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Abstracts

Concurrent Sessions

Ahissar, Shira (LSE)

Why randomly selected citizen committees are not an improvement on representative democracy

[***Keywords***: *Democratic theory, lottocracy, citizen-panels, descriptive representation*]

One proposal that has recently become popular in philosophical literature for making democracies more inclusive is replacing elections with lotteries. That is, having a diverse group of randomly selected citizens deliberate together in order to reach decisions. Similar concepts already exist on a smaller scale. Namely, citizen panels of a small group of randomly selected individuals deliberate for a few days and come up with recommendations to legislators. During COVID-19, a relatively large number of citizen panels emerged. In this paper, I explain why randomly selected citizen committees, both small and large, do not succeed in creating a more desirable democracy. Namely, there are tensions that are not solved on both scales, such as a tension between deliberation, which requires small groups, and descriptive representation and cognitive diversity, which require large groups. I also explain why descriptive representation, which is needed for lotteries to form a desirable democracy, is in tension with other values we deem important, including fairness and autonomy.

In the first section, I discuss small scale citizen panels and explain why to improve democracy they need to be a descriptive representation of the population, yet their size and duration does not allow that. In the second section I discuss large scale citizen panels and explain why they are not an improvement on representative democracy. The second section is divided into three parts, in the first I discuss Alexander Guerrero's justifications for a lottocracy, in the second I discuss Helene Landemore's justification for replacing elections with lotteries, and in the last I discuss additional arguments that have been made in favour of replacing elections with lotteries.

Alex, Karla (Heidelberg University), and **Winkler, Eva** (Heidelberg University)

Does epigenome editing deserve similar ethical consideration as genome editing?

[***Keywords***: *biomedical ethics; applied ethics; risk-benefit analysis; epigenome editing; intention*]

In the past decade, several novel gene technologies have been developed, such as genome editing, base editing without DNA cleavage, epigenome editing, or, more recently, RNA editing (Mandrioli 2022). The goal of this paper is to argue that the novel gene technology epigenome editing (EE) deserves ethical consideration alongside genome editing (GE). To defend that claim,

future therapeutic applicability, risks, and effectiveness of EE and GE are compared and ethically evaluated. Thereby, specific focus is put on an ethical analysis of the question whether the difference between EE and GE regarding potential inheritability, i.e., that EE cannot generate inheritable intervention results while GE can, warrants the claim that EE is ethically preferable to GE, as it has, at least implicitly, been argued in previous research (WHO 2021; Zeps et al. 2021).

EE has not yet been introduced to the broader bioethical debate. It has, however, given rise to several commentaries (Akatsuka et al. 2020; Köferleet al. 2015), opinion papers (Zeps et al. 2021), and regulatory considerations (two chapters in a recent report by the WHO 2021). Because EE is still relatively unknown within bioethics, the paper commences with a definition and an explanation of the mechanisms of EE, followed by an overview on the very small scope of literature on ethical, legal, and societal implications (ELSI) of EE that currently exists. Thereafter, we provide a comparative ethical assessment of EE and GE. A concluding section identifies some open questions not addressed in our talk as an outlook for further research and for discussion with the other participants of the conference.

References:

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Begon, Jessica (Durham University)

Don't Do It For My Sake: Redistribution, Paternalism, and Disability

[***Keywords***: *Disability; paternalism; distributive justice; well-being; autonomy*]

Paternalism is often objectionable because self-defeating. Yet I suggest that even if successful, paternalism should be avoided. I defend an authority account of anti-paternalism, according to which others' interests should not be utilised in our decision-making if they withhold permission. Whilst frequently applied to individual interactions, this account is less explored and more controversial in group contexts. In particular, applying this anti-paternalist 'filter' on the use of reasons has important implications for the permissibility of redistributive policies, many of which are grounded in the value of well-being. It is often assumed that if a policy promotes the interests of its intended beneficiaries this provides a (defeasible) reason to pursue it. However, if beneficiaries' interests are not available as a reason when they repudiate the benefit, this will not always be so. Proponents may respond that if assistance is merely offered, no benefits will be foisted on anyone. Paternalism is standardly taken to involve an act (intervention) performed for a reason (the good of the interfered-with), without consent. Thus, if there is no intervention it seems there can be no paternalism. Yet I argue that even offers of assistance can constitute (potentially paternalist) intervention on a plausibly broad reading.

How, then, can paternalism in the pursuit of redistributive justice be avoided? Simply: by refraining from unauthorised appeals to individuals' good. Thus, policies that aim to promote individuals' interests must canvas the views of potential beneficiaries. More fundamentally, though, I believe paternalist redistribution is not merely objectionable because it misuses individuals' good, but because it mistakes the very aim of redistribution. Individuals are not entitled to opportunities that would most improve quality of life, but to be able to control the shape of their life, deciding for themselves amongst an acceptable range of options. Further, for as long as our account of

distributive justice remains grounded in the value of well-being, and not autonomy, the possibility of paternalism will remain open.

Belic, Jelena (Leiden University)

Absolute Rights and Climate Change

[***Keywords***: *climate change, absolute rights, torture, eco-anxiety, interest theory of rights*]

In one of the most recent climate litigation cases, Duarte Agustinho and Others v. Portugal and Others, the European Court of Human Rights asked responding states to consider whether their inaction concerning climate change affects the applicants' rights under article 3 of the European Convention of Human Rights (i.e. the prohibition of torture and inhuman or degrading treatment). This is the newest step in the human rights approach to climate change, which is evaluating the effects of climate change in terms of its impact on the enjoyment of human rights. Scholars and practitioners claim that anthropogenic climate change violates even basic human rights including the right to life, health, subsistence, and culture (Shue, 2008; Caney, 2010; Bell, 2011; Adelman, 2016). Besides appealing to well-established human rights, some argue in favour of the conceptualization and recognition of a distinctive general right to the environment (Nickel 1993; Hayward 2005; Vanderheiden 2008; Adelman 2010; Leib 2011). What makes the invocation of article 3 distinctive compared to these other accounts of human rights violations by climate change is that it involves a very narrow set of absolute rights. Absolute rights are those rights that cannot be overridden in any circumstances, which means that the infringement of such rights can never be justified (Gewirth 1981).

In the paper, I examine whether the effects of climate change on individuals amount to the violation of these absolute rights. In particular, I examine whether the conditions such as eco-anxiety and grief pass the threshold of intense mental suffering. I will defend the claim that climate change amounts to inhuman and degrading treatment since the interests of the present people are wrongfully harmed by increasing the risk of significant harm of the interests of future generations or the environment in general. I will also argue that framing the effects of climate change in this way also comes at the costs of the human rights approach since absolute rights imply the hierarchy among rights: in a case of conflict with non-absolute rights, absolute ones always take precedence. I will also argue that these are the costs that we should accept since the era of the Anthropocene should be characterized by the emphasis on human responsibility rather than human rights.

Bennett, Matthew (University of Essex)

An internalist argument against winner-takes-all social competition

[***Keywords***: *Competition; distributive justice; political philosophy*]

Modern market economies use competitive institutions to distribute a range of social goods. But competitive distribution inevitably leads to unequal outcomes for competitors. Which, if any, of the inequalities produced by social competition are permissible? Some theorists have cited winner-takes-all (WTA) distribution as an unacceptable competitive outcome. WTA competitions are those with a very high ratio of competitors to opportunities for success, and with a very large difference between the outcomes for the highest performing competitors and everyone else. Oft-cited examples of WTA competitions include job competitions in WTA industries including publishing, music, and academia, and labour markets with very large differences between top and middle-income earners.

In this paper I defend a new argument against WTA that appeals to the standards that proponents of social competition are already committed to. I invoke two such standards: efficiency and meritocracy.

Many maintain that perfect market-competition achieves perfect price-efficiency, that is, the optimisation of costs and the equalisation of costs and prices. The problem for WTA is that its characteristic positional arms races cause two kinds of inefficiency: wasteful investment from the perspective of the competitors; and overcrowding, a state in which the opportunity-costs of new entrants into competition outweigh the gain in quality for the competition.

Meritocrats maintain that fair competition distributes by merit, which is good either because it gives us what we deserve or because it is beneficial to society. But WTA competition fall short of desert-based distribution because of its large gap in rewards between winners and everyone else, which means that small differences in performance can result in disproportionally large gaps in outcome. And WTA competition fails to reliably put the best people in important social positions because, as I will argue, its overcrowding leads to winners appointed through luck, not merit.

Berkey, Brian (University of Pennsylvania)

Who is Wronged by Wrongful Exploitation?

[***Keywords***: *exploitation; sweatshops; wronging; nonworseness claim*]

Most accounts of what makes exploitation impermissible seem to imply that it's necessarily a narrowly directed wrong. Specifically, these accounts suggest that only those who are taken advantage of by the exploiting parties can be wronged. If this is correct, then while those who are hired to work in exploitative sweatshop jobs are wronged by their employers, those who applied for the jobs but weren't hired aren't wronged.

There's much that's intuitively appealing about the view that exploitation is necessarily a narrowly directed wrong. In this paper, however, I argue that there are strong reasons to think that in some cases of wrongful exploitation the wrong isn't narrowly directed. Specifically, I claim that reflecting on the broader context within which many of the paradigm cases of wrongful exploitation occurs suggests that exploitation often wrongs a much broader class of agents.

One reason to think this is that in typical cases of sweatshop exploitation, those who are hired view themselves as better off than those who applied but weren't hired. Much theorizing about the wrong of exploitation focuses only on the features of the exploitative transactions, and neglects the processes by which it's determined who becomes a party to those transactions. But once we focus on the fact that in many cases large numbers of individuals attempted to become parties to the transactions, but were refused, it looks more puzzling to hold that those who were selected are uniquely wronged.

I suggest that in cases of this kind we should think that both the parties selected and the parties refused are wronged, and offer an account of the wrong. I note some central differences between my view and views on which the wrong is narrowly directed, and highlight what I take to be some important implications of my view, in particular with regard to the remedial duties of parties guilty of wrongful exploitation.

Bromwich, Danielle (Leeds University)

The Separate Grounds of Competence

[***Keywords***: *Consent; Competence; Decision-making capacity; Rights; Dementia*]

When a person is judged to have decision-making capacity, they can consent for themselves, affording them a degree of control over their lives. They get to decide what they eat, where they live, who they associate with, and what medical care they receive. A person who is judged to lack decision-making capacity has no right of control and others typically have authority to make certain decisions on their behalf. The stark difference in how we respect people's rights makes it vitally important to know what justifies judgments about decision-making capacity.

Most scholars assume that if a person possesses decision-making capacity, they can decide for themselves and other parties are not allowed to interfere with their decision. These scholars make the common grounds assumption: they assume that whatever capacities are necessary to waive your rights are the very same capacities necessary to be immune from other people altering them. We argue against this assumption.

We show that decision-making capacity has two parts: (i) the capacity that grounds the power to consent and (ii) the capacity that grounds immunity from paternalistic interference. These parts have separate foundations. Someone can possess the power but not the immunity, i.e., they can give their own consent but another party can still interfere if the decision is greatly contrary to their interests. We call this the separate grounds view of the competence to consent.

If the separate grounds view is correct, then the widely held common grounds assumption represents a major theoretical oversight in both the rights literature and the literature on competence and decision-making capacity. It obscures a possibility that the power to consent does not include the immunity against others interfering with that exercise of power. We explore the implications of the separate grounds view for judgments of decision-making capacity in borderline cases.

Buxton, Rebecca (University of Cambridge)

A respect-based argument against asylum interviews

[***Keywords***: *asylum; fairness; respect; refugee*]

This paper considers the conflict between fairness and respect in the context of asylum interviews. To qualify for refugee status, individuals must go through a "refugee status determination" (RSD) interview. If they do not show that they are at risk of persecution, then they are denied protection and can be deported. These interviews are often deeply humiliating and require refugees to reveal personal information about themselves, their families, and their lives. This paper applies discussions of the conflict between 'respect' and 'fairness' to empirical literature on asylum interviews. That is, if we ought to have a pluralistic approach to evaluating just institutions, then we need to consider how these values can be in conflict. A fully 'fair' system of asylum may generate interviews that are so intrusive that they fail to uphold the value of respect. I therefore argue that the current system of asylum interviews is deeply disrespectful and therefore ought to be seriously amended or abolished altogether.

Section I outlines current discussions on the asylum interview in political theory and forced migration studies, showing that these focus on considerations of epistemic (in)justice. I argue that we should instead turn to the value of respect. Section II considers Johnathan Wolff's respect-based argument in the context of luck egalitarianism, setting out a set of conditions for "shameful

revelation." Section III discusses how "shameful revelation" applies to asylum interviews, drawing on personal accounts of status determination interviews and tribunal proceedings. Section IV considers the implications of the argument for the political theory of refuge, arguing that a such an approach may change out thinking on ethics of admission and distribution between states. I also consider objections to the view: for instance, that substantively changing the asylum interview creates more unfairness, particularly between refugees.

Cavaliere, Giulia (King's College London)

Pregnant people or pregnant women?

[***Keywords***: *pregnancy; feminism; inclusion; trans people's rights*]

Over the past few years, the expression 'pregnant people' has gained currency within academic and public discussions on abortion, other forms of reproductive care and, more recently, in relation to coronavirus vaccination campaigns–amongst other examples. Proponents of using 'pregnant people' in lieu of 'pregnant women' draw attention to the fact that not all those who gestate or need reproductive care identify as women, and to the political salience of acknowledging this. In this talk, I will critically engage with these views and discuss what can be gained (or lost) by using the expression 'pregnant people' in lieu of 'pregnant women' in the medical context (broadly constructed). To do so, I will firstly sketch the debate within feminist theory regarding whether 'women' should be thought as a single, unified group. This is something that seem to be necessary for feminist politics–for feminism is supposed to be a movement to end women's oppression–but that has been deemed essentialist, exclusionary and misguided. I will then argue that whilst there are good reasons to combat exclusionary tendencies and divisive politics, within the medical context the costs of abandoning the term 'woman' might be high. My argument will rest on two claims: that using this expression unduly shifts the locus of concern in ways that undermine current and future efforts to secure adequate medical care; and that there is something exceptional about this vis-Ã -vis other contexts in which it might be preferrable to use more inclusive terminology. I will conclude by considering potential objections to my argument: what is sometimes referred to as 'the inclusion problem', whereby certain women are marginalised and excluded, and the very practical risk of increasing discrimination towards certain groups.

Cesarano, Francesca (Vita Salute San Raffaele University)

Cultural Norms of Appearence and the Legitimacy of Blanket Bans on Harmful Body Modifications

[***Keywords***: *Multiculturalism - Paternalism - Body Modification - Femininity - Autonomy*]

The controversial relation between gendered social norms of appearance and people's agency casts a shadow on the prioritisation of autonomy in the liberal state, as women may come to opt for harmful or potentially harmful practices, such as female genital cutting (FGC) or cosmetic surgery, just to conform to the standards of femininity force in their community. (Bartky, 1997)

The liberal state is called to make a tough decision: either intervening to protect these women's health and bodily integrity, breaching its commitment to neutrality, or leaving them free to choose what they believe is best for them, even though this decision may result from the internalisation of contingent and often unjust social norms. I shall analyse two different accounts that have attempted to find a solution to this dilemma: Nussbaum's Capabilities Approach (2013) and Chambers' Mixed Paternalism (2008).

While I argue that Nussbaum's prioritisation of autonomy does not allow her to carry out her purpose of contrasting harmful practices deriving from unequal social norms – like FGC, while being committed, at the same time, to a political liberal framework; I also contend that Chambers'

account burdens people's autonomy and hinders their self-development, as long as specific social standards, even if unjust, are still widely recognised in their society and so highly valued by them.

Cholbi, Michael (University of Edinburgh)

An Ethical Framework for Suicide Prevention

[***Keywords***: *suicide; suicide prevention; medical ethics; paternalism; public health*]

Increased incidence (particularly among adolescents) of suicidal thought is leading many communities to revamp their suicide prevention strategies. However, their discussions often take little stock of ethical considerations that might speak against even effective prevention methods or strategies, and philosophical research on the ethics of suicide prevention has tended to be piecemeal rather than systematic. This paper aims to instigate greater systematic interrogation of the ethics of suicide prevention by offering a framework for ethically appraising various suicide prevention methods and strategies. This framework rests on the following six factors:

i. Rights: Protection of the rights of suicidal persons or persons with known suicide risk factors, especially their rights to bodily integrity, privacy, and freedom of movement and association
ii. Anti-paternalism: Respect for the current preferences, values, and commitments of such persons, as well as consideration for likely alterations in their future preferences and for divergences between their stated and considered preferences
iii. Biographical Welfare: Assurance that prevention methods and strategies result in greater lifelong welfare for such persons, even if such methods or strategies pose a risk of short-term harm
iv. Population Tailoring: The tailoring of methods and strategies so that risks and harms are limited to all and only populations at risk of suicide
v. Prioritisation of 'High Cost' Cases: 'High cost' cases of suicide, where individuals have the greatest amount of well-being at stake, should be prioritised over others
vi. Resource Efficiency: Methods and strategies should minimize costs, both inherent and opportunity costs of utilizing resources to address health-related needs besides suicide prevention

While not complete or comprehensive, this framework yields plausible verdicts about the ethical defensibility of various methods or strategies, including restricting access to lethal means, the use of institutionalisation or involuntary commitment, and "active interventions" by suicide hotline personnel.

Clark, Sam (Lancaster university)

Alien happiness: a new argument against hedonism

[***Keywords***: *hedonism; well-being; welfare; aliens; Fred Feldman*]

Hedonism about welfare should be taken seriously, but is false. I offer a new argument against hedonism which reveals a distinctive part of why it is false.

Imagine an alien species who–like humans–feel happiness and unhappiness, but who–unlike humans–feel these things at random times and ways unconnected with what's going on at the time or in their lives as wholes. Don't we think that–whatever is true of humans–happiness is not welfare for these creatures? It has nothing to do with whether their lives are going well or not for

them. And doesn't that suggest that the reason happiness ever looked like it is welfare for humans is just that it isn't random in the way it is for these aliens? Happiness, for us, normally tracks things going well, and unhappiness, things going badly. But it's the going well that is welfare, not its normal accompaniment. Hedonism is mistaking the signal for what it's reporting on.

I state and reply to four objections. The hedonist could: (1) stick to her guns; (2) define happiness functionally rather than by how it feels; (3) argue that my aliens could not have evolved; or (4) learn a trick from Fred Feldman, and define an 'appropriateness-adjusted hedonism' on which the intrinsic welfare value of an episode of happiness is equal to the amount of pleasure it contains discounted by the appropriateness to circumstances of that pleasure.

Summing up: imagining my aliens, with their random happiness and unhappiness, exposes a significant failing of hedonism. Four expected objections fail. Hedonism about welfare is false: being happy is not what it is for someone's life to go well for her.

Clifton, Owen (Queen's University, Kingston and University of California, Berkeley)

Associative Duties and the Formal Priority of Distributive Justice

[***Keywords***: *associative duties; distributive justice; immigration; partiality; cosmopolitanism*]

Why is it morally permissible for states to show greater concern for the fates of their citizens than for the fates of foreigners? Some answer: because co-citizens owe each other duties of distributive justice that they don't also owe to non-co-citizens – for example, duties to abide principles of distributive justice, like John Rawls's "Difference Principle". Others answer: because co-citizens, as such, owe each other associative duties – that is, duties to be "partial" to the needs and interests of our "associates" (paradigmatically our friends and family). I argue that the relationship between these answers is not as it is generally supposed to be. Properly understood, it is either the case that (i) whether co-citizens owe each other associative duties itself depends on something on which distributive justice may have bearing; or (ii) to say that co-citizens, as such, owe each other associative duties is just to say that co-citizens owe each other duties of distributive justice that they don't also owe to non-co-citizens. The significance of my arguments is two-fold. First, they suggest that, by itself, the argument that co-citizens owe each other associative duties can do no work in defending states' permissions to be especially concerned for the fates of their citizens. Second, my arguments shed light on the structure of both duties of distributive justice and associative duties – the latter of which, I show, are a widely misunderstood class of moral duty.

Collins, Stephanie (Monash University)

Organizations as Material Objects

[***Keywords***: *social ontology; organizational theory; group agency*]

Many legal theorists–not to mention social and political philosophers–believe that organizations do not 'really' exist, but are rather a 'useful fiction.' In recent years, social ontologists have done much to defend the agency and responsibility of organizations as a metaphysical reality and not a mere fiction. But despite all this extensive work on group agency, there is little work on the materiality of group agents.

This paper aims to address the following question: if organizations are more than a useful fiction, then where are they located in the natural material world? In what does their physical existence consist?

The paper proceeds by analysing the organization-member relation so as to answer this question. To anticipate: the paper defends the surprising answer that organizations are concrete material objects with humans as physical parts – much as a pizza is a concrete material object with slices as physical parts. That is, humans are to organizations as slices are to pizzas. Thus, the organization is located wherever the relevant humans (its 'members') are located. This proposal had advantages over analyses that say organizations are sets, fusions, or pluralities of members, since the proposed analysis gives a distinctive and important metaphysical status to the organization's role structure and decision-making procedures.

Costella, Annalisa (Erasmus University Rotterdam)

Why policies can simultaneously curtail and not curtail one's freedom

[***Keywords***: *Freedom; Policy Evaluation; Values; Theory of Justice*]

Policy interventions that seemingly restrict people's freedom are usually justified along two lines. One is to deny that these measures curtail freedom by drawing on specific understandings of freedom. The other is to uphold that the cut back in people's freedom is justified by the prioritisation of other values. Both lines fail to provide a justification that enjoys consensus. Drawing on Carter's distinction between specific and overall freedom, I illustrate that the argument for justifying seemingly freedom-restrictive interventions can sometimes be cut at a prior step. This is the analysis of the effects that policies that restrict individuals' specific freedoms have on their overall freedom. Only after assessing that these policies restrict people's overall freedom (rather than their specific freedoms), one of these two lines needs to be invoked.

Davies, Ben (University of Oxford)

Moral equivalence: some practical considerations

[***Keywords***: *equivalence; arbitrariness; methodology*]

Moral and political philosophers make frequent use of appeals to the moral equivalence of cases. Such appeals can be powerful in motivating demands for further justification through charges of arbitrariness, and in generating surprising conclusions from widely accepted premises. However, they are apt for misuse if we do not have a clear sense of their parameters.

This paper engages with four types of case to generate some practical considerations for making use of appeals to equivalence. First, I consider drugs policy, noting that emphasis on certain kinds of intrinsic equivalence can obscure extrinsic inequivalence. Second, I consider the cases of speed limits and voting ages to note that (in)equivalence can occur at different levels, such that specific policies may be equivalent in a 'fine-grained', but not a 'coarse-grained', way. Third, I discuss cases of triage, where there is no non-arbitrary way to choose between equivalent cases, but where a choice must be made. I suggest that such cases should give us pause about the argumentative force of appeals to equivalence. Fourth, and finally, I consider the issue of policy proposals which disproportionately impact the already disadvantaged to draw a distinction between 'disjunctive' and 'conjunctive' equivalence.

My conclusion is twofold. First, appeals equivalence can too easily ignore the broader context in which they operate. This weak conclusion does not significantly impugn the practice of appeals to arbitrariness and equivalence, but rather draws on the four cases to suggest some constraints on their use. My second, stronger, conclusion is that arbitrariness is sometimes morally acceptable, and that we should not always treat like cases equivalently. That raises the question, which I leave unanswered, about when appeals to equivalence have moral force, and when they do not.

De Biasio, Virginia (University of York)

When does attachment count?

[***Keywords***: *territorial rights, natural resources, distributive justice, capabilities, attachment*]

This paper is interested in a recent theory in natural resources justice, which argues that, in addition to general distributive claims to resources, there are special claims, grounded in an individual's or a group's attachment to a particular resource. In some cases, people develop significant attachments to specific resources and land that should grant special claims to them. This type of argument makes sense of our intuitions with respect to some indigenous claims to land and resources, such as the Saramaka's claim to their forest in the Republic of Suriname or the Saami's claim to herding reindeer in Finland, as they are essential part of their way of life. While intuitively plausible in these cases, this sort of argument needs to have a clear account of what is a morally legitimate claim of attachment.

This paper rejects a purely global distributive account of natural resources justice, which considers only general claims to natural resources without recognising people's particular relationships to resources. It also rejects attachment theories, because they fail to provide a clear way to differentiate between what is a mere preference or desire and what is a legitimate attachment, and because they are over-reaching in scope, since they do not rely on a metric account of distributive justice. Instead, it argues that there are cases of morally legitimate attachments: when the valuable basic capabilities held by individuals depend on access to (and use of) specific resources, embedded in a specific environment. The link between valuable basic capabilities and specific natural resources provides an answer to the questions of the legitimacy as well as the scope of attachment. The account defended recognises that people have legitimate attachment claims to specific natural resources and places that are limited in scope.

De Marco, Gabriel (University of Oxford), and **Douglas, Tom** (University of Oxford)

Nudge Transparency Is Not Required for Nudge Resistibility

[***Keywords***: *nudge; transparency; resistibility; autonomy; control*]

This paper assesses the argument, endorsed by some protagonists in the literature on nudging, that:

1. A nudge is permissible only if it is easy to resist

2. A nudge is easy to resist only if it is transparent

Therefore

3. A nudge is permissible only if it is transparent.

We begin by distinguishing four conceptions of nudge transparency, and two types of fact about which transparency might be required. We next argue that nudges can be easy to resist even when they are not transparent in any of these senses with respect to either type of fact. The centrepiece of our argument is an example in which an agent effortlessly acts contrary to a nudge, without being aware of, or motivationally affected by, the nudge, and for reasons unconnected to whether he could have become aware of the nudge. We claim that this case is a counterexample to 2, and we defend this claim against three objections. These maintain respectively that the nudgee in our case does not resist the nudge since resisting a nudge requires (i) that one exerts effort to overcome a motivational effect of the nudge, (ii) that one reverses a motivational effect of the nudge, and (iii) that one successfully blocks a motivational effect of the nudge. We argue that all three objections fail.

We end by considering whether it might nevertheless be possible to defend a weaker version of 2, according to which transparency is conducive to, though not necessary for, easy resistibility. We reject this weaker view on empirical grounds.

The main upshot of our argument is that, if nudges must be transparent in order to be permissible, this cannot be because transparency is required for, or conducive to, easy resistibility.

Dore-Horgan, Emma (University of Oxford)

Do Criminal Offenders Have a Right to Neurorehabilitation?

[***Keywords***: *Neurointerventions; Right to Rehabilitation; Offender Rights; Right to Hope; Punishment*]

There is reason to believe it may soon be possible to promote the rehabilitation of criminal offenders through neurointerventions (interventions which exert direct physical, chemical or biological effects on the brain). Some jurisdictions already utilise neurointerventions to diminish the risk of sexual or drug-related reoffending (using anti-libidinal medications in the case of the former and opioid-substitution therapy in the latter). And investigation is underway into several other neurointerventions that might also have anti-recidivist or broader rehabilitative applications within criminal justice - for example, pharmacotherapy to reduce aggression and impulsivity or to boost empathy.

Ethical debate on the use of neurointerventions to facilitate rehabilitation within criminal justice systems – henceforth called 'neurorehabilitation' - has proceeded on two assumptions: that we have instrumental reasons to employ neurorehabilitation (e.g. because it helps to protect the public from crime); and that the permissibility of these interventions depends upon whether their use unjustifiably infringes offender rights. In this paper, however, I explore and defend a different thought. I argue we have rights-based reasons to offer neurorehabilitation to offenders. In other words, that offenders have a moral right to neurorehabilitation. My contention is that arguments supporting a moral right to conventional rehabilitative interventions extend to support a moral right to neurorehabilitation in the following instance: when neurorehabilitation would be part of the most effective package for facilitating rehabilitation and can be carried out safely and at reasonable cost.

The article's structure is as follows. Sections 1, 2 and 3 outline three oft-cited grounds for a moral right to rehabilitation more generally: 1) as a countermeasure to the debilitating side-effects of punishment; 2) as a derivative right of the right to hope for renewed liberty and reintegration; and 3) as compensation for structural injustice. I maintain, in each section, that these considerations are persuasive, argue they also support a moral right to neurorehabilitation and defend this line of argument against potential objections. Section 4 then anticipates and addresses two further

challenges: the objection that neurorehabilitation is a prudentially bad option for offenders to have and the charge of over-medicalisation.

Draper, Jamie (University of Oxford)

Gentrification, Integration and Egalitarian Pluralism

[***Keywords***: *Racial justice; integration; gentrification; segregation; housing.*]

In contemporary debates about remedying racial injustice, there are two broad views on the question of how the pervasive disadvantages facing Black Americans should be addressed. The "new integrationists" argue that integration is necessary for remedying racial injustice. The "egalitarian pluralists" argue that we should improve the material condition of Black Americans without requiring integration. As this debate has developed, political philosophers have also begun to examine an apparently unrelated phenomenon: gentrification. Thus far, however, political philosophers have done relatively little to examine the racialised dynamics of gentrification.

This paper explores how gentrification–especially in racialised contexts–can illuminate the debate between new integrationists and egalitarian pluralists. Racialised cases of gentrification provide an interesting test case for this debate because they are, in demographic terms, instances of residential integration. Examining the dynamics of gentrification in racialised contexts brings to light some of the potential costs and limits of residential integration–as well as revealing which of its benefits are robust across even more apparently inhospitable contexts for remedying racial injustice.

My central argument is that racialised contexts of gentrification demonstrate that the case for residential integration is less robust than new integrationists suggest. I examine three arguments for integration that Elizabeth Anderson makes. First is the causal argument, which claims that residential integration has an indispensable causal role in remedying Black disadvantage. Second is the epistemic-democratic argument, which claims that residential integration is a central part of the process of democratic learning needed to address racial injustice. Third is the relational-democratic argument, which claims that only a racially integrated society will realise the conditions of social equality that are constitutive of the democratic ideal. In each case, I argue that reflection the racial dynamics of gentrification weakens–but does not completely undermine–Anderson's argument for integration.

Easton, Christina (University of Warwick)

"It's OK to be gay": LGBT-inclusive education in liberal pluralist societies

[***Keywords***: *education; LGBT; neutrality; pluralism; political liberalism*]

What should be the aim of LGBT-inclusive, state-mandated curricula in liberal, pluralist societies? In this paper, I identify two distinct aims that such curricula might have. The first, LGBT Respect, aims to teach that LGBT individuals have equal political status and rights. The second, LGBT Approval, aims to teach a positive attitude towards LGBT relationships, including that these are morally on a par with heterosexual relationships. I examine what arguments in favour of these different aims are available to the liberal concerned with accommodating pluralism. To capture this concern, I adopt the political liberal restriction that justifications must be acceptable to all reasonable citizens. This initially seems to recommend curricula that aim at LGBT Respect but stop short of LGBT Approval. Can the political liberal go any further? I propose and critically discuss the most promising arguments in favour of LGBT Approval, including the need to prevent

harm to children, ensure political equality, and secure the primary good of self-respect. I tentatively conclude that there exists a cumulative case for state-mandated curricula aiming at LGBT Approval, at least in the contingent, non-ideal circumstances in which we currently find ourselves.

Fischer, Jessica (Goethe University Frankfurt)

'It's a Numbers Game': Aggregation, Maximization, and Policymaking

[***Keywords***: *aggregation; consequentialism; numbers*]

Most philosophers consider aggregation to be morally permissible, at least as long as certain conditions are fulfilled. The permissibility of aggregation, so many have proposed, is especially obvious when considering cases of large-scale policy making in which one has to make a choice between e.g., securing a good for a few hundred people or securing the same good for a few thousand or millions of people. We may call this the problem of large numbers. Despite a number of existing replies, the problem of large numbers is still taken to make a strong case in favour of aggregation, and against those who have worried that aggregation is always impermissible. This paper takes a fresh look at the problem of large numbers. Although it finds fault with said existing replies, it ultimately presents two ways in which those who reject aggregation may be able to respond to the problem of large numbers. Both ways take opposing routes: First, a closer investigation of existing policies reveals that when deciding between which group to benefit, numbers are often considered to be immaterial in decision-making. Second, the fact that individuals have an interest in the preservation of their community and society may just present us with a tie-breaker justification in cases in which millions or billions of people stand to benefit. Although the problem of large numbers is an often-cited objection to anti-aggregative positions, this paper suggests that there might just be little to be said in favour of it.

Forsberg, Lisa (University of Oxford)

Why consent to psychological interventions is no less important than consent to bodily interventions

[***Keywords***: *consent; psychological interventions; bodily integrity; harm; rational capacities*]

It is standardly accepted that medical interventions can be permissibly administered to a patient who has decision-making capacity only when she has given her valid consent to the intervention. This is generally taken to be both a moral and a legal requirement. Discussion of the requirement for valid consent tends to focus on interventions that physically interfere with our bodies, such as touching, or the use of biomedical means, such as drugs (henceforth, 'bodily interventions' or 'BIs'). There has been very little discussion in the literature regarding whether or when a consent requirement obtains also in respect of interventions that do not directly physically interfere with the patient (or client)–interventions such as psychotherapy and counselling (henceforth, 'psychological interventions' or 'PIs'). Moreover, it is sometimes assumed that if there is a consent requirement in respect of PIs, it is of a less stringent kind than the requirement in respect of BIs. This suggests that many would endorse what we may call the B-P difference–the view that, typically, it is morally less important to obtain explicit valid consent for PIs than for BIs. The paper first motivates the claim that the B-P difference is widely endorsed. It then considers in turn four possible justifications that one might offer in support of the B-P difference: the harm justification, the bodily interference justification, the implicit consent justification and the rational engagement justification. The paper argues that each of the four justifications fails to justify the B-P difference. Finally, it draws out some implications of the preceding arguments.

Fox, Carl (University of Leeds)

Why No Public Statue Should Stand Forever

[***Keywords***: *Statues; Monuments: Legitimacy: Stability: Democratic Control*]

No statue raised in a public place should stand there indefinitely. Any such monument should have a set date when it is due to be replaced. I make three arguments to support this principle of non-permanence for public commemorative art. First, the opportunity cost of permanent statues is too high. States have a duty, grounded in their need for legitimacy, to support and cultivate democratic values. Public art is a powerful tool that is being drastically underemployed because existing statues are already taking up so many prominent sites. Second, permanence undermines stability by unnecessarily raising the stakes of change and so exacerbating predictable tensions between social groups who ought to be able to respect one another as honourable civic partners. My proposal reduces the significance of replacing a monument by making removals a commonplace event. Third, we ought to do away with a presumption of permanence for statues in order to increase democratic control for both current and future generations over public spaces. Each generation inherits a more cluttered civic landscape which makes it progressively more difficult to shape it in accordance with their needs, preferences, and cultural vocabulary. Taken together, these arguments tip the balance of reasons decisively against the status quo.

Fried, Avital (University of Oxford) [SAP AC2022 *PG essay prize winner*]

Statistical Evidence and the Criminal Verdict Asymmetry

[***Keywords***: *criminal trials; statistical evidence; proof paradox; Gettier cases; safe convictions*]

Should criminal defense attorneys be permitted to introduce statistical evidence? Though a few legal scholars support the inclusion of statistical evidence across the board, the more commonly-held view is that there is something troubling about statistical evidence in legal contexts, and especially so in the context of criminal convictions. This view gives rise to the puzzle in epistemology known as the proof paradox: Why is it intuitively problematic for juries to convict on the basis of statistical evidence and yet intuitively unproblematic for juries to convict on the basis of far less reliable, non-statistical evidence?

In this paper, I make two related contributions to the debate. First, I establish the Criminal Verdict Asymmetry, a previously-unarticulated asymmetry between the epistemic norms of guilty and not guilty verdicts. I argue that the prosecution and defense's different epistemic burdens influence whether statistical evidence can generate the type of verdict each side pursues. Second, I point out a mistake in how theorists have understood the role of statistical evidence in criminal trials. Though epistemologists have primarily focused on whether statistical evidence can generate specific forms of belief or knowledge required for convictions, I consider whether statistical evidence can demonstrate a lack of belief or knowledge.

I argue that statistical evidence can be used to reveal a lack of knowledge. If so, there are practical and epistemic reasons to permit the defense to introduce evidence which reveals the jury's lack of knowledge of the defendant's guilt. Since criminal trials are meant to ensure that only those who are guilty are convicted, evidence that the jury's belief may be mistaken or unreliable is highly relevant.

Fumagalli, Roberto (King's College London; London School of Economics; University of Pennsylvania)

Dissolving the Repugnant Conclusion

[***Keywords***: *Repugnant Conclusion; Population Ethics; Life Worth Living; Goodness; Betterness; Value*.]

In a series of influential works, Derek Parfit (1984, 1986, 2016) has argued that axiological and ethical principles which allow that any loss in the quality of lives in a population can be outweighed by a sufficient gain in the quantity of lives imply the repugnant conclusion (henceforth, RC). Parfit's formulation of the RC has sparked intense debates in axiology and population ethics, and several responses to the RC have been put forward in the literature (e.g. Rabinowicz, 2016, Zuber et al., 2021). In this paper, I articulate and defend a novel dissolution of the RC, which focuses on the notion of life worth living (henceforth, LWL) figuring both in Parfit's formulation of the RC and in most responses to the RC. The proposed dissolution aims to demonstrate that the notion of LWL itself is plagued by multiple ambiguities and that these ambiguities, in turn, hamper meaningful debate about both the issue whether the RC can be avoided and the issue whether the RC is actually repugnant.

The paper is organized as follows. Section 2 outlines Parfit's formulation of the RC and elucidates the main assumptions on which both this formulation and most responses to the RC rest. Section 3 examines the most prominent responses to the RC and explicates the main challenges faced by these responses, paving the way for the proposed dissolution of the RC. Section 4 outlines the proposed dissolution, which highlights the multiple ambiguities inherent in the notion of LWL and illustrates how these ambiguities hamper meaningful debate about both the issue whether the RC can be avoided and the issue whether the RC is actually repugnant. Section 5 defends the proposed dissolution of the RC against a series of objections and explicates the implications of such dissolution for the ongoing debate concerning the RC.

Garcia Portela, Laura (University of Fribourg)

Structural injustice and the normative relevance of unjust history

[***Keywords***: *historical injustice; structural injustice; normative significance*]

Structural injustice accounts have become popular among philosophers and political theorists. In the last decade, some scholars have proposed normative accounts aiming to explain how duties of justice related to historical injustices can be understood from a structural injustice perspective. I call them historical-structural injustice accounts. Historical-structural injustice scholars have opposed their accounts to clean-slate-presentists and interactionist-causalistic ones. With regards to the first ones, historical-structural injustice scholars disagree because they believe that historical injustice has an independent normative significance for our contemporary justice duties. With regards to the second ones, they claim to provide a more nuanced understanding of historical injustices and that their normative significance, even within a broader egalitarian framework. In this paper, I argue that historical-structural injustice scholars fail to provide an independent account that can integrate the normative significance of historical injustice in contemporary justice demands. First, I show that none of the ways in which a framework could take historical injustice normatively into account can be embraced by historical-structural injustice accounts without falling into an interactional-causalistic narrative. Second, I show that some other proposed ways to integrate the normative significance of history do not preserve their independence but can rather be explained in clean-slate-presentists terms. Finally, I argue that, although these accounts do not provide any independent and alternative normative framework, they do improve our understanding of historical injustices in important ways by expanding the kind

of reasons for which agents might be held liable for past and present conduct and the number and nature of agents that can be held liable for such misconducts.

Giavazzi, Michele (University of Warwick)

Joint Agency & the Ethics of Voting

[***Keywords***: *ethics of voting; joint agency; democratic theory; shared intentionality*]

Voting is commonly viewed as an action that yields stringent individual duties notwithstanding its inconsequential nature. This raises the question of what makes such an action so normatively significant.

The current literature answers such question either through inconsistent appeals to the consequences of political decisions or through highly idealized understandings of the special role of voting in promoting justice.

Contrary to these tendencies, I will contend that individual voting duties derive their normative force from pragmatic considerations grounded in joint agency and the pattern of contralateral commitments and horizontal accountability that it generates, regardless of the consequences of their action and regardless of whether or not voting practices embody or serve any external moral value.

The paper is structured as follows:

After having clarified my aims and underlying assumptions in section 1, in section 2 I explain how voting can be understood as a joint agency notwithstanding the fact that the participatory intentions of voters do not seem to refer to a common objective. I will contend that a minimalistic goal, that of determining what course of political action the community should follow, must figure in the practical rationality of all voters as a consideration that informs their own participatory intentions.

Having established that voting is a joint action, I move on to explicate the normative implications of this fact in sections 3 & 4. I contend that, as much as any other kind of joint agency, participation in voting instantiates a special normative relation between the participants that reciprocally commits them to uphold pertinent standards of conduct and makes them reciprocally accountable with respect to these standards.

In section 5, I deal briefly with potential objections to the account. Section 6 concludes the paper by explicating its advantages over other frameworks for the ethics of voting.

Hass, Binesh (University of Oxford)

Values, Rules, and Capacity Assessment

[***Keywords***: *autonomy, values, rules, capacity assessment, medical ethics*]

This paper advances two views on the role of evaluative judgment in clinical assessments of decision-making capacity. The first is that it is rationally impossible for such assessments to exclude judgments of the values a patient uses to motivate their decision-making. Predictably, and secondly, attempting to exclude such judgments sometimes yields outcomes that contain intractable dilemmas that harm patients. These arguments count against the prevailing model of

assessment in common law countries–the four abilities model–which is often incorrectly advertised as being value-neutral in respect of patient decision-making both by its proponents and in statute. A straightforward evaluative model of capacity assessment which wears its values on its sleeves and is biased against what are called 'serious prudential mistakes' avoids these rational and practical problems.

Holroyd, Jules (University of Sheffield)

Oppressive Praise and Blame: A New Pessimism for Practice-Dependent Theories of Moral Responsibility.

[***Keywords***: *Praise; Blame; Moral Responsibility: Oppressive norms*]

Since P.F. Strawson's 'Freedom and Resentment', practice-dependent theories of moral responsibility have teased out conditions for moral responsibility by scrutinising our practices of holding each other morally responsible, and attributing praise and blame (Hutchinson et al 2018). In this paper, I argue that a challenge faces these accounts: that our practices are systematically distorted by oppressive norms. Men escape blame whilst women experience victim-blaming (Ciurria, 2019). White activists are praised whilst people of colours' work for justice is overlooked. Fathers are accoladed whilst mothers are denigrated (Holroyd, 2021). What it takes to be 'good' differs for people in different social positions.

If our practices are systematically distorted in these ways, what does that mean for practice-dependent theories of moral responsibility? And what does it mean for our practices of holding responsible, or assigning praise or blame? The implications for theory depend on the nature of the relationship between the practice and the theory (McGeer 2019), and I tease out three kinds of challenge.

The practical upshots concern first, the norms to which we should appeal in holding responsible and assigning praise and blame, and second, how we should think of our practices of holding morally responsible. I argue our practices can be justified if, inter alia, they contribute to challenging oppression.

Hughes, Robert (University of Pennsylvania)

The Ethical Duty to Refrain from Wage Exploitation

[***Keywords***: *exploitation; fair wages; normative business ethics; perfect and imperfect duties*]

Employers are morally required to pay workers a living wage if they can pay a living wage while still benefiting from hiring. This conditional duty to pay a living wage is grounded in the duty not to cause certain types of harm. Even in a perfectly competitive labor market, a labor relationship can generate a welfare surplus over which the employer has agency. The employer can choose whether to claim the largest possible share of the surplus (i.e., to pay the lowest wage the market allows) or to divide the surplus with the worker in another way. If the welfare surplus from hiring is great enough to provide a living wage to the worker while still benefiting the employer, the employer's decision not to pay a living wage is an act that by its very nature prevents the worker from earning a decent living. The resulting deprivation for the employee is attributable to the employer's choice, and it is attributable as an active harm, not as an omission of a benefit. The choice to pay a low wage is properly understood as harming the worker even if other prospective employers would have paid even less.

Jalloh, Tareeq (University of Sheffield)

Does the Critical Scrutiny of Drill Constitute an Epistemic Injustice?

[***Keywords***: *Aesthetics; Social Epistemology; Criminology; Social Philosophy; Applied Philosophy*]

Drill music is often the target of critical scrutiny by state authorities such as the Metropolitan Police force and the system of courts. Central to these critiques is an assumption that drill music is connected to serious real-life violence. Although we can describe the current critical scrutiny of drill as another iteration of the critical scrutiny of its predecessors –grime, garage and Chicago Drill– there is a sense in which the critical scrutiny of drill is somehow more severe. This has led to harsher levels of censorship and restriction of drill artists and a surge in the number of UK criminal trials using rap/drill lyrics and videos as evidence.

In this paper, I shall address whether the critical scrutiny of drill constitutes an epistemic injustice. I argue that these critiques constitute two types of epistemic injustice: testimonial injustice and contributory injustice. We see testimonial injustice in how courts and police do not give credibility to drill artists' testimonies about the story-like nature of their songs, and these credibility deficits are based on racist stereotypes about black criminality and believability. We see contributory injustice in how courts and police, through wilful ignorance, see drill music as violent and criminal rather than expressive and fictional – as drill artists do – which thwarts drill artists' ability to contribute to shared knowledge. Based on this analysis, I suggest solutions to tackling these epistemic injustices, e.g. by focusing on individualistic and structural strategies to reduce racist stereotypes and institutional racism at play in these epistemic injustices.

Kiener, Maximilian (University of Oxford)

Strict Moral Answerability

[***Keywords***: *Responsibility; Answerability; Apology; Williams; Strictness*]

Bernard Williams described the case of a 'lorry driver who, through no fault of his, runs over a child'. Discussing Williams's case, I pursue two objectives. First, I argue that Williams's case gives raise to the following individually plausible, yet jointly inconsistent claims, which I call the Lorry Driver Paradox:

(1) The faultless driver is not morally responsible for the child's death.

(2) Apology Principle: One ought to give a genuine apology for something only if one is morally responsible for it.

(3) The driver ought to give a genuine apology for the child's death.

My second objective is the to develop the following solution that disambiguates the notion of moral responsibility in claim (1):

(1a) The faultless driver is not morally liable, i.e. blameworthy, for the death of the child.

(1b) The faultless driver is morally answerable for the death of the child.

(2) Apology Principle: One ought to give a genuine apology for something only if one is morally answerable for it.

(3) The driver ought to give a genuine apology for the child's death.

From there, I will mainly focus on explaining (1b), i.e. the type of moral answerability that the lorry driver has for the accident. I will argue that such answerability, which – more precisely – amounts to 'strict' moral answerability, provides a novel view of moral responsibility and is relevant beyond the discussion of Williams's lorry driver case. The core idea is that we are morally responsible (as answerable) whenever we are guided by reasons and harm others through our actions. This view implies that moral answerability and fitting agent-regret are co-extensive. I separate this view from current answerability accounts in moral philosophy and explain how it instead connects to forms of legal responsibility in the context of reversed burdens of proof.

Kirchin, Simon (University of Kent)

Is Drag Morally Objectionable?

[***Keywords***: *Drag; performance; harm; morally objectionable*.]

We are living through a golden age of drag, with drag kings and queens prominent in our society and media. Drag seems like fun, and a talk about it at the SAP annual conference may seem as if philosophy is enjoying a jolly half an hour away from more serious topics. However, drag has a serious side. Some critics have accused drag of inherent sexism and misogyny, and this has extra bite in times when concerns about cultural appropriation (and other appropriations) are high. This talk will clarify the challenge and argue that drag is not inherently morally objectionable.

Klieber, Anna (University of Sheffield)

Silencing (conversational) silences?

[***Keywords***: *silence, silencing, politics of language use*]

For some time now, philosophy of language has put more focus on the political side of language use. Words, quite literally, matter. But our silences, the times we don't say anything, matter too: We communicate disagreement by remaining silent in response to an inappropriate joke, communicate refusal ("silence is not consent"), or license injustice by remaining silent about it. "Conversational silences", as I call them, can be active conversational contributions. While, apart from a few discussions, the communicative and political significance of silences in-and-of themselves is largely underexplored in the literature, silence is often discussed in a different way: Feminist philosophers have long talked about silence in the context of silencing, where we are prevented from doing things with our words. It is the purpose of this paper to connect these two issues: Given how pervasively power structures express themselves through our linguistic practices, I argue that to the extent to which we can communicate in remaining silent, we can be prevented from doing things with our silences, too. My main focus lies on discussing the following taxonomy of how "conversational silence can be silenced":

(a) A's silence is intended to communicate x, but understood as communicating y – an audience takes A's silence to mean something different to what they intended.

(b) A's silence might be intended to communicative x, but not taken as communicative at all – an audience thinks A is doing nothing with their silence.

(c) Finally, A might not want to do anything with their silence, but it nonetheless gets understood as communicating y, where y contributes to a harmful and discriminating perception of A.

My argument uncovers a so-far underappreciated aspect of the politics of language use, and illuminates how conversational silences are part of and impacted by our linguistic practices in various ways.

Lang, Gerald (University of Leeds)

Can Violations be Minimized?

[***Keywords***: *Deontology; rights; minimizing violations; lesser evil justification; defensive liability*]

The paradox of deontology challenges deontology to justify its refusal to minimize rights violations. If you could choose between a world with five more murders and a world with one more murder, it is plausible to hold that you should choose the world with only one more murder. Deontologists often concede the tenability of this sort of comparison. They accept that we could minimize violations, but insist for various reasons that we should refuse to do so. This is the wrong way to go. The truth is that we cannot minimize violations. To pretend we can minimize violations is to overlook the fact that, when we sanction the killing of the one, it is no longer a murder. This is a permissible killing, and permissible killings must be counted as non-murderous. The policy of minimizing violations is actually incoherent.

This argument affects the standing of different routes to permitting the killing of one to prevent the killing of five (or more). We could pretend that the one is liable to being killed. That is implausible. We could argue that the one is under a duty to sacrifice herself to save the five. That is coherent, though it is carries little appeal outside catastrophic contexts. We could enrol a lesser evil justification and permit or require the right of the one to be infringed. That won't do either, since the killing will still be permissible, and permissible killings don't in any meaningful sense involve a choice between evils. Or we could simply try to minimize the number of killings. But that will obstruct the right of self-defence in cases where a defender is faced with a number of malicious aggressors.

Deontologists and anti-deontologists alike should, in short, reject the balancing approach. The paradox of deontology rests upon a mistake.

Leffler, Olof (University of Vienna)

Deference Incorporated

[***Keywords***: *moral deference; moral understanding; self-governance; collective decisions; corporate decision-making*]

The literature on moral deference tends to focus on cases of deference to the judgements of individual agents. It is often argued that deferring to others' moral judgement is problematic: for example, agents may lack appropriate moral understanding or authentic self-governance when deferring to others. The aim of this paper is to apply some key ideas from that literature to develop a bleak hypothesis: the considerations ordinarily presented to show why moral deference is problematic generalize to indicate that adherence to decisions made by paradigmatic collectives – such as large corporations – is problematically deferential in the same way as individual deference.

To show this, I first briefly outline two problems with moral deference: lack of understanding and lack of authentic self-governance. Using the example of corporations, I then argue that these problems straightforwardly appear in ordinary institutional settings for ordinary agents. Ordinary workers rarely get to have their moral understanding involved in decisions, either ex ante or ex post, and important decisions are likely to be made elsewhere in the hierarchies, so they do not reflect the authentic self-governance of ordinary workers.

I conclude by responding to three objections to this generalization move: that moral deference is unproblematic (it is, if anything, particularly problematic in corporate settings, for corporations are unlikely to make decisions that are morally superior to individuals, and individuals are not likely to have close relationships to them), that corporate decisions still can be legitimate (but this is based on very unrealistic assumptions: corporations are not usually structured to allow workers to have a substantive say), or that there are different values at work in collective and individual settings (there are not). It is therefore unclear when and to what extent adhering to the decisions made by real-world collectives is morally justifiable.

Lippert-Rasmussen, Kasper (University of Aarhus)**,** and **Steuwer, Bastian** (Rutgers University)

Poverty discrimination

[***Keywords***: *Discrimination; Distributive justice; Indirect discrimination; Justice; Legal philosophy*]

This paper examines a paradox arising in connection with an underexamined form of discrimination, i.e., socioeconomic discrimination: X engages in socioeconomic discrimination against Y relative to Z if and only if:

(1) X treats Y disadvantageously relative to Z

(2) (1) is true because Y belongs to a particular socioeconomic class than Z does.

We understand “because” broadly such that it covers both direct discrimination – forms of disadvantageous treatment – and indirect discrimination – forms of facially neutral treatment that have disproportionate disadvantageous impact.

It is generally believed that economically left- and right-wing convictions can unite in condemning paradigmatic forms of direct and indirect discrimination, e.g., race/caste/sex discrimination. This they can do, while disagreeing on how we should respond to the many policies and practices, which in effect constitute, so we argue, indirect socioeconomic discrimination against the poor. In this paper, we challenge this picture. We argue that it is difficult to condemn paradigmatic forms of direct discrimination and at the same time embrace the sort of economically regressive policies that in effect amount to indirect discrimination against the poor, e.g., inheritance laws permitting the passing on of wealthy parents to wealthy kids. Our argument appeals to the fact that each of the following three claims seem appealing:

P1. Paradigmatic discrimination should be prohibited by law.

P2. If direct paradigmatic discrimination should be prohibited by law, then so should indirect paradigmatic discrimination.

P3. If indirect paradigmatic discrimination should be prohibited by law, then so should indirect socioeconomic class discrimination.

However, together they entail a very radical claim:

C. Hence, indirect socioeconomic class discrimination should be prohibited by law.

Our main aim is not to defend C, but to show that we need to respond to it in one way or another which for many will require significant revisions of their beliefs.

Lykkeskov, Anne (University of Copenhagen), and **Di Nucci, Ezio (**University of Copenhagen)

An argument against lockdowns in pandemic situations

[***Keywords***: *COVID-19; lockdowns; school closure; triage; prioritization principles*]

When the COVID-19 pandemic hit in 2019, the world seemed unprepared, and due to the urgency of the situation excessive lockdown policies were introduced without due consideration of whether they amounted to just prioritizations of health- and societal resources. The rush was perhaps inevitable due to the circumstances but makes it even more important to use the experience from this pandemic to be better prepared for the next, because scientists tell us to expect more pandemics in the future.

We argue that both from the principle of equality of opportunity, the principle of maximizing welfare and prioritarian principles of favoring the young and favoring the worst off, general lockdowns seems to be morally problematic. We point to three areas where empirical data seems to indicate that lockdowns have had unacceptable implications, or where the long-term implications will very likely be morally problematic. These are: School closures, prioritization of resources in the health sector and implications for the worst off nationally and globally.

Future pandemic responses ought to imply more limited measures directed at at-risk groups.

McTernan, Emily (University College London)

Freedom of encounter?: Free association in the aftermath of lockdowns

[***Keywords***: *Freedom of association; lockdowns*]

During the Covid-19 pandemic, lockdowns have seen park benches taped-off, church doors locked, playground padlocked, and cafes, community centres and bars closed. In many countries, including the UK, ordinary social interactions like going for a walk with friends or having family over for lunch were banned. I take it that these restrictions made vivid the importance of a comparatively neglected liberty within philosophy, especially compared to free speech: freedom of association.

But in this talk, I'll suggest that our experience of lockdowns also suggests two things about free association itself. The first concerns which kinds of associations are central to the freedom to associate. I defend the importance of what might seem mere encounters. That has implications for how to conceptualise the values underpinning our commitment to this freedom. In particular, as well as sharing in many of the familiar values that underpin our commitment to free association, there is something significant in the spontaneity of our encounters.

Second, lockdowns revealed the physicality of our associational lives: the way in which our associations are shaped by the physical spaces to which we have access. The design of public

spaces, the availability of facilities, the kinds of shared spaces available, from locals only pubs to friendly community centres, willall influence who uses the space and how – and so the kinds of encounters encouraged, or discouraged, and amongst whom, within our associational life. The second half of the paper examines what the state should do, then, to enable a flourishing associational life for its citizens.

Millum, Joseph (University of St Andrews)

Lying to our children

[***Keywords***: *parents; children; lying; deception*]

Most parents lie to their children. They do it for fun, as a method of behavior control, and to protect children from what they consider to be dangerous truths. At the same time, most parents bring their children up with the message that honesty is a virtue and that lying is usually wrong. How should our practice and our preaching be reconciled? In this paper, I examine the ethics of parental lying to their children. Most philosophers who have written on the ethics of deception have focused on deception of and by autonomous adults. I therefore begin by surveying this literature. I note, but set aside, the question of whether lying is ethically different from other forms of deception. Contemporary philosophers have given three types of reason to explain what makes lying wrong (when it is wrong): negative consequences, breaches of trust, and interference with autonomy. I briefly analyze what constitutes a breach of trust and identify three factors that affect how bad a breach is. I then explicate how lying can constitute a wrongful interference with autonomy. Armed with this understanding of what makes lying to autonomous adults wrongful, I turn to the special case of parental lying. Since children are very vulnerable and dependent on their caregivers, and since the parent-child relationship is typically very close, the breach of trust involved in lying to one's child is especially bad. On the other hand, at least for young children, concerns about autonomy are potentially less significant than for autonomous adults. I close by applying the foregoing analysis, along with data on the expected consequences of parental deception, to different types of parental lie. I argue that lying to one's child is more rarely justified than is commonly thought, and delineate the circumstances in which it can be justified.

Mogensen, Andreas (Oxford University)

The weight of suffering

[***Keywords***: *aggregation; population ethics; well-being; animal ethics*]

How should we weigh suffering against happiness and pleasure? This paper highlights the existence of an argument from intuitively plausible axiological principles to the striking conclusion that in comparing different populations, there exists some depth of suffering that cannot be compensated for by any measure of well-being. This view has been called lexical threshold negative utilitarianism (LTNU). The central question of the paper is how we should respond to the argument. In addition to a number of structural principles, the argument relies on two key premises. The first is the contrary of the so-called Reverse Repugnant Conclusion. The second is a principle according to which the addition of any sub-population of lives with positive welfare levels makes the outcome worse if accompanied by sufficiently many lives that are not worth living. I consider whether we should accept the conclusion of the argument and what we may end up committed to if we do not. To that end, I consider the possibility that there are some sufficiently good lives whose value can outweigh the disvalue of any number of lives that are only barely not worth living, and I consider whether and how we might be able to resist the Repugnant Conclusion if we accept the Reverse Repugnant Conclusion. Throughout, I illustrate the implications of the

conclusions available to us by bringing the discussion to bear on the question of whether suffering in aggregate outweighs happiness among human and non-human animals, now and in future.

Moore-Eissenberg, Lily (University of Oxford)

Legal Proof and Structural Injustice

[***Keywords***: *Philosophy of law; applied epistemology; ethics*]

If legal proof requires knowledge and moral stakes encroach on knowledge, moral stakes encroach on legal proof. I argue that the moral stakes of convicting a Black defendant are higher than the moral stakes of convicting a white defendant in the U.S., all else being equal, because the wrongful conviction of a Black defendant would contribute to the cumulative injustice of structural racism. If so, American jurors need more evidence to prove a Black defendant guilty than to prove a white defendant guilty, all else being equal.

This argument has implications for what kinds of information jurors ought to be given. American jurors who lack knowledge of structural racism will lack knowledge of the moral stakes of convicting Black defendants. Plausibly, this makes them more likely to underestimate the amount of evidence needed to prove Black defendants guilty, raising the risk of improper conviction, where a jury improperly convicts just in case they convict when the defendant has not been proven guilty. To guard against improper convictions of Black defendants, jurors ought to be given information about the relevant stakes in the form of information about structural racism.

Though my focus is on anti-Black racism in the U.S., my argument applies to relevantly similar legal systems in which members of an oppressed group are wrongly convicted at higher rates than members of the dominant group. The upshot is that states may have a duty to educate citizens about structural injustices, and citizens may have a duty to learn.

Murphy-Hollies, Kathleen (University of Birmingham)

The Know-How of Virtue

[***Keywords***: *virtue; confabulation; reason-giving; know-how*]

In this paper, I elaborate on how even poor reason-giving on the part of individuals can nevertheless be conducive to the development of virtue by drawing on certain skills and 'know-how' involved in self-regulation. One way in which reason-giving can be seen as poor or inadequate is when the reasons given are confabulatory. However, despite confabulation almost always consisting of false statements, a number of epistemic and pragmatic benefits of confabulation have been suggested (Bortolotti 2018). Here, I discuss those benefits and elaborate on how they can be applied to the process of developing virtue. I suggest that when agents have certain self-relational skills and attitudes which equip them with a skilful virtue of self-regulation, their confabulating can be positive and constructive in developing virtue. Confabulations often protect positive self-representations at the expense of more accurate appraisals of oneself and the circumstances , but engaging in the construction of a positive self-narrative can actually be efficacious in making it a reality.

Firstly, in section 1, I introduce confabulation and the motivations which have been associated with it. In section 2, I outline possible benefits of confabulation found in Bortolotti's work (2018). I describe the relevance of these for the development of virtue. In section 3, I explain how the skilful virtue of self-regulation enables agents to actually gain and implement these benefits in aligning

their behaviour with virtuous self-concepts. In particular, I describe how this self-regulation calls for a skill-based 'know-how' type of knowledge rather than propositional knowledge about the self.

Neall, Adam (University of Warwick), and **Jenkins, David** (University of Warwick)

Work Relationships and Autonomy

[***Keywords***: *Meaningful work; autonomy; sociality; workplace politics*]

To have autonomy is to enjoy broad control over how we live our lives. Many people lack this control because, out of economic necessity, they take up jobs that deny them significant and meaningful control over what they do, both at work and outside of it. The negative impact of this lack of control can be mitigated by the friendships co-workers often form with one another: workplace sociability can help people through the working week. However, workplace sociability is also a potential resource that can be used to advance the cause of working people's autonomy. In this paper, we argue that for workplace sociability to contribute to worker autonomy, it must be politicised. Specifically, since autonomy is something that people have reason to care about, the relationships working people develop with one another should not be understood only in terms of bolstering their capacity for enduring that work. Despite the risks of such politicisation, we argue that, insofar as workers care about increases in autonomy, such relationships must also be recognised as a potentially valuable resource for transforming work, and thereby expanding and securing people's autonomy. We conclude by considering how this politicising process has developed in contemporary workplace battles and how the risks of politicising sociability can be managed.

Oberman, Kieran (London School of Economics)

Freedom and Viruses

[***Keywords***: *Freedom; disease control; lockdowns; Covid 19; republicanism*]

A common complaint against lockdowns is that they restrict freedom. On this view, lockdowns might be effective in protecting public health, but their impact on freedom is purely negative. This article challenges that view. While lockdowns may restrict freedom, so too do viruses. This is true even on a negative conception of freedom under which only external constraints imposed by other people qualify as restrictions. It remains true if we conceive of freedom in either normative or republican terms. Since viruses restrict freedom, and since lockdowns protect us from viruses, lockdowns can protect us from the harmful effects that viruses have upon our freedom. Depending on the circumstances, lockdowns could enhance freedom, protect more valuable freedoms or redistribute freedom from those who have more to those who have less.

The paper considers the relationship between lockdowns, viruses and freedom under three conceptions of freedom: negative, normative and republican. By applying these three conceptions, we end up learning more about the three conceptions themselves. In the case of the negative conception, we learn to question the association once drawn between negative freedom and an ambivalent attitude towards government intervention. In the case of the normative conception, we learn to take it more seriously. Philosophers tend to focus on non-normative freedom. This article argues that normative freedom also matters and that there are times when it provides compelling grounds for complaint. Perhaps the most important lesson, however, concerns the republican conception. Under that conception, the case for lockdowns appears, if anything, too strong. Republicanism seems to require lockdowns even in cases in which voluntary social distancing

would be equally effective at combatting viruses. The article argues that addressing this problem may require republicans to rethink their insistence on external controls.

Olsson Yaouzis, Nicolas (Stockholm University), and **Berndt Rasmussen, Katharina** (Stockholm University & Institute for Futures Studies)

The tyranny of political correctness? A game theoretic model of social norms and implicit bias

[***Keywords***: *implicit bias; social norms; discrimination; social inequality; game theory*]

In this paper, we propose a solution to two mysteries pertaining to discrimination and social norms. First: almost everyone accepts the social norm that merit (job qualification) should be the basis of employment, yet there's evidence that applicants get sorted out on the basis of other factors such as ethnicity. Still, specific hiring decisions in favour of majority candidates are seldom called out as violations of the meritocratic norm; moreover, the norm doesn't break down. Why?

Second, what is frequently called out as violations of the meritocratic social norm are hirings of minority candidates. "You only got the job because you're black", is a reaction familiar to many who do get a prestigious job while being black, as it were. Some seem to take the hiring of minorities as evidence that a social norm of political correctness has replaced the meritocratic norm. Why?

We combine a game theoretic model of social norms with findings about implicit bias to resolve both mysteries. More specifically, our point of departure is Bicchieri's game theoretic model, which uses individuals' preferences, beliefs and actions to explain under what circumstances a social norm is followed or breaks down. We add the phenomenon of implicit bias to this picture, as a source of frequent, asymmetric, and typically unobservable norm deviations. Combined with the features of merit – as typically not directly observable – and of ethnicity – as notoriously observable – a dynamic "game of employment" among adamant meritocratic norm followers will eventually result in large-scale social inequalities along ethnic lines.

The paper concludes by discussing testable hypotheses and policy implications that can be derived from our model.

Phelan, Kate (RMIT University)

Hermeneutical Injustice: When Can We Experience What We Cannot Name?

[***Keywords***: *social epistemology; hermeneutical injustice; conceptual change*]

In her book, Epistemic Injustice, Miranda Fricker introduces the concept of hermeneutical injustice. A hermeneutical injustice occurs when a person lacks the conceptual resources with which to make sense of her experience, where this lack is the result of her hermeneutical marginalisation.

Hermeneutical injustice relies on the possibility that we can have an experience prior to having a concept of it. For it is only if we have an experience prior to having a concept of it that our lack of a concept is our inability to make sense of an experience and as such an injustice.

But concepts are prerequisite to experience. Without them, the world is, as William James says, a "blooming, buzzing confusion." Of course, this does not mean that we must have a concept of x in order to have an experience of x. Rather, it means that we must have certain concepts in order to

have an experience of x. Which concepts? Concepts that permit this experience, which is to say, concepts with which this experience is reconcilable.

If we do not have such concepts, then we must create them. In such cases, it is not experience that precedes and gives rise to the acquisition of concepts, but the acquisition of concepts that precedes and gives rise to experience. When the acquisition of concepts precedes experience, hermeneutical injustice does not occur. If this is so, then much of what we have identified as hermeneutical injustice is in fact not.

Pinkert, Felix (University of Vienna), and **Sticker, Martin** (University of Bristol)

Climate change and permissible procreation – The collective obligation to reach Net Zero

[***Keywords***: *climate ethics, procreation, climate change, collective responsibility, environmental ethics*]

A prominent position in climate ethics and activism argues that there is a significant connection between procreation and increased carbon emissions, and that this connection supports an ethical case for having fewer children. Against this “proclimate antinatalism”, we argue that this connection is weaker than assumed, and that due to its malleability, the connection cuts the other way: Rather than supporting an ethical case for having fewer children, it supports a collective obligation to move society to net zero carbon emissions, so that procreation becomes carbon neutral.

Proclimate antinatalist positions rely on the foundational study by Paul Murtaugh and Michael Schlax who argue that the decision to reproduce has the largest impact on the climate among all individual lifestyle choices. However, the calculated quantity of additional CO2 caused by having a child, and thus the strength of the ethical case for having fewer children, is sensitive to empirical assumptions about future per-capita emissions, and Murtaugh and Schlax’ assumptions already turn out to be excessively pessimistic. Moreover, major per-capita emitting countries have legally binding commitments to reach per capita CO2 emissions of net zero by 2050. Provided they follow through on their net zero pledges, children born now will only be in their twenties once these countries reach net zero, and their children will live entirely carbon neutral lives. The case for proclimate antinatalism then collapses, because having children does not cause large amounts of additional CO2 emissions.

There are thus two possible ethical responses to the negative climate impact of having children in a high-emissions society: to hold that individuals ought to have fewer children, or to hold that we have a collective responsibility to move away from being a high-emissions society, and to thereby make procreation climate-neutral. We argue for the latter response.

Pundik, Amit (Tel Aviv University)

Predictive Evidence in Criminal Trials: Why Criminal Law should treat people as if they have unpredictable free will

[***Keywords***: *Criminal Law; Free Will; Causation; Bypassing; Stigma*]

When determining in criminal proceedings whether an individual performed a certain culpable action, predictive evidence is often dismissed. Most apparently, and with only a few exceptions, predictive base-rates are excluded. Using such evidence in court also seems intuitively inappropriate. For example, using the high rate of crimes involving illegal firearms in a certain neighbourhood to convict an individual resident in a crime involving an illegal firearm seems highly

objectionable (henceforth, the ‘crime-rates scenario’). In previous works, I have sought to explain and justify this hostility by suggesting that criminal fact-finding implicitly adheres to the view that culpable conduct requires free will that is necessarily unpredictable. The purpose of this paper is to demonstrate how my account could be used by those who hold that we do not have unpredictable free will (either because the free will we have is predictable or because we have no free will at all). To do this, I argue that Criminal Law should treat people based on the assumption that they have unpredictable free will, even if this assumption is unfounded or even false. To support this argument, I focus on stigmatisation and seeks to show how the use of predictive evidence for the purpose of criminal conviction undermines its effectiveness. After articulating a basic version of the argument, I advance a more refined version based on the phenomenon of ‘bypassing’ (when people misinterpret determinism as living in a world in which non-mental causal factors, such as genetics, upbringing, or environment cause the agent’s conduct directly, without the agent’s mental states and processes making any difference to the outcome). I then claim that my justification for not using predictive evidence has a considerable advantage over the popular justification according to which convicting people based on predictive evidence undermines the incentive to abstain from criminal conduct.

Roberts, Joseph T F (University of Birmingham)

Recreational Drug Use and the Value of Community

[***Keywords***: *Recreational Drugs, Prohibition, Community, Offensive Nuisance, Public Space*]

The idea that drug use harms communities is prevalent in popular discourse; especially among opponents of drug liberalisation. Given its prominence in wider culture, one might expect political philosophers and ethicists writing about drug prohibition to have considered the claim that drug use harms community. However, concerns about the effects of drug use (or liberalisation) on community are virtually absent from philosophical discussions about the prohibition of recreational drugs. Somewhat surprisingly, given their focus on the value of community, this lack of attention also extends to the works of communitarian political philosophers. Writing by Charles Taylor, Michael Sandel, Amitai Etzioni, and Alasdair MacIntyre contain (at most) passing references to drug use.

The goal of this paper is twofold. The first goal is to remedy this lacuna by considering how recreational drug use might undermine community (and the value it sustains). I argue that the effects of recreational drug use on community are likely to be mixed. However, when we take into account the negative effects of drug prohibition on communities, it is less clear that the value of community is advanced by continued prohibition of recreational drugs. In light of this, I argue that community-based concerns only count against some of the ways in which drugs might be liberalised, but not necessarily all.

This brings us to the second aim of the paper: considering what proponents of drug liberalisation can learn from these community-based objections. I argue that the challenge for defenders of liberalisation is to find ways of managing anti-social drug use to ensure that recreational drug use doesn’t undermine the value of community community

I conclude by offering some policy suggestions on how liberalisation of recreational drug laws can be made compatible with the demands of community, with a view to assuaging the concern that drug use or liberalisation harms communities.

Seglow, Jonathan (Royal Holloway, University of London)

Speech, Harm, and Discursive Slurs

[***Keywords***: *free speech; truth; autonomy; democracy; recognition*]

Though there is widespread agreement that free speech merits greater protection than conduct in general, the question of how to distinguish speech and conduct is not an easy one. In particular, much harmful conduct involves speech, including threats, harassment, discrimination, perjury, and criminal solicitation. Many theorists of free speech hold that harmful speech (e.g. hate speech, pornography) is permissible, so it is not obvious that harmful conduct involving speech is impermissible. I argue that recent attempts by Maitra and McGowan (2007, 2010), Simpson (2013) and Kramer (2021) to solve this problem do not succeed. For example, Kramer argues that laws which target communication-independent wrongs are permissible even if communication-dependent wrongs are sanctioned in so doing. This succeeds for causal harms such as incitement, but many speech-conduct harms are fully communication-dependent, threatening language for example. I go on to outline a novel justification for free speech which resolves this problem. My core thesis is that our discursive status as persons is secured by having our speech recognised by others. In communicating to others, we make a claim for our liberty to speak, our moral autonomy, and, by implication, our answerability. At root speech involves a claim to others' uptake which, if forthcoming, confirms our normative authority as speakers, and hence our discursive status. Conversely in communicating to others we affirm their discursive status, so speaking - and writing etc – involves mutual recognition. Some harmful speech including threats, harassment, and hate speech fails to recognise its targets' normative authority e.g. their permission to speak. Hence, I argue, it should not be protected. Other harmful speech such as criminal solicitation does recognise others' normative authority but is causally proximate to harms so should not be protected either. The discursive status view adopts the principle that harmful speech should not be protected and puts it on a robust footing.

Slack, Stephanie (Monash University)

Digital technologies infringe the right to mental integrity in non-autonomous patients

[***Keywords***: *mental integrity; rights; authenticity; philosophy of psychiatry; digital technologies; applied ethics*]

The emergence of novel digital technologies that can predict or change mental states has motivated some to call for a right to mental integrity, justified as part of the right to self-determination for the autonomous. In contrast, I aim to show that whilst autonomy considerations might be one justification for a moral right to mental integrity, the value of autonomy does not exhaust the moral concerns. In this paper, I am concerned with the moral right to mental integrity in the psychiatric context. I argue a moral right to mental integrity consisting of a right against non-consensual direct interference with mental states is also justified by the obligation to preserve the wholeness or authenticity of an individual as experienced subjectively by them. I will demonstrate why we have reason to care about a moral right to mental integrity in non-autonomous patients. I conclude that the non-consensual use of digital technologies to change the mental states of non-autonomous patients infringes their right to mental integrity. Understanding a moral right to mental integrity as justified by authenticity allows for a more nuanced assessment of the ethical issues at stake in developing and using digital technologies in the psychiatric context.

Sterri, Aksel (University of Oxford)

An insurance theory of pandemic obligations

[***Keywords***: *covid-19; pandemics; emergencies; insurance; contractualism*]

There are several puzzles about the societal response to the Covid-19 pandemic. One is that societies are willing to do much more to save a life than in ordinary situations. Another is that there is a seeming unfairness in the response. Individuals for whom Covid-19 carries a relatively low risk of harm must nevertheless accept significant costs to protect others. These costs far exceed any of the costs individuals accept in normal situations.

In this paper, I argue our demanding obligations in pandemics are best construed as the premium we pay to insure against a sudden and significant event, of which the current pandemic is just one instance. Pre-pandemic we would all want protection because we could all be vulnerable in such events. The protection takes the form of extreme obligations because such obligations are necessary to efficiently respond to crises.

The insurance theory explains why:

- we should accept unprecedented burdens in emergencies and not in other situations,

- we should give priority to the epidemic even at a substantial opportunity cost; it reflects that many people come to collect their insurance at the same time,

- people have a right to compensatory measures; compensation distributes cost between generations and facilitates the effective employment of our obligations

- governments ought to make sure that people do not fall excessively below their pre-pandemic baseline but not engage in outright redistribution.

I will show that the insurance theory explains our demanding obligations better than other accounts, such as the harm principle, consequentialism, contractualism, the fair share view and mutual risk protection. I will also deal with several objections, such as whether the insurance view benefits the rich and entails that the young and the old have different obligations in pandemics.

Unruh, Charlotte (Technical University of Munich), **Haid, Charlotte** (Technical University of Munich), **Fottner, Johannes** (Technical University of Munich), and **Büthe, Tim** (Technical University of Munich)

Algorithmic Optimization in Industry 4.0: An Ethical Perspective

[***Keywords***: *Engineering Ethics, Industry 4.0, Artificial Intelligence, Big Data, Future of Work, Value Sensitive Design, Rights-Based Approaches*]

In the factory of the future, big data and artificial intelligence enable far-reaching optimization of processes. Tags and sensors track goods in real time, and algorithms continuously adapt processes to changing circumstances. Data-driven optimization of processes has potentially significant direct and indirect effects on human workers. It is therefore crucial that optimization, where it is used, proceeds in line with ethical principles. However, ethical aspects of algorithmic process optimization have so far been underexplored. In this article, we propose a rights-based approach to algorithmic optimization and discuss in particular how algorithmic optimization methods in industry can affect the privacy, welfare, and autonomy of human workers.

van den Brandeler, Emnée (University of Basel)

Speciesist ignorance as an obstacle to animal justice

[***Keywords***: *Speciesism; Human privilege; Epistemology of Ignorance; animal injustice*]

Animal scholars have argued extensively that disadvantaging animals purely on the basis of their non-human-species-membership is morally wrong, and that it results in a society that harbours animal injustices. What makes it so difficult for us to accept this and change our behaviour towards animals accordingly? Do we even know that we are dealing with animal injustices and that we play a major role in its continuation? I develop a concept of 'speciesist ignorance' to explain the political non-responsiveness to animal injustices. I regard speciesism as a feature of the position of human privilege that we are granted but do not deserve, and that therefore unfairly and systematically disadvantages animals. To make matters worse, I claim that we are indeed ignorant about our speciesist human privilege and the consequential animal injustices. I employ literature on the epistemology of ignorance, and include elements from propositional accounts, epistemic behaviour accounts, and structural accounts. In doing so, the concept does three things: First, it explains that we can be ignorant of a certain proposition p (about animal injustices) in different ways (e.g. deeply ignorant or disbelievingly ignorant). Second, it recognises the moral importance of underlying epistemic behaviour that ranges from disinterest and closemindedness to open-mindedness and curiosity concerning p. In doing so, it recognises that one can be passively or actively ignorant about something. Thirdly, it identifies that structural speciesism in society allows for public ignorance to continue to exist and therefore plays an explanatory role in our political non-responsiveness to animal injustices. Altogether, speciesist ignorance is an obstacle for a just human-animal-relationship, and provides new avenues to consider how animal injustices can and must be discouraged.

Ventham, Lizzy (University of Liverpool), and **Carey, Brian** (University of Durham)

There Is No Fresh Air: On the Real Problem with Echo Chambers

[***Keywords***: *Echo chambers; social epistemology; applied epistemology; expertise; trust*]

Recent literature on the concept of echo chambers aims to explain precisely how these epistemic structures function in ways that harm those trapped within. The uniquely harmful features of echo chambers have been said to include, for example, their tendency to exclude diverse perspectives, to encourage overconfidence in our beliefs, to induce epistemic complacency among those trapped within, and to encourage mistrust of those without.

In this paper, we discuss recent attempts to define the concept of an echo chamber and argue that none of these succeeds in describing a uniquely harmful type of epistemic structure or behaviour. We show that each of these definitions are compatible with structures and behaviours that are demonstrably benign, beneficial, and sometimes even necessary for best moral and epistemic practice. We conclude by suggesting that the way forward is not to attempt to find some new definition of echo chambers that resists our criticisms, but to dispense with echo chambers entirely as an analytic concept.

We begin in Section I with a survey of the literature, in which we identify the various features that are said to be constitutive of echo chambers. In Section II we argue that on any of those definitions, there are at least many epistemic structures or behaviours that will count as an echo chamber despite the fact that they are not either epistemically or morally bad for us and in some cases actually enhance our epistemic or moral capacities. We argue that certain kinds of echo chambers are inevitable, as consensus develops over time, and that others are beneficial in cases

where they facilitate the just division of labour, counterbalance epistemically pernicious features of the public deliberative arena, and/or represent a valuable form of polarization and mistrust.

Whitten, Suzanne (Queen's University Belfast)

'Vice-signalling' and Tackling Bad Social Norms

[***Keywords***: *hate speech; structural injustice; racism; social norms; moral criticism*]

Recent work in moral and political philosophy criticises the phenomenon of 'virtue-signalling' in moral discourse. Critics point to the way in which virtue-signalling practices are egotistical, lead to 'pile-ons' and excessive public shaming, and ultimately fail to convince others to adopt a different perspective (Tosi & Warmke 2020). For some (Levy 2020), however, public expression of one's moral commitments forms a necessary component of social change. On this view, the wrongs of virtue-signalling stem from its method, rather than its underlying aims.

In this paper, and drawing on recent work on the dangers of virtue-signalling, I put forward a theory of another way in which public moral discourse can go wrong: 'vice-signalling'. In particular, I claim that commonly-accepted methods of responding to structural injustice, such as the public critique of unjust social norms, fails to account for those contributions to harmful speech that intentionally signal vice in the speaker, often for the purposes of expressing one's allegiance to a particular group or set of values. Where vice-signalling poses a further set of problems, however, is in the unique way it is impervious to deliberation. Whereby virtue-signalling involves a potentially wrongful expression of virtue, the value which it intends to express nonetheless is ethically-desirable in nature. In contrast, vice-signalling does not simply carry out moral discourse in a harmful way, but potentially perpetuates harmful norms in a harmful way. This makes it all the more difficult for individuals from historically-oppressed groups to engage in moral deliberation as equal players, something which will be essential for the kind of structural reform called for by theorists such as Young (2011).

Panel Session

What are reproductive interests and who has them?'

In recent decades, reproductive technologies have enabled novel uses of family members' reproductive materials (such as gametes or uteri) or functions (such as pregnancy). These include conceiving children after the death of a biological parent at the initiative of their other parent; or after the death of one or both biological parents at the initiative of their grandparents; invasive fertility preservation measures undertaken on children at the request of their parents; women receiving uterus transplants from their own mothers; and children being born to their grandmothers, who had acted as altruistic surrogates for the intended parents.

In this panel, we will explore questions such as whose interests are being actualised in intra-familial reproductive endeavours, reasons why these interests are (or are not) legitimate in determining whether they should be supported, and the normative significance of family ties when making these determinations. In so doing, we will also be touching on the importance of genetic reproduction, the

moral status of the family, and the tensions that may arise between the state's, the family's, and individual interests in this context.

Cutas, Daniela (Lund University)

Whose interests ground intrafamilial reproduction?

Young couples should have children. Young women should bear pregnancies and become mothers. Young women need their reproductive organs. Children should not be infertile. Older women don't need their reproductive organs. Parents should become grandparents.

Assumptions such as these about what is a normal life trajectory have shaped the development and accessibility of reproductive technologies. Human reproduction has always been fraught with a host of expectations and assumptions about who should reproduce and under what circumstances. These expectations have in turn played a part in the conception of guidelines and regulations around reproductive technologies. While some expectations have done so explicitly (i.e. married heterosexual couples should receive support if they request it), others have not (i.e. a parent's interest to become a grandparent or a widower's interest to reproduce with a now deceased partner). Indeed, when the latter claims have been raised – and in some cases honoured – they were formulated in terms of the interests of the children whose fertility their parents were aiming to preserve, or of the deceased spouse whose reproductive wishes were thwarted by death, respectively.

This talk will focus on identifying and acknowledging the interests at play in intra-familial reproduction and their respective weight for reproductive decision-making. Can there be said to be an interest to reproduce posthumously? Do we have a legitimate interest to reproduce with a person who can no longer consent? Do children have reproductive interests? Is there an interest to become a grandparent? And what do these interests have in common? I will explore the role that the conceptual entity that is the family – and the high regard in which the family is held in the Western world – and assumptions about normal life trajectories have in the determination of whether claims to reproductive treatment should be supported.

Hens, Kristien (University of Antwerp)

Making kin? Different views on kinship and the case of intra-familial reproduction

The appeal to family members' reproductive material is often based on assumptions that are not necessarily compatible. Just as with other kinds of uses of reproductive technologies, it takes for granted that one of the important things in reproduction is being able to pass on one's genes. Despite the common assumption that what counts for relatedness and being a parent is love and caring, rather than genes, many reproductive technologies have as a primary aim to ensure that resulting children are genetically related to their parents. As such, donor conception is often considered by fertility doctors and prospective parents as the last option when other methods have failed. Intra-familial reproduction is then a sort of middle ground between donor conception and 'natural' conception (i.e. by heterosexual couples) allowing prospective parents to 'at least keep it in the family.' On the one hand, this implies buying into the idea that reproduction is an individual right that we should safeguard, and that preferably such reproduction is with one's own genes or at least with related genes. On the other hand, there is the suggestion that family members would willingly donate exactly because families also have an interest in reproducing. By donating, family members can ensure that more kin are created.

I investigate this paradoxical concept of genetic kinship as it is prevalent in fertility practices, and compare it with concepts of kin in other cultures, and feminist and posthuman concepts of kin, such

as that of Donna Haraway. I will formulate an answer to the question of whether we should emphasise the idea of kin and procreation as is currently are the case or advocate for a wider concept of kin that leaves genetics and begetting behind. Intra-familial reproduction will function as a test case for this answer.

Hohl, Sabine (University of Bern)

The role of genetic relatedness in reproductive interests

What does genetic relatedness have to do with reproductive interests? And what does this imply for cases of intra-familial reproduction? People often want to reproduce because they would like to raise a child to whom they bear a genetic relationship, maybe hoping that this will help them identify with the child, to better understand the child's inclinations, etc. This includes cases of 'natural' well as cases of assisted reproduction in which the future social and legal parents' gametes are used. But such a genetic relation is also present when future social and legal parents receive, e.g., the sperm or eggs of one of their biological siblings or another relative to help them conceive. In the case of identical twins, the genetic relation to each other's genetic children is even the same as that to one's own child. This raises the question whether, if genetic relatedness is really one of the bases for having a reproductive interest, people should prefer gamete donations from those who they have a genetic relationship with, and whether potential intra-familial donors have a moral reason to donate to family members on this basis. The talk will investigate whether genetic relatedness is a plausible normative basis for reproductive interests and, if yes, what the implications are for intra-familial reproduction.

Smajdor, Anna (University of Oslo)

Do states have reproductive interests?

Where women have access to education, contraception and economic independence, birthrates decrease. Some governments have urged women to address population deficits by having (more) babies. At the same time, with increased surveillance of foetal development, opportunities for foetal intervention, and knowledge of the effects of maternal behaviour on foetal welfare, pressure on gestating women to modify their lives for the benefit of their foetuses has increased exponentially.

Do states have any legitimate reproductive interests? If so, what are they, and can they be balanced against the rights and interests of individuals? I propose that states have the following obligations: a) to consider demographic impacts on economic conditions; b) to consider the impacts of citizens' reproductive choices on medical services and population health; c) to address inequalities between citizens; d) to respond to threats at the supranational and global levels, such as climate change. Since reproduction affects all of these obligations to some degree, states do indeed have reproductive interests.

However, reproductive rights and autonomy are usually construed as private. Even if we accept that states do have reproductive interests, it does not follow that they should lead to policies designed to influence or control individual citizens' choices. While acknowledging that state intervention in reproduction is fraught with risk, I show that control and influence of reproduction decision-making happens in a covert and implicit way when state interests in reproduction are not adequately recognised. I conclude by arguing for an explicit discussion of how state, familial, and individual reproductive interests should be balanced and negotiated.