical significance of mental privacy in relation to neurotechnological mind-reading.²⁹ His most significant contribution, however, concerns the use of neurointervention in crime prevention. In the monograph *Neurointerventions, Crime and Punishment* he argues that many of the standard arguments against such use of neurotechnology – based on autonomy, freedom, mental self-determination, and bodily integrity – fail to establish that using neurointerventions for crime preventive purposes is wrong.³⁰ He has also considered the ethical significance of the dark prehistory of the use neurointerventions on offenders³¹ and examined the proper role of physicians in the administration of crime preventive treatments for offenders.³² Although he rejects many of the in-principle arguments against the use of neurointerventions in crime prevention, he has also suggested that, given the way criminal justice systems currently function, there are reasons to hesitate before putting such treatment methods into practice.³³

Another part of Ryberg's research into the significance of new technological developments concerns the use of artificial intelligence in the criminal courts. Some of the controversial questions that emerge in this field pertain to the use of algorithmic tools for crime prediction and algorithmic determination of sentences. Ryberg has examined the ethical significance of the fact that algorithms used in the criminal courts may function as black boxes, either because they are proprietary – that is, protected by trade secrecy restrictions – or because they are too complicated for a human being to comprehend.³⁴ He has also dealt with the significance of algorithmic accuracy, arguing that although accuracy is usually considered the gold standard of crime predictive instruments, there are cases in which a less accurate predictive tool may be preferable to one that is more accurate.³⁵ This is because the ethical assessment of a predictive tool depends not only on its predictive hit rate, but also on the types of mistake that it produces (i.e. the ratio of so-called false positives and false negatives). Ryberg initiated the first international collection of work devoted exclusively to ethical considerations bearing on the use of artificial intelligence in sentencing.³⁶

Ryberg has taken up various other research themes over the last two decades which reflect his interest in criminal justice ethics in general and the ethics of punishment in particular. He has worked, for example, on the punishment of special categories of offender, and specifically the view that juvenile offenders, owing to their reduced responsibility, should *ceteris paribus* be punished

²⁹ Jesper Ryberg, "When Should Neuroimaging Be Applied in the Criminal Court?" *The Journal of Ethics*, 18, 81-99. (2014); Jesper Ryberg, "Neuroscience, Mind Reading, and Mental Privacy." *Res Publica*, 23, 197-211. (2017).

³⁰ Jesper Ryberg, *Neurointerventions, Crime, and Punishment*, p. 52-95 (New York: Oxford University Press, 2020).

³¹ Jesper Ryberg, *Neurointerventions, Crime, and Punishment*, p. 165-187 (New York: Oxford University Press, 2020).

³² Jesper Ryberg, *Neurointerventions, Crime, and Punishment*, p. 137-165 (New York: Oxford University Press, 2020).

³³ Jesper Ryberg, *Neurointerventions, Crime, and Punishment*, p. 187-215 (New York: Oxford University Press, 2020).

³⁴ Jesper Ryberg, "Sentencing and Algorithmic Transparency", in *Principled Sentencing and Artificial Intelligence*, ed. Jesper Ryberg and Julian V. Roberts (New York: Oxford University Press, 2021 forthcoming).

³⁵ Jesper Ryberg, "Risk-Based Sentencing and Predictive Accuracy." *Ethical Theory and Moral Practice*, 23, 251-263. (2020).

³⁶ Jesper Ryberg, "Sentencing and Algorithmic Transparency", in *Principled Sentencing and Artificial Intelligence*, ed. Jesper Ryberg and Julian V. Roberts (New York: Oxford University Press, 2021 forthcoming).

more leniently than adult offenders.³⁷ He has also examined the sentencing of dangerous offenders³⁸ and the theoretical challenges associated with the punishment of war criminals.³⁹ He has considered the theoretical significance of the fact that the punishment of offenders is just one among many legitimate state obligations all of which require economic resources.⁴⁰ In several works, he has examined and criticised the argument – widespread in political discourse – that penal levels should be determined with reference to public opinion. The first collection of papers devoted entirely to this issue was published – with Ryberg as co-editor – in 2014 by Oxford University Press.⁴¹

Where the questions raised in the heading of this section are concerned, it is fair to say that there are no generally accepted answers. The field is characterised by persistent theoretical disagreements over both the basic question of why offenders should be punished and the more detailed question about “how much?”. However, it is worth noticing that across the various theoretical approaches to these questions there is a widespread agreement – reflected in the work of Ryberg and Petersen – that incarceration is often overused, and that penal levels in many countries – not least, the US – are too high.

5. Is equality desirable? If so, what kind of equality?

Egalitarianism and related principles of distributive justice have played an important role in the work of Nils Holtug and Kasper Lippert-Rasmussen, and in some cases this joint interest has resulted in joint projects.⁴² Their work centres on how best to develop an egalitarian (or equality-related) account of justice, and deals with questions such as: what is the appropriate currency of egalitarian justice – i.e. what is it that individuals should have equal shares of?⁴³ What is the appropriate temporal unit of egalitarian justice – e.g. should we focus on whole lives or some shorter temporal segment when determining how well off individuals are in the relevant currency?⁴⁴ What is the scope of egalitarian justice – e.g. is it global or national only,⁴⁵ should it include (possible) future

³⁷ Jesper Ryberg, “Punishing Adolescents: On Immaturity and Diminished Responsibility.” *Neuroethics*, 7, 327-336, 2014; Jesper Ryberg, “Responsibility and Capacities: A note on the Proportionality Assumption.” *Analysis*, 74, 393-397, (2014).

³⁸ Jesper Ryberg, “Risk and Retribution. On the Possibility of Reconciling Considerations of Dangerousness and Desert”, in *Predictive Sentencing: Normative and Empirical Perspectives*, ed. Jan W. de Keijser, Julian V. Roberts and Jesper Ryberg (Oxford: Hart Publishing, 2019).

³⁹ Jesper Ryberg, “Mass Atrocities, Retributivism, and the Threshold Challenge.” *Res Publica*, 15, 169-179. (2010).

⁴⁰ Jesper Ryberg, “Retributivism and Resources.” *Utilitas*, 25, 66-79. (2013).

⁴¹ Jesper Ryberg and Julian V. Roberts (eds.), *Popular Punishment: On the Normative Significance of Public Opinion* (New York: Oxford University Press, 2014).

⁴² See for example Nils Holtug and Kasper Lippert-Rasmussen (eds.), *Egalitarianism. New Essays on the Nature and Value of Equality* (Oxford: Clarendon Press, 2006).

⁴³ Nils Holtug, “Welfare Luck Egalitarianism and Expensive Tastes.” *Moral Philosophy and Politics*, 2, 1, 179-206. (2015); Kasper Lippert-Rasmussen, *Luck Egalitarianism*, p. 77-112 (London: Bloomsbury, 2015).

⁴⁴ Nils Holtug, *Persons, Interests and Justice*, Ch. 10 (Oxford: Oxford University Press, 2010); Kasper Lippert-Rasmussen, *Luck Egalitarianism*, p. 151-161 (London: Bloomsbury, 2015).

⁴⁵ Nils Holtug, “Global Equality and Open Borders”, in *Oxford Studies in Political Philosophy*, ed. David Sobel, Peter Vallentyne and Steven Wall, Vol. 6 (Oxford: Oxford University Press, 2020); Kasper Lippert-Rasmussen, *Luck Egalitarianism*, p. 165-173 (London: Bloomsbury, 2015).

persons⁴⁶ and/or non-human animals?⁴⁷ Should we assess outcomes in terms of their actual or expected egalitarian value – more precisely, should we adopt a factualist, ex ante or ex post account of justice?⁴⁸ Should equality be sensitive to responsibility and/or desert, and if so in what way – e.g. are people sometimes responsible for being worse off in such a manner that they do not have a claim to egalitarian compensation?⁴⁹ Should egalitarianism be sensitive to changes in the psychological relations that make up personal identity over time – e.g. does it become less significant for present distribution that someone has suffered a misfortune in the distant past to the extent that the relevant psychological relations between his present and past self are weak?⁵⁰ Is egalitarian justice reducible to a concern about equal distribution of whatever is the currency of egalitarian justice, or does it also contain an irreducible concern about the nature of the social relation between citizens, or more broadly, individuals as such?⁵¹

Some of these questions are of paramount importance in deciding the kinds of policy that should be implemented politically. Thus, if equality has global scope, we should presumably aim for comprehensive redistribution and institutional reform at the global level. Other questions are more theoretical in nature.

Whereas Lippert-Rasmussen has tended to work within the framework of egalitarianism (proper), Holtug has argued that prioritarianism is a more plausible distributive principle. According to the axiological prioritarianism defended by Holtug, an outcome is non-instrumentally better, the larger the sum of weighted individual benefits it contains, where benefits are weighted in such a way that they gain greater value the worse off the individual is to whom they accrue⁵² This principle is similar to egalitarianism in favouring those who have less, but it is non-relational in a way that egalitarianism is not. The principle implies that in order to know how much a benefit to a given individual contributes to the value of an outcome, we do not need to know what levels other people are at. This is not so on egalitarianism (an increase to an individual from n to $n+1$ increases equality if others are at $n+1$ but decreases it if others are at n).

One of Holtug's main contributions has been to further develop the so-called "levelling down objection" to egalitarianism.⁵³ Compare two two-person outcomes, (2, 1) and (1, 1), where each number refers to an individual's level of welfare. The second outcome is more (in fact, perfectly) equal, and so, according to egalitarians, in at least one respect better (egalitarians needn't claim that it is better all things considered, because they may accept values other than equality). However,

⁴⁶ Nils Holtug, *Persons, Interests and Justice*, Ch. 9 (Oxford: Oxford University Press, 2010); Nils Holtug, "Prioritarianism and Population Ethics", in *Oxford Handbook of Population Ethics*, ed. Gustaf Arrhenius, Krister Bykvist, Tim Campbell and Elizabeth Finneron-Burns (Oxford: Oxford University Press, forthcoming).

⁴⁷ Nils Holtug, "Equality for Animals", in *New Waves in Applied Ethics*, ed. Jesper Ryberg, Thomas S. Petersen and Clark Wolf (Basingstoke: Palgrave Macmillan, 2007).

⁴⁸ Nils Holtug, "Prioritarianism: Ex Ante, Ex Post or Factualist Criterion of Rightness?" *Journal of Political Philosophy*, 27, 2, 207-228. (2019).

⁴⁹ Kasper Lippert-Rasmussen, *Luck Egalitarianism*, p. 55-76 (London: Bloomsbury, 2015).

⁵⁰ Nils Holtug, *Persons, Interests and Justice*, Ch. 10 (Oxford: Oxford University Press, 2010).

⁵¹ Kasper Lippert-Rasmussen, "Luck Egalitarianism versus Relational Egalitarianism." *Canadian Journal of Philosophy*, 45, 2, 220-241. (2015); Kasper Lippert-Rasmussen, *Relational Egalitarianism* (Cambridge: Cambridge University Press, 2018); Kasper Lippert-Rasmussen, "(Luck and relational) egalitarians of the world, unite!" *Oxford Studies in Political Philosophy*, 4, 81-109. (2018).

⁵² Nils Holtug, *Persons, Interests and Justice*, p. 204-209 (Oxford: Oxford University Press, 2010).

⁵³ Nils Holtug, "Egalitarianism and the Levelling Down Objection." *Analysis*, 58, 2, 166-174. (1998); Nils Holtug, *Persons, Interests and Justice*, Ch. 7 (Oxford: Oxford University Press, 2010).

the second outcome is better for no one, not even the worse off. So how can it be in any respect better? This is the levelling down objection. Holtug further develops this objection. Specifying its sources, he develops a new and more plausible version of the so-called “person-affecting” principle, which, roughly, implies that benefits/harms for individuals are preconditions for increases/decreases in the moral value of outcomes. He also engages critically with attempts by various egalitarians to deflect the objection. Importantly, unlike egalitarianism, prioritarianism is not vulnerable to the levelling down objection, because it only assigns positive value to *improvements in individual benefits* (albeit weighted on the basis of the level of the recipient) and thus attributes no positive value to a change from (2, 1) to (1, 1).

Holtug’s case for prioritarianism consists both in deriving it from some more basic axiological assumptions and in arguing that it compares favourably with alternative distributive principles.⁵⁴ He argues for a version of prioritarianism that is factualist (what ultimately matters is the prioritarian value that is in fact promoted, not expected to be so), global (we should give priority to the globally worse off, rather than focus only on the domestically worse off) and includes non-human animals.⁵⁵

Lippert-Rasmussen’s contributions to the development of egalitarian theory fall in two broad categories: his early work focuses on luck egalitarianism, and especially its luck component, while his later work mostly addresses the so-called relational egalitarian ideal of justice. The difference between these two egalitarian ideas is usually said to consist in the fact that while the former, like other theories of distributive justice such as prioritarianism, assumes that justice is a matter of realising a certain distributive pattern of the relevant “currency” of justice (e.g. resources or welfare), the latter holds that egalitarian justice is a matter of people relating socially to one another as equals. While the exact relation between these two ideas is disputed, one clear difference between them stands out when we consider a world in which there are no social relations, but individuals who can be (un)equally well off. Such a world might be unjust from the point of view of a distributive approach, but not from the point of view of a relational egalitarian approach.⁵⁶

Lippert-Rasmussen’s most significant contribution to the development of luck egalitarian theory is his critique of Dworkin’s celebrated brute luck option luck distinction. Roughly, Dworkin⁵⁷ holds that while luck egalitarian justice insists that the differential effects of brute luck on citizen’s holdings of resources must be neutralised, it also requires the state to refrain from neutralising the differential effects of option luck. Brute luck is luck which is not reasonably avoidable – e.g. I know that by venturing outside my house I risk being run down by a car. While I could avoid this risk by staying inside, it would not be reasonable to demand of me that I do so. Accordingly I am due compensation from the point of view of justice if, say, I venture outside and am run down by a car. Option luck is luck which one could reasonably have avoided being exposed to – e.g. normally, if you and I both gamble at the casino, we could both reasonably have avoided doing so. Accordingly, it would be

⁵⁴ Matthew D. Adler and Nils Holtug, “Prioritarianism: A Response to Critics.” *Politics, Philosophy and Economics*, 18, 2, 101-144. (2019); Nils Holtug, *Persons, Interests and Justice*, Ch. 7 and 8 (Oxford: Oxford University Press, 2010).

⁵⁵ Nils Holtug, “Prioritarianism: Ex Ante, Ex Post or Factualist Criterion of Rightness?” *Journal of Political Philosophy*, 27, 2, 207-228. (2019); Nils Holtug, “Global Equality and Open Borders”, in *Oxford Studies in Political Philosophy*, ed. David Sobel, Peter Vallentyne and Steven Wall, Vol. 6 (Oxford: Oxford University Press, 2020); Nils Holtug, “Equality for Animals”, in *New Waves in Applied Ethics*, ed. Jesper Ryberg, Thomas S. Petersen and Clark Wolf (Basingstoke: Palgrave Macmillan, 2007).

⁵⁶ Kasper Lippert-Rasmussen, *Luck Egalitarianism*, p. 194-206 (London: Bloomsbury, 2015); Kasper Lippert-Rasmussen, *Relational Egalitarianism* (Cambridge: Cambridge University Press, 2018).

⁵⁷ Ronald Dworkin, *Sovereign Virtue* (Cambridge, MA: Harvard University Press, 2000).

unjust for the state to tax your winnings to compensate my casino losses. Lippert-Rasmussen⁵⁸ offers a range of different arguments showing that Dworkin's brute versus option luck distinction should be refined if it is to matter from the point of view of egalitarian justice. For example, if a certain gamble is so attractive in terms of its expected value compared to the alternative (let us suppose) risk-free scenario, although it involves the risk of a very bad outcome, then, generally, someone who accepts this risk should be compensated. In general, Lippert-Rasmussen presses the suggestion that there is much less differential option luck than Dworkin assumes, and that arguably it is not unjust for the state to eliminate differential option luck or to minimise the production of differential option luck inequalities however undesirable that might be in the light of other values.

Turning to relational egalitarianism, here Lippert-Rasmussen's most significant work has two main themes. First, when relational egalitarianism entered the intellectual scene with Elizabeth Anderson's influential article "What is the point of equality?"⁵⁹ the approach was generally regarded as a competitor to luck egalitarianism. Lippert-Rasmussen has argued that the relationship between the two approaches is much more complicated. In particular, there is nothing to rule out combining the two views in a broader egalitarian theory of justice.⁶⁰ In fact, some concerns of relational egalitarians can be captured in distributive terms. Thus, in part the concern that people relate as social equals can be captured by the idea that people have equal social status. Social status is not a standard candidate for the currency of egalitarian distributive justice, but it is surely a possible one. Second, in some of his work Lippert-Rasmussen applies the concern about social equality to particular aspects of moral and political life, such as discrimination and blame.⁶¹ More will be said about the first of these, discrimination, below. In relation to blame, a common response to hypocritical blame is to deny that the hypocritical blamer has the standing to blame the blamee in light of her own greater faults. Lippert-Rasmussen argues that while the value of relating as morally equal does not explain the hypocrite's lack of standing to blame, it does explain a central part of what we find morally wrongful about hypocritical blame – i.e. that the hypocritical blamer assumes a position of superior standing where (as her hypocritical blaming implies) she can hold others accountable for their faults, but is under no duty to others to account for her own greater faults.

5.1 Equality and Migration

As already noted, the ideal of equality bears importantly on questions about political policy. Both Holtug and Lippert-Rasmussen have explored the implications here. For instance, for many years Holtug has been exploring the ways in which ideals of equality apply to a range of issues connected with migration. What does equality imply for immigration policy? Does it dictate who and how many to admit? What is the bearing of equality on integration policy? That is, in what ways can the majority reasonably be expected to accommodate the needs and interests of immigrants, and in what ways can immigrant minorities be expected to adapt to the majority? Holtug's work includes

⁵⁸ Kasper Lippert-Rasmussen, "Equality, Option Luck, and Responsibility." *Ethics*, 111, 548-579. (2001).

⁵⁹ Elizabeth Anderson, "What is the point of equality?" *Ethics*, 109, 2, 287-337. (1999).

⁶⁰ Kasper Lippert-Rasmussen, "(Luck and relational) egalitarians of the world, unite!" *Oxford Studies in Political Philosophy*, 4, 81-109. (2018).

⁶¹ Kasper Lippert-Rasmussen, *Relational Egalitarianism*, p. 94-120 (Cambridge: Cambridge University Press, 2018); Kasper Lippert-Rasmussen, "Why the moral equality account of the hypocrite's lack of standing to blame fails", *Analysis* (2020), <https://doi.org/10.1093/analys/anaa009>; Kasper Lippert-Rasmussen, *The Beam and the Mote* (Oxford: Oxford University Press, forthcoming).

discussions of open versus closed borders,⁶² the claim of refugees to asylum and the case for a fair relocation scheme,⁶³ climate refugees,⁶⁴ the religious and cultural rights of minorities, secularism, and group-differentiated vs. difference-blind rights.⁶⁵ It also incorporates discussions of the main theoretical positions and normative approaches to such questions in political philosophy, including nationalism, liberalism, republicanism and multiculturalism.

Holtug's most recent thinking is presented in a forthcoming book⁶⁶. Here he engages critically with a set of arguments according to which: 1) Liberal western democracies should severely restrict immigration to protect social cohesion, where social cohesion is required to maintain high levels of egalitarian redistribution, and 2) such democracies should promote a cultural, national identity, again to protect social cohesion and redistribution. Holtug considers both the empirical and normative premises on which these arguments rely. He defends a normative framework based on cosmopolitanism, liberal egalitarianism and some aspects of multiculturalism, which challenges the values embedded in these arguments, and he further argues that the available empirical evidence does not support the claims, made by the arguments' proponents, about the impact of immigration and national identity on social cohesion (in part, relying on quantitative empirical research he has conducted with colleagues from political science).⁶⁷ In fact, this normative framework does not only offer a moral basis for just policies on immigration and integration. As a matter of empirical fact, it also consists in the values which, if shared, are most likely to produce the social cohesion, among community members, that provides the social basis for implementing justice.

5.2 Equality and Discrimination

The second important body of research into the political implications of the ideal of equality that we wish to mention is Lippert-Rasmussen's work on discrimination.⁶⁸ Discrimination is interesting from an egalitarian perspective for two reasons at least. First, it is pretty clear that some of the most common forms of it have highly objectionable, inegalitarian effects on the overall distribution of whatever is the currency of justice. An extreme example of this is the distribution of resources in South Africa under Apartheid. Second, many egalitarians would find discrimination unjust even if, hypothetically, it had no objectionable distributive outcomes. Thus, in a wide range of cases many would object to racial discrimination *even if* it did not make members of that minority worse off, or more generally even if the racial discrimination did not prevent us from realising our preferred

⁶² Nils Holtug, "Global Equality and Open Borders", in *Oxford Studies in Political Philosophy*, ed. David Sobel, Peter Vallentyne and Steven Wall, Vol. 6 (Oxford: Oxford University Press, 2020); Nils Holtug, *The Politics of Social Cohesion. Immigration, Community and Justice* (Oxford: Oxford University Press, forthcoming).

⁶³ Nils Holtug, "A Fair Distribution of Refugees in the European Union." *Journal of Global Ethics*, 12, 3, 279-288. (2016).

⁶⁴ Nils Holtug, "Climate Refugees, Demandingness and Kagan's Conditional." *Res Publica*. (Forthcoming).

⁶⁵ Nils Holtug, "Equality and Difference-blind Rights", in *Multiculturalism and Nationalism in a World of Immigration*, ed. Nils Holtug, Kasper Lippert-Rasmussen and Sune Lægaard (Basingstoke: Palgrave Macmillan, 2009).

⁶⁶ Nils Holtug, *The Politics of Social Cohesion. Immigration, Community and Justice* (Oxford: Oxford University Press, forthcoming).

⁶⁷ Karen N. Bredahl, Nils Holtug and Kristian Kongshøj, "Do Shared Values Promote Social Cohesion? If So, Which? Evidence from Denmark." *European Political Science Review*, 10, 1, 97-118. (2018).

⁶⁸ Kasper Lippert-Rasmussen, "Nothing Personal: On Statistical Discrimination." *Journal of Political Philosophy*, 15, 385-403. (2007); Kasper Lippert-Rasmussen, "'We are all different': Statistical discrimination and the right to be treated as an individual." *Journal of Ethics*, 15, 1, 47-59. (2011); Kasper Lippert-Rasmussen, *Born Free and Equal?* (Oxford: Oxford University Press, 2013).

distributive pattern. This is one reason why many egalitarians are drawn to the view that relational egalitarianism, which can explain what is wrongful about racial discrimination in the absence of an undesirable distribution, has to be accommodated in a full account of egalitarian justice.

In his work on discrimination, Lippert-Rasmussen has focused principally on three questions. First, what is discrimination in the first place? Clearly, differential treatment is a necessary condition of it but not sufficient. Doctors do not discriminate in the sense we wish to clarify when, other things being equal, they prioritise worse off patients over those who are better off. Second, what makes discrimination wrongful? In his main work, Lippert-Rasmussen⁶⁹ explores an account that combines prioritarianism with elements of moral desert – the latter is included to explain, *inter alia*, why we should give greater moral weight to the interests of discriminatees than (culpable) discriminators. Third, what should we do about discrimination? Lippert-Rasmussen's primary contribution to wider efforts to answer this question⁷⁰ is a critical assessment of the main arguments for and against affirmative action. His overall view is that none of the main objections to affirmative action, such as that it stigmatises recipients or is pejorative "reverse discrimination", are very powerful. While the question "Is affirmative action morally justified?" is too general to allow a meaningful answer, Lippert-Rasmussen defends the view that arguments in favour of affirmative action based on the concern to reduce, or mitigate, (the negative effects of) discrimination and the concern to equalise opportunities offer the basis for forceful defences of a range of affirmative action schemes, including the relatively modest ones that we are familiar with, especially in the US context.

Holtug's and Lippert-Rasmussen's independent research into egalitarianism and its implications for questions in applied ethics about, among other things, the ethics of migration and the ethics of discrimination has developed in somewhat different directions. However, both of their research trajectories have engaged with many of the main themes characterising the past three decades of debate on the ideal of equality in the international research community. Likewise, their work has had an impact on these debates and is being used and widely cited in that community.

6. How can the work of the group be situated in an international setting?

The Bioethics Research Group, formed in the last decade of the twentieth century, has given rise to new directions in Danish Philosophy that are still emerging and developing at the start of the third decade of the twenty-first century.

Philosophically, the work of the group was influenced from the outset by the revival of normative ethics and political philosophy in Anglo-American philosophy that began in the early 1970s. This revival began with the publication of John Rawls' seminal *A Theory of Justice* and was encouraged by further work both in ethical and political theory and in applied ethics. As mentioned at the start of this survey, all the members of the group pursued part of their formative education and training at Oxford University, which has been an important epicentre of these intellectual developments.

Looking back, there seems to be nothing distinctly Danish about the research of the Bioethics Research Group. It is not as if its members have, using the words of the call for the special issue for which this paper was written creatively combined "important international philosophical schools and traditions that we name after their national origins, i.e. Anglo-Saxon vs. Continental

⁶⁹ Kasper Lippert-Rasmussen, *Born Free and Equal?*, p. 153-192 (Oxford: Oxford University Press, 2013).

⁷⁰ Kasper Lippert-Rasmussen, *Making Sense of Affirmative Action* (Oxford: Oxford University Press, 2020).

philosophy". Nor would it be accurate to say that the philosopher members have put a "distinctive Danish stamp" on their internationally published work as a result of not being "linguistically preconditioned by any of the great European traditions of thought and culture" – although it is perhaps true that their work is sometimes presented in less elegant and assured prose than that used in similar work of philosophers who are native speakers of English.

Rather, the bulk of the Bioethics Research Group's work fits very well into the broad tradition of analytic philosophy. It reflects in part the growth of applied philosophy that characterises analytic, English-speaking philosophy. Analytic philosophy continues to be dominated by philosophers in English-speaking countries, but it includes increasing numbers of philosophers from other parts of the world.

The only possible exception to this is the work of Sandøe. Unlike the other philosophers, he has published mainly in journals and book series in disciplines other than philosophy – e.g. veterinary and animal science, agricultural economics and the sociology of food. So, rather than doing applied philosophy as such, he has applied his philosophical skill and expertise to questions raised in other disciplines. His work therefore has a completely different academic audience than that of his colleagues.

Over the years, as stated above, members of the Bioethics Research Group have included empirical approaches in their research. In this respect, they have participated in the more general "empirical turn" in analytic philosophy.

Holtug's growing engagement with empirical work involves primarily quantitative methods, mainly in social science, and in particular political science, economics, sociology and social psychology. He has helped to conduct several value surveys. Often, he refers to empirical research when he is considering arguments that have both empirical and normative premises, and where he aims to determine the level of support these premises have. This can be seen in his recent work on immigration and social cohesion, where, among other things, he asks whether diversity drives down trust and solidarity, whether there are factors that have a cushioning impact on such effects (e.g. equality), and whether shared (e.g. national) identities are required for trust and solidarity in diverse societies.

Similar patterns of engagement in empirical research can be seen in parts of Ryberg's work. Research into the ethical challenges that arise from the use of neurotechnology and artificial intelligence in the criminal justice system obviously requires insight into the current and potential capabilities of such technologies. Moreover, Ryberg's work on the ethics of punishment has often been conducted in close cooperation with criminologists and with the direct inspiration of the results of novel empirical studies in various branches of social science. This reflects the general trend in this field of research of bringing together philosophers, legal scholars and empirical scientists.

The most radical empirical turn has been taken by Sandøe, who, in collaboration with colleagues in both natural and social science, is well accustomed to setting up empirical studies. Some of these studies in the field of animal welfare science and investigations of public perceptions of new technologies have already been mentioned above. Recently, together with Thomas Bøker Lund and

another colleague, Sandøe has begun to study the ethical views regarding animal use that people actually hold, and how these affect their practices – e.g. in the consumption of animal products.⁷¹

Apart from the empirical turn, some members of the group can also be said to have participated in a “pluralist turn”. This is so in at least two respects. First, they have worked on the basis that several distinct and in some ways incompatible ethical approaches have merit, and they have sought to illuminate the resemblances and differences of these approaches rather than aiming to argue for the superiority of any individual one. Second, they have considered what justice requires in a diverse society, where citizens have different religious and cultural commitments, and may even disagree over scientific claims (e.g. regarding climate change) that are important in policymaking.

Sandøe’s work exemplifies the first of these aspects of pluralism. In many of the publications he has written for a non-philosopher readership he has sought primarily to explain the different attitudes one may adopt on a subject, rather than defending just one of them. The aim here is typically to make scholars from outside philosophy understand that in their area of study they cannot solve everything by means of empirical study, because there is also a need to address and reflect on value questions. In an influential textbook on animal ethics, he and his co-author explicitly endorse a pluralist approach based on “a strong conviction about the best way to teach ethics and the right way to handle public controversies”.⁷² It should be added, however, that in other publications Sandøe regularly comes out of the closet and presents a clearly welfarist and consequentialist stance.

The research of Holtug and Kappel display the second aspect of pluralism. Holtug, as has already been indicated, has been concerned with the ways in which diverse liberal democracies should accommodate minorities that differ from the majority as regards, say, their religious and cultural commitments. Kappel has, among other things, worked on the question of how to make legitimate democratic decisions when people disagree over empirical facts that are pertinent to these decisions.⁷³ But this aspect of pluralism is also discernible in the work of Sandøe, where, as described above, the goal is to give voice to a range of conflicting views on such things as biotechnology and animal welfare, and to enable dialogue and compromise.

The heading of this section asks: How can the work of the Bioethics Research Group be situated in an international setting? The short answer seems to be that research outputs of the group have, in various ways, served to bring studies of ethics and political philosophy originating in Denmark into the wider international research arena where these issues are discussed, but that it is very hard to see any particular Danish, or for that matter Scandinavian, twist in these outputs. In this way, the work of the group is part and parcel of studies in applied ethics, ethical theory and political philosophy as they are conducted across the globe.

⁷¹ Thomas Bøker Lund, Sara V. Kondrup and Peter Sandøe, “A multidimensional measure of animal ethics orientation – developed and applied to a representative sample of the Danish public.” *PLOS ONE*, 14, 2, e0211656. (2019).

⁷² Peter Sandøe and Stine B. Christiansen, *Ethics of animal use*, p. xi (Chichester: Blackwell Publishing, 2008).

⁷³ See for example Klemens Kappel, “Fact-dependent policy disagreements and political legitimacy.” *Ethical Theory and Moral Practice*, 20, 2, 313-331. (2017).