Orienting Public Policy

Ethicists in Democratic Public Reasoning

Frans W.A. Brom

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Preface

In 1991, I joined the Centre for Bioethics and Health Law at Utrecht University. From there, I was seconded to the Veterinary Service of the Netherlands Ministry of Agriculture, Nature Management and Fisheries as an ethicist-in-residence. At the time, I had little idea of the role I could play in the policy process. I was immediately confronted with a plurality of views. My colleagues, stakeholders, and representatives in parliament clearly disagreed on the normative basis and content of animal welfare policy. Policy discussions were shaped by moral pluralism within society. As an ethicist, I could not simply turn to ethical theory to resolve that pluralism. Ethical theories were themselves pluralistic and offered competing moral vocabularies. Philosophers disagreed on the moral status of animals and on the practical implications that followed from it. It soon became clear to me that, as an in-house ethicist, I was not expected to deliver a 'final judgment' aimed at closing fundamental normative conflicts. My task was rather to make these debates intelligible and accessible to policymakers. Yet I was far from certain how this should be done, or what role ethical theory could play in such a practice.

Fortunately, in 1992 my supervisor Robert Heeger, then president of the Societas Ethica, organized a conference entitled *The Turn to Applied Ethics: Practical Consequences for Research, Education and the Role of Ethicists in Public Debate*. I still vividly remember a German professor arguing that it was impossible to practice ethics without an adequate theory. When someone asked which theory he himself used, he replied: 'Obviously, my own theory.' At the time, that answer did not help me very much, because I had no clear sense of what my own theory could possibly be.

In a sense, this book is my answer to that question almost thirty-five years later.

In the meantime, I did what was supposedly impossible: I practiced ethics without possessing a fully developed theory of my own. It was

only through engagement with concrete problems, ethical theories and through conversations with colleagues, stakeholders, and wider society, that my ideas gradually took shape. I worked on several practical ethical issues that were directly relevant to public policy. My PhD thesis explored the ethical implications of animal biotechnology and the moral questions surrounding the protection of animals. Are our obligations limited to reducing animal suffering, or do we also have an obligation to promote animal flourishing? Does such an obligation entail a notion of positive welfare? And can we make sense of a concept such as animal integrity? These debates also raised broader policy questions. Given the fundamental disagreements surrounding these issues, is it possible to develop legal and regulatory frameworks that protect animals while also accommodating scientific research and new technological developments in agriculture and medical research?

I continued to work in agricultural and food ethics. In 1999, I co-founded the European Society for Agricultural and Food Ethics (EurSafe). Among other things, I worked on questions concerning the ethics of food policy and trust in food safety regulation. By uncovering the normative assumptions underlying scientific food safety analysis, I sought to foster a better understanding of fundamental disagreements about food safety and to contribute to the trustworthiness of food safety policies. Social and cultural meanings attached to food shape debates about safety. What do fundamentally different perspectives on these issues imply for food safety policy, international food safety standards, and the global trade in food?

From ethics I moved into the field of technology assessment. At the Rathenau Institute (2007–2015) we supported parliament, government, and society in reflecting on the social and ethical implications of emerging technologies such as human enhancement, artificial intelligence, climate engineering, and the Internet of Things. In technology assessment, I learned the importance of precise factual analysis and of contributing expertise without seeking closure. I also came to understand the importance of deliberative virtues and mutual respect as democratic conditions for living with disagreement.

Since 2015, I have served as secretary of the Netherlands Scientific Council for Government Policy (WRR) and director of its bureau. The WRR provides science-based strategic policy advice to the Dutch

government and parliament on issues likely to have significant long-term social and political consequences. At the WRR, I learned the importance of connecting advice to the questions and contexts policymakers actually face. Advice should not merely point toward a desirable destination; it also requires a careful assessment of how to proceed from present circumstances. Such an assessment depends on an understanding of the current situation and of the social, historical, and political context that shapes the viability of possible courses of action. For that reason, most WRR reports include a chapter devoted to the policy history of the issue under consideration.

Through my work in ethical advisory committees, I came to understand the importance of connection and engagement. Ethical advice cannot remain detached. From a distance, it neither connects nor provides orientation. Over the years, this insight was shaped through my participation in advisory bodies connected to my research, most notably the committee on Ethics and Societal Aspects of The Netherlands Commission on Genetic Modification (2003–2015).

I have always combined research with teaching. Translating research in applied ethics into academic courses has helped me to sharpen and clarify my ideas. This book truly began to take shape when, from 2017 onward, I started teaching a course on Ethics and Public Policy in the Master's programme in Applied Ethics at Utrecht University. Over time, the course evolved from a systematic analysis of practical cases into a broader reflection on the role of ethicists in a pluralist democracy. This book is a direct result of that course.

This leads to the central argument of this book. In it I defend that an ethics for policy-making needs to understand and reflect upon the context of policymaking. I understand ethics for policy as a reflective practice of public orientation under conditions of pluralism. Drawing on traditions in moral and political philosophy, I approach professional ethical engagement with practical policies as a form of ethics advice that seeks not only to address concrete policy problems, but also to foster the democratic ethos necessary for an open society. I distinguish three core activities—explicating, engaging, and orienting—through which ethicists can contribute to democratic public reasoning. Through case studies on climate justice, animal experimentation, and food policy, I show how ethical analysis can clarify normative assumptions, foster

dialogue across differences, and help societies navigate contested policy issues without erasing disagreement. At a time of growing polarization and antagonism, I argue that the task of ethicists in democratic societies is not to overcome pluralism, but to help societies live with it responsibly. In this book I connect my more analytically oriented work in applied ethics with a broader reflective understanding of public ethics under conditions of persistent disagreement: a reflective understanding in which interpretation and reflexivity are crucial.

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About the Author

Frans W.A. Brom (*1963) is an ethicist with extensive experience in science-based strategic policy advice. He has worked on issues relating to agriculture, animal ethics, food policy, genetic modification, and parliamentary technology assessment. His research focuses on the relationships and interactions between the different rationalities of science, policy, and politics, and on the ways these rationalities shape science-based strategic policy advice. A central theme in his work is the role of ethics and ethicists in pluralist democracies.

Brom is Secretary and Director of the Bureau of the Netherlands Scientific Council for Government Policy (WRR) in the Hague (since 2015). The WRR is an independent advisory body that provides the Dutch government, parliament, and society with science-based strategic policy advice on issues likely to have significant political and societal consequences. In connection with his work at the WRR, he has held the endowed chair Normativity of Scientific Policy Advice at the Ethics Institute of Utrecht University since 2017. Before joining the WRR, he was Head of Technology Assessment at the Rathenau Institute, also in The Hague (2007–2015), a position he combined with a professorship in Ethics and Technology Assessment at the Ethics Institute of Utrecht University (2009–2015).

His academic positions prior to his advisory roles in The Hague include Associate Professor of Ethics at the Ethics Institute of Utrecht University (2003–2007), where he also served as Director of Education, responsible for the international Erasmus Mundus Master's programme in Applied Ethics and for the institute's ethics curriculum. He combined this function with a professorship in Ethics of Life Sciences at Wageningen University & Research Centre (2004–2009). He was Assistant Professor of Philosophical Ethics at the Faculty of Theology of Utrecht University (1998–2003), where he taught ethics in philosophy,

theology, veterinary medicine, biology, pharmacy, and medical biology, while pursuing research in both fundamental and applied ethics. He was also a postdoctoral researcher at the Faculty of Law of Tilburg University (1997–1998), participating in the Pioneer Programme titled The Importance of Ideals in Law, Morality and Politics. From 1991 to 1996, he worked as a junior researcher at the Centre for Bioethics and Health Law at Utrecht University, where he conducted doctoral research funded through external projects and gained direct experience in government policymaking through his secondment to the Veterinary Service of the Dutch Ministry of Agriculture.

His broader experience in ethics and public policy is also reflected in a wide range of advisory and governance functions. These include serving as a member of the Programme Committee of the Dutch Research Agenda (2018–2024); Chair of an independent external evaluation committee that assessed the Centre for Ethics and Health for the period 2012–2021 (2022); Chair of the Committee for Scientific Integrity at Wageningen University & Research (2013–2015); Chair Netherlands Society for Bioethics (2012-2016); Chair of the Central Research Ethics Advisory Group at Unilever (2009–2015); Chair of the Subcommittee on Ethics and Societal Aspects of The Netherlands Commission on Genetic Modification (COGEM) (2007–2015); member of the Council for Animal Affairs of the Dutch Ministry of Agriculture (2008–2013); board member of Societas Ethica, the European Society for Research in Ethics (1999–2010); and founder and Secretary-General of the European Society for Agricultural and Food Ethics (EurSafe) (1999–2007). He was also a member of the Editorial Board of the journal *Agriculture and Human Values* (2001–2012) and European editor of the *Journal of Agricultural and Environmental Ethics* (2000–2012).

Introduction

This book is about the policy relevance of academic ethics in democratic societies. Moral philosophers and other academic ethicists bring their expertise to the broader society. They do so in different ways: they take up a public role in public policy development as members of advisory committees; they execute research for policy purposes and publish commissioned reports; and they intervene in public policy discussions—for instance with 'letters to the editor'—in newspapers. They do so as academics, not just as citizens. As academics they engage with democratic public reasoning regarding the development of public policies. But on what grounds? What in their academic research and expertise merits their role as academic experts? What is their expert role in public democratic reasoning?

To answer these questions, I develop a philosophical theory. I call this theory orientational ethics, because it aims to orient democratic public reasoning.[1] This approach examines the role of morality in a pluralist, open democracy. It understands professional ethical engagement with broader society as a form of ethics advice, which, though in practice often directed toward an applied ethical solution to a specific issue, ultimately aims at sustaining the democratic ethos necessary for maintaining an open democracy in a pluralist society. Ethicists give ethics advice, which can be considered an act of help with normative reasoning.[2] Such ethics advice draws on the internal dynamics of the democratic ethos and on moral theories as sources of insight, using them to foster context-sensitive judgment and to sustain the shaping of a shared moral horizon

1 In developing this theory, I am inspired by the work of Rudolf Makkreel. See Chapter 7, 'Moral theory and orientational ethics'.

2 I follow Monique Jonas, *The Ethics of Advising* (Oxford: Oxford University Press, 2025), https://doi.org/10.1093/9780191954931.001.0001. She considers advice as 'an act of help with practical reasoning.' (p. 63)

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in a pluralist world. In this way ethicists support the search for reflective communality in a pluralist world.[3]

In this introduction, I provide a more elaborated sketch of this theory of orientational ethics, ending in a description of three forms of ethical engagement through which ethics advice can be offered: explicating, engaging, and orienting. This sketch provides the foundation for the remainder of this book, culminating in a practical roadmap that operationalises the three connected activities of ethics advice. Since each step outlined in this introduction will be further developed in the subsequent chapters, references are kept to a minimum here. Sources and discussions engaging with alternative approaches can be found in the chapters that follow.

0.1. Ethics interventions as advice

Ethics, or moral philosophy,[4] including normative political philosophy, is normative and prescriptive. It is directed at the way the world should be, how people should act, what kind of character they should develop, and what kind of community enables people to flourish. It seeks to understand and develop reflective normative perspectives, such as ethical theories, and aims to discern their implications for human flourishing, individual and collective rights and duties, virtues and goods, and the best attainable world.

The problem is, however, that modern open societies are pluralistic. Under the political and social conditions secured by the basic rights and liberties of free institutions, a diversity of conflicting and irreconcilable fundamental perspectives will come about. In such a context, diversity is not incidental but persistent. Modern societal pluralism is marked by a dual condition. First, there is moral pluralism: deep and persistent

3 Reflective communality is not the pursuit of consensus but the inclusion of participants in a moral community (cf. Rudolf A. Makkreel, *Kant's Worldview: How Judgement Shapes Human Comprehension* (Evanston Ill.: Northwestern University Press, 2022), https://doi.org/10.2307/j.ctv20zbkx5, p. 95). It requires an "enlarged mentality": the broader and more diverse the perspectives we engage, the more impartial and open our judgment becomes (cf. Jonathan Peter Schwartz, 'Political Judgment Confronts Ideology: Hannah Arendt's Contribution', *Polity*, 50.3 (2018), 485–511, https://doi.org/10.1086/698202, p. 510).

4 I will use ethics and ethicists as synonyms for moral philosophy and moral philosophers.

disagreement about fundamental values among citizens. Second, there is ethical pluralism: the lack of a shared metaphysical or epistemological framework, whether philosophical or religious, through which such disagreements might be resolved. Together, these conditions undermine the expectation that philosophical reasoning alone can settle normative disputes. In the context of ethical pluralism, ethicists cannot rely on a universally accepted foundation to transcend moral conflict.

Luckily, there is politics.[5] People differ not only in fundamental worldviews but also in how they believe society should be organized. Yet despite such pluralism, collective action remains essential. Social peace, stability, and long-term security are necessary conditions for coexistence. Policies play a vital role in shaping the social and physical conditions for human flourishing: they influence how money, power, and risks are distributed, and how infrastructures and institutions are built, maintained, or reformed. Public goods such as health, food security, and culture depend on coordinated efforts to sustain a shared and liveable world. This is reflected in what Jeremy Waldron describes as the 'circumstances of politics': the imperative to construct shared frameworks amid enduring moral disagreement.[6] Open constitutional democracies respond not by erasing pluralism, but by institutionalising a democratic ethos grounded in the equal moral standing of all citizens and their right to participate in collective self-determination, through voting, deliberation, protest, and public discourse. Societies need to develop democratic public reasoning on the development of acceptable public policies.

This leads to the fundamental challenge for ethicists in open constitutional democratic societies: how to align philosophical-ethical prescriptive claims with political democratic justifications? Or in other words: where is the room for professional ethical perspectives in democratic public reasoning? Orientational ethics defends a democracy-first approach to policymaking. Professional ethical engagement with

5 Compare: Enzo Rossi and Matt Sleat 'Realism in Normative Political Theory', *Philosophy Compass*, 9.10 (2014), 689–701 (p. 690), https://doi.org/10.1111/phc3.12148: 'Appeals to morality will be unable to resolve the questions of politics for the very reason that many of our moral disagreements, especially our conflicting notions of what values or ends should be pursued both individually and collectively, are part of the context of conflict and struggle to which politics responds. We disagree about morality; in part that is why we need politics.'

6 Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999), p. 102, https://doi.org/10.1093/acprof:oso/9780198262138.001.0001

practical moral problems should not aim to take over democratic reasoning but to support its execution. This aligns with the way Monique Jonas has analysed the practice of advice. She characterises advice as a normatively committed act of assisting an advisee's practical reasoning in order to help them determine how to proceed.[7] It involves offering guidance on what to deliberate about, how to deliberate, and what to do, thereby binding the adviser to reason in the advisee's service. Philosophical advice to democratic reasoning is a distinctive case, for here the advisee is not an individual but society as a whole, which is itself divided over the very issues on which advice is sought. Such division complicates the adviser's normative role, requiring guidance that addresses a plurality of perspectives while remaining committed to reasoning in the service of the whole and to sustaining a democratic ethos of argumentation. In this context, the illocutionary point of ethics advice is sharpened as a form of support for reasoned public deliberation, binding ethicists to contribute in service of that reasoning. Ethicists who bring their professional academic expertise into public democratic reasoning do this in the form of ethics advice: their aim is to assist public reasoning, not to replace it.

0.2. Conceptual cartography of roles for ethics advisors

The relation between ethics and democratic reasoning is complex. In order to examine the structural tensions between ethics and democracy, orientational ethics develops a conceptual cartography of possible ways in which ethicists might contribute to democratic policymaking. This map is drawn along the lines of dimensions of pluralism in both notions (ethics and democracy) and is inspired by *The Honest Broker: Making Sense of Science in Policy and Politics* of Roger Pielke Jr.[8]

Both democracy and moral philosophy are internally diverse and philosophically contested domains. Democracy, as famously argued

7 Jonas, *Ethics of Advising*, p. 54: 'I suggest that the illocutionary point of advice is to help an advisee to see how they should proceed. (...) Perhaps most significantly, this formulation of advice 's illocutionary point ties it to an advisee's deliberations, rather than to what they do in the world.' (emphasis in original).

8 Roger A. Pielke Jr., *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), https://doi.org/10.1017/cbo9780511818110

by Walter Bryce Gallie, is an essentially contested concept; its meaning and value are themselves subject to ongoing debate.[9] Similarly, moral philosophy spans a wide range of methods, from foundationalist theories to pragmatic, hermeneutic, or narrative approaches. To navigate this complexity, a dual typology for each field is offered, using ideal types to bring conceptual clarity and to illuminate the space of possibilities.

In the case of democracy, two ideal-typical models are contrasted: one that frames democratic politics as primarily deliberative, generative, and oriented toward collective reasoning and mutual justification; the other that emphasizes agonism and sees politics as a site of deep conflict, contestation, and struggle between incommensurable perspectives seeking majorities. While real-world practices often lie somewhere between these poles, the value of ideal-typical models lies precisely in their heuristic function: they sharpen conceptual distinctions and allow us to analyse how different democratic settings shape the space for ethical engagement.

In moral philosophy also two contrasting modes are distinguished: ethics as a foundational discipline, seeking universal principles and rational coherence, and ethics as a contextual, pluralist practice, grounded in moral experience and attuned to the specificities of cultural, historical, and social life. Whereas the former underpins many classic moral theories (e.g. Kantianism, utilitarianism), the latter resonates with approaches found in feminist ethics, pragmatism, and hermeneutic traditions. In applied ethics, ethicists often draw pragmatically on both modes. The aim here is not to enforce a rigid dichotomy, but to show how these orientations shape different forms of ethical reasoning in democratic contexts.

By constructing these twofold typologies, one for democracy, one for ethics, a conceptual map is created that can clarify the positions ethicists take when they enter public debates. It allows us to ask not only what ethicists argue for, but also how their arguments relate to the broader democratic ethos and the epistemic status they assign to moral reflection.

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9 When Walter Bryce Gallie introduced in 1956 the notion of essentially contested concepts, 'democracy' was one of his examples: W.B. Gallie, 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, 56 (1956), 167–198. For further discussion see: Chapter 1.2 'Pluralism in open democracies' and Chapter 6 'Preserving democratic reasoning.'

This map (Table 0.1) consists of four ideal-typical roles for ethicists in public policy: 1) the pure philosopher; 2) the ethics advocate; 3) the ethics facilitator; and 4) the engaged philosopher.

Table 0.1 Four ideal-typical roles for ethicists in decision-making

		View of ethics	
		Foundational	**Contextual pluralist**
View of Democracy	**Deliberative, generative reasoning**	**Pure Philosopher**	**Engaged Philosopher**
	Agonistic confrontation	**Ethics Advocate**	**Ethics Facilitator**

These four roles are ideal-typical roles. An ideal-type is a conceptual construct that selectively emphasizes certain traits of complex phenomena, refining them into a coherent, simplified framework that enables clearer analytical distinctions and structured comparison.[10] Here these roles function as *instruments* for systematic understanding of the diverse dimensions of ethical engagement, and as *reflective tools*, offering a mirror through which ethicists can examine and refine their own professional stance. The point is not to fix on a single role, but to draw on flexible elements such as perspectives, sensitivities, and strategies that can be adapted to different contexts. To avoid ad hoc use of these elements, a coherent framework is needed that helps navigate competing perspectives, connects different roles, and supports public reasoning in a reflective yet practical way. Orientational ethics aims to provide such a framework.

0.3. Ethics advice contested: antagonistic challenges of populism

The conceptual cartography shows a fundamental requirement of ethics advice. It only makes sense within a context where democratic public

10 The idea of an ideal type is derived from Max Weber.

reasoning is open to the reasoned exchange of arguments. For ethicists to contribute meaningfully to public reasoning, there must be a public ethos that values argumentation, reflection, and mutual engagement. This assumption about the argumentative nature of public reasoning parallels what other academic contributors to public decision-making must also expect: just as ethics advice depends on space for normative reasoning, scientific advice cannot function in a fact-free environment where rigorous scientific argumentation is disregarded.

This public ethos of argumentation, reflection, and mutual engagement is fragile. Open democracies are vulnerable to a populist temptation in which democratic exchange between opposing views deteriorates into an antagonistic struggle between irreconcilable perspectives seeking to impose a dominant majority.[11] Why seek common ground if pluralism can be replaced by majority rule? To understand the challenge this antagonism poses for ethics advice, it is useful to distinguish between two linked forms: political antagonism and normative antagonism.

The first of these, political antagonism, conceives of politics as a fight for dominance, seeking to eliminate pluralism by imposing (majoritarian) unity. It frames democratic life not as a shared project among citizens with diverse commitments, but as a zero-sum struggle between mutually exclusive identities. To resist this challenge, orientational ethics seeks to transcend the opposition between agonism and deliberation by redefining democratic reasoning as anti-antagonistic. In this synthetic view of public reasoning, it is considered as committed both to finding agreement where possible and to enabling peaceful forms of agonism where agreement cannot be reached.[12] Such reasoning presupposes the cultivation of a democratic ethos: an ethos that allows for the possibility of living together, not despite but through our deepest differences. Orientational ethics makes the articulation of

11 Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford: Oxford University Press, 2017), https://doi.org/10.1093/actrade/9780190234874.001.0001. Elaborated below in Chapter 1.

12 Inspired by Chantall Mouffe who sees the aim of democratic politics 'to provide the framework through which conflicts can take the form of an agonistic confrontation among adversaries instead of manifesting themselves as an antagonistic struggle between enemies.' Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), p. 117.

this its guiding question.

The second element of populism, normative antagonism, denies that moral convictions are accessible to reasoned reflection. It treats normative commitments as fixed, non-negotiable, and inherently immune to reflective critique. Moral commitments, according to this view, are not open to discursive exploration, but are instead held as immutable expressions of identity or belief. This prevents ethical disagreement from becoming a site for reflection. In order to resist this aspect of antagonism, orientational ethics advances a view of morality and moral identity in which discursive reflexivity is central to moral convictions. This view builds on a shared assumption of both contrasting modes of ethics that structure the conceptual cartography of roles for ethics advisors. Ethics as a foundational discipline and ethics as a contextual, pluralist practice both reject normative antagonism by holding that moral convictions are open to systematic reflexivity through philosophical reflection and dialogue. Foundational theories ground this in universal principles, while contextualist approaches base it in historically and socially embedded understanding, yet both sustain ethical reflection beyond the opposition between them.

In this view, and in contrast to antagonism, ethics advice needs to sustain democratic public reasoning in its search for reflective communality within a pluralist world.[13]

0.4. Ethics advice is orientational

Democratic politics, then, is not merely a pragmatic mechanism for managing conflict. It also involves a search for common ground, shared understandings of identity, values, and purpose, that prevent social fragmentation. For such a politics to function, public reasoning is essential: it is the process through which policies are justified and legitimacy is claimed. Public reasoning depends on a shared normative ground. Without such common ground, reasoning together becomes impossible: there is no conceptual or moral space in which disagreement

13 One could say that the primary task of ethics advice is to give advice on a specific issue, however, in doing so attention needs to be given to sustaining democratic public reasoning and reflective communality. For the practical implications hereof, see Chapter 8, 'A roadmap for ethics advice for public policy'.

can be meaningfully addressed. In the absence of a shared space for public reasoning, a society risks falling back on force or manipulation as the only remaining means of decision-making.

For ethics advice, this common ground is both conditional and orientational. Ethics advice seeks to identify and sustain the value-based conditions that enable democratic public reasoning. Ethics advice should not merely point to a desired destination; it demands a careful assessment of how to proceed from the present circumstances. Such an assessment depends on awareness of the current position and the specific social, historical, and political context, which together shape the viability of potential steps. A course of action that appears sound in abstract theory may, under real-world conditions, deepen conflict or produce unintended harm. Ethics advice therefore needs to treat practical constraints and contextual sensitivity as intrinsic to ethical reasoning.

The Paradise Island metaphor, introduced by Ingrid Robeyns, illustrates the limitations of purely abstract direction.[14] Paradise Island represents a vision of a just society, an ultimate horizon whose precise location and attainability remain uncertain. It provides orientation but not a navigational chart. Moving directly toward it may be perilous or even impossible, especially when political and social conditions resemble waters strewn with wrecks and sandbanks. In practice, policy-making unfolds within such constraints, which often prevent the straightforward translation of ideal theory into workable policy. Ethics advice thus focuses on charting a viable course from the present position, combining a search for direction with attentiveness to the obstacles that require adaptation.

As the metaphor of Paradise Island makes clear, ethics advice should not set its course solely by a distant ideal but must navigate from the position in which it currently finds itself. This refers to the original sense of orientation, which, as Rudolf Makkreel observes, is 'the

14 Ingrid Robeyns, 'Ideal Theory in Theory and Practice', *Social Theory and Practice*, 34.3 (2008), 341–362 (p. 345), https://doi.org/10.5840/soctheorpract200834321: 'We don't know whether it can be reached and no one has ever set foot on the Island. Yet since it is our dream to go there, reaching Paradise Island is our ultimate goal. It gives us the direction in which we should be moving to reach a (minimally) just society, or a society that is just with respect to a particular domain.' Abstract theory aims to tell us 'where the endpoint of the journey lies: it does not necessarily tell us anything about the route to take to get to Paradise Island. In some seas it is dangerous, indeed impossible, to just sail straight in the direction of the destination.'

capacity of the subject to locate itself spatially and to navigate through its territory. Spatial orientation involves more than a visual relation to my earthly surroundings; it is rooted in the way I feel my locatedness in the world.'[15] Applied in ethics advice, this involves situating the agent within a specific normative, social, and historical context before sound judgments about the way forward can be made. It requires attentiveness to the real conditions, conceptual, institutional, and material, that shape what steps are possible from the current position before goals and ideals can be considered.

The risk of this approach to orientation is that the current position becomes a constraint. Once again, spatial metaphors offer conceptual clarity.[16] The notions of place and border, understood not merely geographically but symbolically, help articulate the conditions of ethical orientation. They mark the contours of situatedness while also shaping how what lies beyond it is imagined. Within this metaphorical topography, a distinction arises between limits and boundaries. Limits signify a definitive terminus, a horizon that forecloses further movement or thought. Boundaries, by contrast, delimit a space while intimating the possibility of other spaces beyond.[17] Transposed to the ethical domain, this distinction matters profoundly. If current normative agreements are construed as limits, pluralism risks stagnation, treating the status quo as the outer edge of moral possibility. If viewed as boundaries, current normative agreements become thresholds that both frame the present location and open the way to what is not yet realized. Such boundaries call for eliciting 'those conditions that allow us to relate our basic feeling of orientation to some more encompassing frame of reference,'[18] which in turn means that ethics advice starts in medias res, but is not confined by it. Ethics advice is in this sense orientational: it supports democratic public reasoning in orienting itself toward perspectives that can be shared within a pluralist world. Its task is to help sustain a reflective communality that

15 Rudolf A. Makkreel, *Orientation and Judgement in Hermeneutics* (Chicago: The University of Chicago Press, 2015), p. 78, https://doi.org/10.7208/chicago/9780226249452.001.0001

16 Jeff Malpas, 'Placing Understanding/Understanding Place', *Sophia*, 56 (2017), 379–391, https://doi.org/10.1007/s11841-016-0546-9

17 Immanuel Kant, *Prolegomena to Any Future Metaphysics* (London: Routledge, 1996) p. 111 (Ak. 4:35) quoted in: Makkreel, *Orientation and Judgement*, p. 62.

18 Makkreel, *Orientation and Judgement*, p. 79.

remains open to diversity, grounded in shared commitments while open to what lies beyond the immediate and the familiar.

0.5. Ethics advice assists public reasoning to orientate

Orientational advice requires signposts on this side of conceptual boundaries: markers that anchor the present ethical and political contexts while opening space to imagine what lies beyond. In democratic public reasoning, conceived as an overlapping discourse in which diverse individuals cooperate in the search for a moral basis for peaceful coexistence, such signposts emerge from its social, discursive, and dynamic character. As a joint search, it rests on something shared yet continually reaches beyond what is already shared. This openness and forward-looking dimension takes shape in what Wibren van der Burg calls moral ideals.[19]

Ideals in democratic public reasoning extend beyond specific values that deserve respect or promotion, to values whose meaning and implications exceed current understanding. They are, in Van der Burg's words, 'values that are usually implicit or latent in the law or the public or moral culture of a society or group, which usually cannot be fully realized and which partly transcend contingent, historical formulations and implementations in terms of rules and principles.'[20] Ideals are dynamic and open, yet not empty. They guide normative practices, structure deliberation about desirable future states of affairs, and provide direction and perspective beyond the boundaries of current agreement. Chapter 6 elaborates three ideals that orient democratic reasoning as signposts: equality, which emphasis the anti-inegalitarian root of democracy; dignity, which focusses the attention on human agency and to the rights that are necessary to protect it; and rule of law (Rechtsstaat), which underscores the importance of juridical and

19 Among others: Wibren van der Burg, 'The Importance of Ideals', *Journal of Value Inquiry*, 31 (1997), 23–37, https://doi.org/10.1023/A:1004267831040; Wibren van der Burg, 'The Role of Ideals in Legal Dynamics' in: *Pluralism and Law: Proceedings of the 20th IVR World Congress*, ed. by Arend Soeteman, Archiv für Rechts und Sozialphilosophie, Beiheft 91 (Stuttgart: Franz Steiner, 2004), 28–33; for further elaboration, see Chapter 6.2 'The internal dynamic of democratic ethos'.

20 Van der Burg, 'Ideals in Legal Dynamics', p. 29.

institutional safeguards to ensure openness and accommodate diversity.[21] That this perspective on ethics advice is not merely a form of armchair philosophy is illustrated by the work of the European Group on Ethics in Science and New Technologies (EGE) in Box 0.1. In its analysis of the role of ethics in European and global governance, the EGE articulates a conception of ethics advice that is in line with the orientational of the dynamics of democratic reasoning as described here.

Box 0.1 The European group on ethics

The European Group on Ethics in Science and New Technologies (EGE) has published *Values for the Future: The Role of Ethics in European and Global Governance*.*22* This EGE Statement highlights the core challenge of professional ethical engagement in democratic public reasoning:

> In the context of ethical pluralism, there is an increasing need for shared ethical values and principles, in the face of the complexity of scientific and technological advancement, through balanced critical reflection and dialectic argumentation.[23]

The EGE characterizes existing pluralism as reasonable; it is reasonable

21 I use 'rule of law' as a translation of the continental European concept of Rechtsstaat. In doing so, I follow the language used by the European Union: English versions of the EU treaties use the term 'rule of law' where the Dutch and German versions use the term Rechtsstaat. As the Netherlands Advisory Council on International Affairs (AIV), notes: 'The importance of the common law concept "rule of law" has increased rapidly in recent years and is equated increasingly often with the German/Dutch doctrine of Rechtsstaat. However, treating them as the same can cause confusion. This is because the common law concept of the rule of law is more limited and focuses above all on aspects of legality (e.g. government bodies bound by the law, legal certainty, equality before the law and prevention of arbitrariness) and a certain degree of legal protection and access to the courts. Rechtsstaat is broader and also comprises principles such as the separation of powers, respect for human rights (both civil and political rights and fundamental social and economic rights) and rights for minorities (in the sense both that their interests are taken into account in decision-making and that their own specific rights are protected).' AIV [Netherlands Advisory Council on International Affairs], *The Will of the People: The Erosion of Democracy under the Rule of Law in Europe*. Report 104, June 2017, https://www.adviesraadinternationalevraagstukken.nl/documenten/2017/06/02/de-wil-van-het-volk, p. 17.

22 EGE [European Group on Ethics in Science and New Technologies], *Values for the Future: The Role of Ethics in European and Global Governance*. Publications Office, 2021, https://data.europa.eu/doi/10.2777/595827

23 EGE, *Values for the Future*, p. 12.

because pluralism and disagreement stem from the plurality of worldviews and not from a lack of reflection:

> In every social group there are frequent and deep disagreements between parties and stakeholders that are *reasonable* in the sense that they do not necessarily stem from flawed reasoning, but result from a plurality of perspectives, diverse world views, conflicting moral values, images of human beings and conceptions of a good life.[24]

That is why they argue that public deliberation in open democracies is vital:

> One proven way to deal with value pluralism, value conflicts and deep disagreement is democratic deliberation involving all affected on the basis of equality.[25]

This leads to the idea that professional ethical engagement should complement, rather than replace, democratic public reasoning. Ethics must operate within the framework of an open democracy under the rule of law. Public reasoning in open democracies needs to be informed by fundamental human rights, which serve as a critical conceptual framework guiding both national constitutions and international agreements:

> The elaboration of shared ethical values and principles for regulating techno-science draws inspiration from the horizon of fundamental human rights as a conceptual framework, which form a crucial part of national constitutions and international documents.[26]

The EGE shows that preserving an open democracy can form a reference point for the orientation of the dynamics of public reasoning: in an open democracy, public reasoning needs to take into account that maintaining the normative basis on which an open democracy can flourish is a worthwhile goal for public reasoning. When ethicists contribute professional advice to democratic public reasoning, they have the responsibility to remind their audience of this.

24 EGE, *Values for the Future*, p. 10.
25 Ibid.
26 EGE, *Values for the Future*, p. 12.

While the dynamics of democratic reasoning provide essential orientation, they do not exhaust the ethical resources available for navigating pluralist societies. What is needed, in addition, is a form of reflection that treats moral thinking not as the mechanical application of established theories, but as a sustained interpretive and imaginative engagement with moral experience. This mode of orientation draws on the long-standing traditions of moral philosophy: not as a resource of definitive answers, but for their capacity to foster responsiveness to normative complexity. The significance of these traditions lies not in their theoretical finality, but in their ability to sustain moral reflexivity through inquiry, dialogue, and the exercise of judgment. Orientation, here, becomes a form of philosophical hermeneutics: to think through inherited moral ideas, to interrogate their assumptions, and to explore their potential to illuminate present challenges. Such thinking is not an ancillary extra to democratic life, but an integral part of its depth and resilience. In ethics advice, philosophers build on these traditions by treating them as part of our shared intellectual inheritance: as 'the stock of values and arguments.'[27] Though theories rarely offer unequivocal prescriptions for complex situations, they support critical self-understanding and help discern promising pathways forward, especially where their insights align. As Marcel Verweij reminds us, 'as soon as we talk about practical moral issues in everyday life, with all their inherent complexity, it is not at all self-evident that these theories would imply different moral judgments.'[28] Their convergence may offer a source of orientation.

Ethics advice provides reflective orientation: not as a technique for deriving rules from theory, but as a mode of judgment that reconfigures the horizon of shared values from constraint into possibility. Through such reflection, ethicists do not abandon the given; rather, they reveal its openness. They enable public reasoning to remain rooted in what is, while remaining attuned to what could be: navigating the space

27 Jonathan Wolff, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy.' In *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), 13–24 (p. 23), https://doi.org/10.4324/9781315461731

28 Marcel Verweij, *Praktijk in Ethiek: Spel | Praktijk | Theorie*. Inaugurele rede, Universiteit Utrecht, 2024 (p. 19) www.uu.nl/sites/default/files/Oratie-Marcel-Verweij-2024.pdf (my translation).

between locatedness and aspiration. And in doing so they assist public reasoning in orientating itself towards a reflective communality between fundamental diverse perspectives.

0.6. Three forms of professional ethics engagement

Orientational ethics offers a distinctive contribution to public reasoning: it provides reflective moral guidance that is attuned to both context and complexity. It requires more from ethicists than sharp analytical skills; they must also be grounded in the traditions, methodologies, and substantive insights of systematic moral philosophy. They don't bring just 'philosophical skills' in their advice, they bring 'philosophy' too.[29] The central task of orientational ethics is not to deliver ready-made solutions, but to help democratic societies adopt a more reflective posture towards their own moral commitments. This general description of orientational ethics remains relatively abstract. To make this approach a little more specific, it takes shape in three forms of professional ethics engagement in democratic public reasoning about policy: explicating, engaging, and orienting. The concluding chapter of this book returns to these three forms of engagement and elaborates them into a practical roadmap for ethics advice. For now, however, these preliminary formulations offer a working understanding of how orientational ethics can guide ethics advising in democratic contexts.

Explicating the moral aspects in public reasoning

This first form of ethical engagement supports understanding the normative locatedness of policy issues. Its aim is to uncover the ethical dimensions of a policy debate. Policy discussions are not just technical or political in nature; they are also shaped by normative assumptions

29 This builds upon Jonathan Wolff who concentrates on the use of 'the skills of analysis and argument, informed by the study of history of the subject and the best contemporary work. We know about patterns of argument, with shared objections and thoughtful replies. (…) There is work for us to do, but not necessarily the work we thought. Public policy needs philosophers more than it needs philosophy.' Jonathan Wolff, *Ethics and Public Policy: A Philosophical Inquiry*. 2nd ed. (London: Routledge, 2019), p. 268, https://doi.org/10.4324/9781351128667. I do, however, think that public policy needs philosophy too in order to orientate on the acceptable, beyond the accepted.

and value judgments. Ethicists contribute by making these assumptions explicit, helping all participants, including policymakers, to better understand the ethical issues at stake. This means placing policy questions in their broader social and historical context and exploring how values are embedded in different ways of problem framing and possible solutions.

Engaging with the dynamics of public reasoning

The second form of ethical engagement supports the understanding of the dynamics of a policy issues. It supports shared understanding and overlapping positions on the normativity of policy discussions. Ethicists engage with public reasoning and develop shared deliberative spaces for it amidst societal pluralism. In pluralist societies, ethical reasoning is not solely about eliminating disagreement; it is also about enabling meaningful public deliberation across diverse worldviews. Ethicists can contribute by supporting dialogue: helping participants to better understand each other's positions and creating space for democratic reflection. Where deep disagreement makes agreement on substantive content unlikely, ethics advice can help to shift the discussion to a meta-level, focusing on mutual recognition, fairness, and the conditions for peaceful coexistence.

Orienting democratic public reasoning

The third form of ethical engagement concerns the search for direction. Orientational ethics is not only about helping society navigate specific policy questions; it also seeks to support and strengthen the democratic ethos required for reaching agreements or finding tolerable solutions. In this context, ethicists assist public reasoning by helping to establish and deepen its normative foundations. In an open democracy, there is an inherent tension between the openness that fosters pluralism and the democratic need for shared perspectives. Orientation, in this setting, is drawn from socially embedded ideals that are part of the democratic ethos: equality, as expressed in the anti-inegalitarian core of democracy; dignity, as embodied in the respect for and protection of human agency through human rights; and the rule of law, understood as an institutional safeguard for sustaining open and inclusive

democratic processes. Orientation also emerges from reflection on the public structures necessary for human flourishing. These ideals and institutional commitments are further developed through reflective moral thinking, not through the application of isolated ethical theories, but through the interpretive and critical engagement with the broader tradition of moral philosophy.

0.7. Structure of the argumentation

I end this introduction with an overview of the rest of this book. It opens with Chapter 1, which examines the interlinkage between policy, politics, and ethics through a brief case study: the 2023 strategic policy advice on climate justice by the Netherlands Scientific Council for Government Policy (which I serve as secretary).[30] Two features of democratic public reasoning emerge as central challenges for ethical expertise: pluralism and antagonism. These form the foundation for the two-step development of orientational ethics.

Part I presents the first step: developing orientational ethics as a philosophical theory on the role of morality in a pluralist open democracy. Chapter 2 outlines four ideal-typical roles for ethicists in democratic reasoning, three of which are explored in separate chapters: the ethics advocate (Chapter 3), the ethics facilitator (Chapter 4), and the engaged philosopher (Chapter 5).

Part II takes the second step. Chapter 6 seeks an antidote to political antagonism in a democratic ethos that enables citizens to live together not despite, but through, deep moral differences. Chapter 7 addresses normative antagonism by presenting moral theorising as a reflective practice aimed at sustaining dialogue, enabling self-examination, and fostering mutual intelligibility. In this way, orientational ethics becomes a philosophical instrument for supporting reflective communality in a pluralist world.

Part III contains the concluding chapter (Chapter 8), which returns

30 WRR [Wetenschappelijke Raad voor het Regeringsbeleid], *Rechtvaardigheid in Klimaatbeleid: Over de Verdeling van Klimaatkosten*. WRR-Rapport 106 (Den Haag: WRR, 2023). Translated as Annick de Vries and others, *Justice in Climate Policy: Distributing Climate Costs Fairly*. Research for Policy (Heidelberg: Springer, 2024), https://doi.org/10.1007/978-3-031-59427-4_1

to the three forms of professional ethics engagement introduced above and develops them into a roadmap for ethics advice. This roadmap offers academic philosophers, philosophy students, policy advisors, and policymakers a clearer sense of what can, and cannot, reasonably be expected from professional academic ethicists participating in democratic public reasoning.

Literature

AIV [Netherlands Advisory Council on International Affairs], *The Will of the People: The Erosion of Democracy under the Rule of Law in Europe*. Report 104, June 2017, https://www.adviesraadinternationalevraagstukken.nl/documenten/2017/06/02/de-wil-van-het-volk

de Vries, Annick and others, *Justice in Climate Policy: Distributing Climate Costs Fairly*. Research for Policy (Heidelberg: Springer, 2024), https://doi.org/10.1007/978-3-031-59427-4_1

EGE [European Group on Ethics in Science and New Technologies], *Values for the Future: The Role of Ethics in European and Global Governance*. Publications Office, 2021. https://data.europa.eu/doi/10.2777/595827

Gallie, W.B., 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, 56 (1956), 167–198.

Jonas, Monique, *The Ethics of Advising* (Oxford: Oxford University Press, 2025), https://doi.org/10.1093/9780191954931.001.0001

Kant, Immanuel, *Prolegomena to Any Future Metaphysics* (London: Routledge, 1996).

Makkreel, Rudolf A., *Dilthey, Philosopher of the Human Studies* (Princeton: Princeton University Press, 1975), Expanded with a new afterword, 1992.

Makkreel, Rudolf A., *Imagination and Interpretation in Kant: The Hermeneutical Import of the 'Critique of Judgement'* (Chicago: The University of Chicago Press, 1990; revised 1994).

Makkreel, Rudolf A., *Orientation and Judgement in Hermeneutics* (Chicago: The University of Chicago Press, 2015), https://doi.org/10.7208/chicago/9780226249452.001.0001

Makkreel, Rudolf A., *Kant's Worldview: How Judgement Shapes Human Comprehension* (Evanston Ill.: Northwestern University Press, 2022), https://doi.org/10.2307/j.ctv20zbkx5

Malpas, Jeff, 'Placing Understanding/Understanding Place', *Sophia*, 56 (2017), 379–391, https://doi.org/10.1007/s11841-016-0546-9

Mouffe, Chantal, *The Democratic Paradox* (London: Verso, 2000).

Mudde, Cas and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford: Oxford University Press, 2017), https://doi.org/10.1093/actrade/9780190234874.001.0001

Pielke Jr., Roger A., *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), https://doi.org/10.1017/cbo9780511818110

Robeyns, Ingrid, 'Ideal Theory in Theory and Practice', *Social Theory and Practice*, 34.3 (2008), 341–362, https://doi.org/10.5840/soctheorpract200834321

Rossi, Enzo and Matt Sleat 'Realism in Normative Political Theory', *Philosophy Compass*, 9.10 (2014), 689–701, https://doi.org/10.1111/phc3.12148

Schwartz, Jonathan Peter, 'Political Judgment Confronts Ideology: Hannah Arendt's Contribution', *Polity*, 50.3 (2018), 485–511, https://doi.org/10.1086/698202

van der Burg, Wibren, 'The Importance of Ideals', *Journal of Value Inquiry*, 31 (1997), 23–37, https://doi.org/10.1023/A:1004267831040

van der Burg, Wibren, 'The Role of Ideals in Legal Dynamics', in: *Pluralism and Law: Proceedings of the 20th IVR World Congress*, ed. by Arend Soeteman, Archiv für Rechts und Sozialphilosophie, Beiheft 91 (Stuttgart: Franz Steiner, 2004), 28–33.

Verweij, Marcel, *Praktijk in Ethiek: Spel | Praktijk | Theorie*. Inaugurele rede, Universiteit Utrecht, 2024, www.uu.nl/sites/default/files/Oratie-Marcel-Verweij-2024.pdf

Waldron, Jeremy, *Law and Disagreement* (Oxford: Oxford University Press, 1999), https://doi.org/10.1093/acprof:oso/9780198262138.001.0001

Wolff, Jonathan, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, https://doi.org/10.4324/9781315461731

Wolff, Jonathan, *Ethics and Public Policy: A Philosophical Inquiry*. 2nd ed. (London: Routledge, 2019), pp. 260–261, https://doi.org/10.4324/9781351128667

WRR [Wetenschappelijke Raad voor het Regeringsbeleid], *Rechtvaardigheid in Klimaatbeleid: Over de Verdeling van Klimaatkosten.* WRR-Rapport 106 (Den Haag: WRR, 2023).

1. Ethics and public policy: A short case study

Climate policies, like public policies in general, are developed in a society where there is fierce disagreement. In the ongoing political discussion about climate change, the key question has evolved. The primary question is no longer whether climate change is real and problematic, and even the direction and the transitions needed to cope with the problem are more or less clear. Instead, the focus has shifted to a new crucial issue: who should shoulder the burden? Determining how to fairly distribute the costs related to climate change mitigation, adaptation, and the impacts of extreme weather caused by climate change has become a pressing issue. Climate justice is now a significant ethical and political concern.[1]

Recent research has highlighted an important aspect of this new landscape: to gain long-term support from the public for climate policies, it is essential to ensure an equitable sharing of these costs.[2] However, the current approaches to cost distribution often remain undiscussed. That is why we at the Netherlands Scientific Council for Government

1 Climate justice is a broad field ranging from the just distribution of the costs of climate change within countries, between countries and between generations. An important topic is the distribution of climate costs between the developed world (which benefited most from climate-changing behavior) and the developing world (which suffers the most from the impacts of climate change). Simon Caney, 'Climate Justice', in: *The Stanford Encyclopedia of Philosophy*, Winter 2021 ed., ed. by Edward N. Zalta, https://plato.stanford.edu/archives/win2021/entries/justice-climate/

2 Lieke Dreijerink and Ruben Peuchen. *Maatschappelijk Draagvlak voor Klimaat- en Energiebeleid* (Den Haag: TNO, 2020), https://publications.tno.nl/publication/34636533/Bq83Sb/TNO-2020-P10030.pdf; I&O Research. *Rechtvaardigheid in Klimaatbeleid* (Enschede: I&O Research, 2022), https://www.ipsos-publiek.nl/actueel/wrr-eerlijke-verdeling-klimaatkosten-belangrijk-voor-draagvlak/

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Policy wrote a report on climate justice. This report doesn't advocate for a specific doctrine of justice.[3] Instead, it provides a broad overview of the underlying principles involved, demonstrating that different ethical frameworks result in different ways of distributing climate costs (Fig. 1.1). Through three case studies, our Council shed light on the existing implicit models for cost distribution, uncovering their underlying foundations and how adopting a different ethical principle could lead to significantly different outcomes.

The objectives in our report are fourfold: firstly, to clarify that every climate policy implies a distribution of costs that is often left implicit. Secondly, to defend that the allocation of these costs is fundamentally a matter of justice, where different principles lead to different outcomes. Thirdly, to enhance the political and public conversation by presenting a range of justice principles, thus encouraging a broader and more informed political debate on how to distribute climate costs. And finally, to create room for an explicit conversation on climate justice, this report aims to facilitate the development of climate policies that can gain societal support.

The report was well-received and had a significant impact. The Dutch government acknowledged the importance of climate justice, and the need for a more detailed discussion on the fairness of policy measures and the distribution of climate-related costs. The report's perspective has also been integrated into a study commissioned by the Dutch parliament, which explores how citizens view climate policy. In analysing the citizens' view on climate policy, the ten principles from this report functioned as a framework: it showed that justice-related considerations play a significant role when citizens assess different policy choices.[4]

3 WRR [Wetenschappelijke Raad voor het Regeringsbeleid], *Rechtvaardigheid in Klimaatbeleid: Over de Verdeling van Klimaatkosten*. WRR-Rapport 106 (Den Haag: WRR, 2023). Translated as Annick de Vries and others, *Justice in Climate Policy: Distributing Climate Costs Fairly*. Research for Policy (Heidelberg: Springer, 2024), https://doi.org/10.1007/978-3-031-59427-4_1

4 Populytics, *Burgerkeuzes in kaart: resultaten van de Nationale Klimaatraadpleging 2023* (Delft: Populytics, TU Delft, 2023), https://www.tweedekamer.nl/downloads/document?id=2023D44127



Fig. 1.1 Ten principles for climate justice (Source: WRR)

1.1. Public policy-making and the primacy of politics

In practical policy-making it is clear that democratic decision-making and the development of public policies are closely intertwined. Climate policies are the subject of fierce political debate, but at the same time they are characterized by the development of practical policies with technical and scientific details. Traditionally, politics and policy-making are normatively distinguished: politics makes binding collective decisions and legitimizes the policy goals; and policy-making prepares and executes these decisions. This distinction plays a central role in the normativity of public reasoning: politicians are elected to decide and civil servants must implement (in good faith) these political decisions with practical and technical support.[5] Political science, however, has

5 See e.g. the official Code of Conduct for Civil Servants in The Netherlands: 'As a civil servant, you ultimately work for the minister, and in performing your official duties, you represent the minister in your external interactions. Always remember that, as a civil servant in your role, you speak on behalf of the minister.' (My translation). BZK [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties], Gedragscode Integriteit Rijk 2020 (Ministry of the Interior and Kingdom Relations, Netherlands Integrity Code for Civil Servants 2020), p. 25, https://www.p-direkt.nl/documenten/publicatie/2021/12/21/gedragscode-integriteit-rijk-2020

shown that this distinction is empirically not tenable: politicians do not always 'rule the world of policy'. Arjen Boin and Martin Lodge call it 'the Myth of the Politics-Administration Divide' which they characterize as 'politicians set the course and civil servants steer the ship of state in that direction.' According to them, there are two ways to look at such a division of labour, from a normative and from an empirical perspective:

> From a normative view, there is nothing wrong with advocating a hard split between the political and the policymaking arena. Politicians are elected; civil servants are not. It is the job of politicians to make critical decisions that shape the nature of the social enterprise; it is the job of unelected civil servants to serve their political masters. Political scientists call this 'the primacy of politics'. Put this way, few academics would argue differently. Empirically, it is a different story. Many public administration and policy scholars have demonstrated in painstaking empirical research what many people suspect: politicians don't always rule the world of policy nor is that possible. Study after study has found that civil servants must and do make decisions that have direct impact not only on the shape of policy but also on its effects.[6]

What is the lesson from this tension between the normative view on the primacy of politics and the empirical view on the decision-making role of civil servants? What does it mean for public democratic reasoning regarding policy issues that the distinction between politics and administration is in fact untenable, while normatively the 'primacy of politics' plays a crucial role in the (democratic) justification of policy decisions?

If we take a step back to look at the philosophical-historical background of the normative distinction between politics and policy-making, we see the roots of this idea in the work of Max Weber (1864–1920).[7] On the basis of his analysis of the German state of his time he develops a framework for assessing the relations between elected officials and their administrative support; this framework still resonates in current discussions. According to Weber, a strong state needs executive power that is administrated through an extensive body

6 Arjen Boin and Martin Lodge, *The Politics of Policymaking* (London: Sage, 2024), p. 10, https://doi.org/10.4135/9781036232993

7 Specifically, Max Weber, *Wissenschaft als Beruf & Politik als Beruf* (1919). Translated as: Max Weber, *The Vocation Lectures: Science as Vocation & Politics as a Vocation*, ed. by David Owen and Tracy B. Strong (Indianapolis, In.: Hacket, 2004).

of civil servants.[8] In his theory, public policy is seen as the technocratic implementation of specific, politically determined goals. Without a permanent administrative apparatus to prepare and implement public policy, political leaders cannot effectively exercise authority. They rely on the capacities of analysis, regulation, coordination and delivery of public institutions to address urgent societal challenges and to pursue their political agendas in a legitimate and effective manner.[9]

The implication of this distinction is that political leaders and public servants carry different roles and responsibilities. Political leaders are expected to demonstrate their legitimacy through legislative action and electoral accountability, fulfilling their duties with an ethic of responsibility. Public servants, by contrast, are tasked with carrying out administrative functions in a politically neutral manner, adhering to the directives of elected officials—even, as it has been put, 'to the point of self-denial.'[10]

Setting goals is political; choosing means is policy. Goal-setting is at home in democratic politics, while policy-making is, according to this distinction, at home in the civil service, where career experts serve the public good by implementing democratically legitimized political decisions. Public policy is then the technocratic implementation of political decisions through legislative, financial, or communicative instruments.[11]

This normative separation between politics and policy has been used as a basis for an ethics of public policy. Carl Mitcham and Erik Fisher, for example, define 'policy' in their article on 'Policy and Ethics' in the *Encyclopedia of Applied Ethics* as a 'science-based program for action that guides decision making toward the effective realization of wellchosen goals and clearly designated outcomes.'[12] Based on that

8 Fritz Sager and Christian Rosser. 'Reflecting Weber, Wilson, and Hegel: Theories of Modern Bureaucracy', *Public Administration Review*, 69.6 (2009), 1136–47 (p. 1139), https://doi.org/10.1111/j.1540-6210.2009.02071.x

9 Sager and Rosser, *Reflecting Weber*, p. 1143.

10 Sager and Rosser, *Reflecting Weber*, p. 1139.

11 Evert Vedung, 'Policy Instruments: Typologies and Theories', in: *Carrots, Sticks and Sermons*, ed. by J. McCormick (New York: Routledge, 1998), pp. 21–58, https://doi.org/10.4324/9781315081748

12 Carl Mitcham and Eric Fisher. 'Ethics and Policy', in: *Encyclopedia of Applied Ethics*, ed. by Ruth Chadwick, 2nd ed., vol. 2 (San Diego, CA: Academic Press / Elsevier, 2012), pp. 165–172, https://doi.org/10.1016/B978-0-12-373932-2.00424-5

definition, they defend a relatively 'independent' position for policy-making. Once the goals have been set, policy-making does not resemble 'politics (with its characteristic appeals to tradition, power, or majority rule)' but 'science (with its appeals to empirical evidence or theoretical adequacy).'[13] Policy-making functions 'at a level of abstraction intermediate between specific decisions and general principles.'[14] This leads to an idea of public reasoning regarding policy formation that is divided into democratic, political goal setting and technical policy deliberation. They model the latter on an ideal of a 'power-free' or 'scientific' discussion. The implication of the way Mitcham and Fisher conceptualise this distinction is that ethicists who want to participate professionally in public reasoning in relation to policy are either directed at political decision-making (and thus political) or at supporting the administration in preparing and/or executing these decisions (and thus non-political). Based upon their analysis, one could distinguish two branches of ethics for public reasoning: normative political theory (ethics for goals) directed at politics, and public policy ethics (ethics for means) directed at professional policy-makers. When we apply their perspective to our report we can distinguish two different perspectives on the ten principles of climate justice: a political perspective in which they facilitate a political debate on climate goals and a policy perspective in which they facilitate a policy debate on distributing cost.

As I said above, reality, tells a different story. As is emphasised by Boin and Lodge, it is well-established in political science ('study after study has shown') that this normative perspective does not align with the empirical reality of policy-making. This misalignment has significant implications for ethicists who aim to participate professionally in public-policy reasoning regarding policy issues. They cannot assume that questions of legitimacy are purely political and that implementation is purely practical. Public discussions on the normativity of policy issues combine both. In order to interpret these discussions, the idea of public reasoning, as proposed by Sheila Jasanoff, might be helpful. She describes public reasoning as 'the institutional practices, discourses, techniques and instruments

13 Mitcham and Fisher, 'Ethics and Policy', p. 166.
14 Mitcham and Fisher, 'Ethics and Policy', pp. 165–66.

through which modern governments claim legitimacy in an era of limitless risks—physical, political and moral.'[15]

In her view, public reasoning is not directed at finding an overall theoretical perspective of 'public reason'[16] but it is a dialogical activity 'located within institutions of power, such as the state, and constitutes a practical activity of such institutions when making decisions in the public interest.'[17] Public reasoning aims to find some shared perspectives among disagreeing citizens. One could say that the report, with its ten principles, provides such a perspective for a discussion on the distribution of climate costs. It is an ethical analysis aimed at supporting public reasoning; ten principles not as weapons in the confrontation, but as tools in furthering understanding.

Thus, though it may be a helpful to make a conceptual distinction between politics and policy, it is obvious that this does not lead to a practical separation between the two. In practice, politics and policy-making are inextricably linked. This implies that the normative perspective in which normative political debates are distinct from technical policy debates has empirically limited force. This leads to the central question guiding this book: how should ethicists understand their professional role when engaging in democratic public reasoning?

To address that question in the remainder of this book, the next two sections will explore two key issues that are essential for developing an answer: pluralism and antagonism. In section 1.2, I describe political and philosophical ways to handle pluralism in an open democracy, and in section 1.3 I focus on the rise of populism in democratic societies. I analyse populism as an antagonistic fight for dominance between irreconcilable perspectives, aiming to replace pluralism with a dominant, majoritarian perspective. This antagonism poses a serious challenge to the public role of philosophers, whose contribution depends on the assumption that ethical reflection and communication are essential to the democratic management of disagreement.

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15 Sheila Jasanoff, *Science and Public Reason* (London: Routledge, 2012), https://doi.org/10.4324/9780203113820; see also Sarah Dillon and Claire Craig, *Storylistening: Narrative Evidence and Public Reasoning* (London: Routledge, 2021), p. 8, https://doi.org/10.4324/9780367808426

16 *Public Reason, The International Research Library of Philosophy*, vol. 21, ed. by Fred D'Agostino and Gerald F. Gaus (Aldershot: Ashgate / Dartmouth, 1998).

17 Dillon and Craig, *Storylistening*, p. 9.

1.2. Pluralism in open democracies

Normative disagreement on climate justice is not unique. Humans have always had disagreements about what is right, fair, desirable, and worthy of protection. People also perennially argue about the fundamental structure of the universe, its origins and purpose.[18] Fierce disagreement is not a new characteristic of societies, but the notion that diverse opinions have a rightful place in society, and that dissenting views and minority perspectives should not be suppressed, is a more recent development. Pluralism and diversity have become core tenets of an open democratic society. As John Rawls famously observed, the political and social conditions established by free institutions, particularly those protecting basic rights and liberties, inevitably give rise to a diversity of comprehensive doctrines. These doctrines are not only conflicting and often irreconcilable, but also, importantly, reasonable. Such pluralism, according to Rawls, is not an anomaly but a natural outcome of a just and open democratic society.[19]

For ethicists who want to professionally contribute to democratic public reasoning regarding policy-making, pluralism has two sides: democratic pluralism and ethical pluralism. The first leads to the idea of the political nature of democratic public reasoning as a way to handle moral pluralism, and the second to the fundamental characteristic of moral philosophy which consists of an irreducible plurality of theories and perspectives.

1.2.1. Pluralist democracy

In pluralist democracies, people disagree not only on fundamental worldviews; they also have different opinions on the ways the society should be organized. Sometimes these disagreements are clear, sometimes they are more implicit. As climate justice makes clear,

18 Compare: Richard Holloway, *A Little History of Religion* (New Haven, CT/London: Yale University Press, 2016), https://doi.org/10.12987/9780300222142

19 John Rawls, *Political Liberalism* (New York, NY: Columbia University Press Columbia University Press, 1993), p. 36: 'Under the political and social conditions secured by the basic rights and liberties of free institutions, a diversity of conflicting and irreconcilable—and what is more, reasonable—comprehensive doctrines will come about and persist if such a diversity does not already obtain.'

distributive issues remain relatively invisible in technocratic climate policies. That is why offering diverse principles of climate justice might help, opening up implicit differences for public discussion and scrutiny.

But discussion and public scrutiny are not enough; collective decisions have to be made.[20] Amidst disagreement and pluralism, people need social peace, stability and security, now and in the future. Moreover, for societies and their citizens to thrive and prosper, policies are needed to sustain the habitability of the world. Policies are also needed to influence the conditions for humans to live and flourish, i.e. the ways our social and physical worlds are structured. The ways in which money, power and risks are distributed across the members of a community are shaped through policies (e.g. economic legislation) and can be changed through redistribution (e.g. imposing taxes, costs or subsidies). The same holds for physical and social structures. Physical structures such as bridges, dikes, or the internet require infrastructural policies to be built and maintained. Social structures like the legal system, markets and institutions are not natural phenomena; their existence requires the creation and maintenance of social institutions. Likewise, the creation and protection of trans-individual goods such as public health, food security, and culture need collective efforts. We need such collective, coordinated decisions to structure the common context in which we live.

But getting at these collective, coordinated actions is difficult when there is deep moral pluralism. This problem lies at the heart of politics. Politics, according to this view, is not simply about enforcing agreement, but about enabling cooperation amid persistent disagreement. This is what Jeremy Waldron has called the circumstances of politics. The conditions of politics arise precisely when people must decide on a shared framework or course of action, even though they disagree about what that should be. 'Disagreement would not matter if there did not need to be a concerted action; and the need for concerted action would not give rise to politics if there was not at least potential for disagreement about what the concerted action should be.'[21] It is the interplay of these

20 Compare: Ruth Mampus, 'The Deadlock of European GM Crop Authorisations as a Wicked problem by Design: A need for Repoliticisation of the Decision-making Process' [Doctoral Thesis, Erasmus University Rotterdam] (Rotterdam: Erasmus Universiteit Rotterdam 2021), https://pure.eur.nl/ws/portalfiles/portal/46481412/201214-Ruth-Mampuys-thesis.pdf

21 Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999), p. 102,

two elements, disagreement and coordination, that defines the political.

In a pluralist society we need democratic politics. A democracy is built upon the notion that all individuals possess equal inherent worth and that they all have an equal right to participate in collective decision-making. Under democratic procedures and institutions, citizens perform activities like voting, participating in public discourse, protesting, lobbying and active engaging in decision-making processes. This political context is relevant for ethics. As Annabelle Lever and Andrei Poama, the editors of *The Routledge Handbook of Ethics and Public Policy*, state in their introduction:

> (W)e take the political dimensions of policy-making to play an important role in determining the ethical content, dynamics, and types of justifications that can be offered for public policy. Moreover, because that content and those justifications will depend on whether we think of people as political equals, and on the forms of freedom, wellbeing, and opportunity which that equality requires, permits, or forbids, we focus explicitly on issues of ethics and public policy that arise as a result of democratic political struggles and ideals, and that can be resolved domestically and internationally in ways consistent with democratic government.[22]

Democratic policy is characterized by underlying pluralism. Because this pluralism is fundamental and persistent, democratic public reasoning cannot easily expect to transcend it through consensus. Instead, it requires frameworks for discussion and collective decision making that acknowledge enduring disagreement. Such frameworks enable diverse perspectives to engage in common reasoning by transforming unproductive conflict into productive confrontation. Chantal Mouffe makes this point forcefully when she states:

> I have proposed to envisage democratic politics as a form of 'agonistic pluralism' in order to stress that in modern democratic politics, the crucial problem is how to transform *antagonism* into *agonism.* In my view the aim of democratic politics should be to provide the framework through which conflicts can take the form of an agonistic confrontation among adversaries instead of manifesting themselves as an antagonistic struggle between enemies.[23]

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https://doi.org/10.1093/acprof:oso/9780198262138.001.0001

22 Annabelle Lever and Andrei Poama, 'Introduction', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 1–9 (p. 5), https://doi.org/10.4324/9781315461731-1

23 Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), p. 117.

In this light, our report on climate justice could be considered an attempt to provide such a framework: a structure that helps to explicate, scrutinize and discuss climate policies from the perspective of distributive justice.

Agonistic confrontation, however, is only a part of the story of democratic public reasoning. Democracy is more than a confrontation directed at non-violent conflict resolution. 'When properly conducted, then, democratic politics involves', according to Joshua Cohen, '*public deliberation focused on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of common good.'[24] From this perspective, democracy is considered as a process of generative collective reasoning: a search for commonality among those who partly disagree. The report on climate justice could be considered from this context as an attempt to provide elements that help to construct a perspective on a common idea of distributive justice. As mentioned above, this was an ethical analysis aimed at supporting public reasoning; ten principles not as weapons in the confrontation, but as tools in furthering understanding.

The purpose of democracy is both a confrontational process directed at establishing majorities and a collaborative process of searching for a shared perspective as a basis for policy-making. For the role of ethicists, however, it makes a difference whether democratic public reasoning is primarily considered as an agonistic confrontation or as deliberative, generative and collective reasoning.

1.2.2. Pluralist ethics

Can ethicists professionally support democratic public reasoning? Ethics, or moral philosophy—including normative political philosophy—is normative and prescriptive. It is directed at the way the world should be, how people should act, what kind of character they should develop or what community enables people to flourish. It seeks to understand and develop reflective normative perspectives—such as ethical theories—and it aims to discern their implications for human flourishing, individual and collective

24 Joshua Cohen, 'Deliberation and Democratic Legitimacy', in: *Deliberative Democracy: Essays on Reason and Politics*, ed. by James Bohman and William Regh (Cambridge, MA: The MIT Press, 1997), pp. 67–91 (p. 69).

rights and duties, virtues and goods, and the best attainable world.

It may not come as a surprise that societal pluralism is mirrored in ethical pluralism. Moral philosophy is at least as plural and contested as societal perspectives. In moral philosophy there is a broad spectrum of perspectives, methods and normative theories. There is theoretical pluralism because there are incommensurable ideas on what ethics and morality are about and there are incommensurable points of departure for developing ethical theory. This leads to an irreducible richness of theories and approaches (see Box 1.1).[25]

Box 1.1 Irreducible ethical pluralism

There is a fundamental pluralism in moral philosophy for at least two reasons. Firstly, there are different incommensurable concepts of the nature of morality, the status of moral claims, and the foundations of ethical language and thoughts.

- Morality is about emotions (emotivism). According to such perspectives, moral judgements express these emotions (expressivism) and it is the task of ethics to help us understand and scrutinize these emotions.
- Morality is about discovering objective moral facts or truths that are independent of individual beliefs, feelings, or cultural practices (moral realism). Some claim that that people are able to intuit these truths (intuitionism) and that moral philosophy seeks ways to improve these intuitions.
- Moral obligations follow from our rational thinking (rationalism). The structure of our morality is rational: what we ought to do follows from our rational thinking.

25 The concepts of ethics and morality are both essentially contested and there are incommensurable ways of developing an ethical theory. In general, I consider morality the system of convictions, beliefs or ideas about what is right and wrong behaviour. Ethics, or moral philosophy, I consider the systematic reflective stance towards this system. Morality can be distinguished in positive morality – also known as social or popular morality – which consist of actual shared convictions, beliefs or ideas about what is right and wrong behaviour and critical morality, which is a more ideal set of convictions, used to criticise social institutions, including social morality. The relation between ethics and morality, specifically between ethics and critical morality depends on the way we conceptualize 'taking a systematic reflective stance'. See more discussion in Chapters 2 and 7.

- Morality is based in the community we live in. Communities need, in order to survive, co-operation and a certain conformity. Morality is the set of social rules that groups need to survive.
- One can imagine many more positions and combinations of positions.

Secondly, there are different, incommensurable points of departure for developing an ethical theory.

- The observation that there is much wrong in this world. There is suffering, injustice, pain and oppression. Consequentialist theories start from the situation in the world and aim to improve that situation. A core discussion in these theories is about what makes the world better or worse. Is there one core value (like suffering and happiness) that constitutes wrongness or are there more core values (like autonomy, knowledge or friendship in addition to suffering)?
- The freedom we have to choose how we behave. Deontological theories start with this experience and raise the question of how to act. How can rational autonomous actors legislate themselves and impose moral duties upon themselves? Can we build these duties on fulfilling the conditions that are needed in order to be able to be autonomous? Is absence of coercion enough, or do we also need conditions like basic welfare, education, self-esteem or a well-organized society?
- The admiration we feel for certain moral exemplary figures with an outstanding character. Virtue ethics focuses on the character of individuals and has a strong pedagogical character.
- The observation that humans are social beings; they need some belonging. Communitarian theories take the social group as point of departure. According to these theories, morality focusses on the cohesion of the social group. To what extent are individuals expected to conform to group norms? There is no group without some conformity. But, to what extent is pressure to conform to the group morally justified? What are the sources of justification for cohesive norms: what is the status of tradition, authority and/or cultural identity and what kind of normative force have these vis-à-vis (dissenting) individuals?

Academic discussions in moral philosophy are not getting closer to developing any theoretical consensus. Moral philosophers therefore lack an undisputed 'extra-theoretical' or shared point of departure that they can use to evaluate different theories or to propose and defend social choices. There is no Archimedean point, no neutral evaluative stance. This complicates the role ethicists can fulfil in supporting democratic public reasoning.

Nowadays, many applied ethicists refrain from starting with an explicit foundationalist ethical theory. They want to bypass theoretical discussions and concentrate their ethical intervention on ethical considerations that are shared in common morality. An example of such a choice is mid-level principlism in bioethical theory. This aims to sidestep the intricacies of the extensive historical and theoretical backgrounds of different principles in order to develop a framework of relatively freestanding principles that 'captures major moral considerations that are essential starting points for biomedical ethics.'[26] Bettina Schöne-Seifert argues that 'within philosophical ethics the mid-level principle approach has provided a way to circumvent the unending abstract debates between proponents of rival ethical theories. As we all know, these battles, fertile as they can be on a sophisticated level, regularly turn into deadlocks when they are fought between "confessors" who accuse each other of having the wrong theory.'[27]

Principlism uses a framework of four ethical principles on which it expects people to agree: respect for autonomy, non-maleficence, beneficence, and justice.[28] This framework can be helpful in clarifying underlying moral choices without firmly committing to a specific

26 Tom L. Beauchamp and James Childress, 'Principles of Biomedical Ethics: Marking Its Fortieth Anniversary', *The American Journal of Bioethics*, 19.11 (2019), 9–12, https://doi.org/10.1080/15265161.2019.1665402

27 Bettina Schöne-Seifert, 'Danger and Merits of Principlism: Meta-theoretical Reflections on the Beauchamp/Childress Approach to Biomedical Ethics', in: *Bioethics in Cultural Contexts: Reflections on Methods and Finitude*, ed. by Christoph Rehmann-Sutter, Marcus Düwell and Dietmar Mieth (Dordrecht: Springer 2006), 109–119 (p. 117), https://doi.org/10.1007/1-4020-4241-8_8

28 The status of these principles is unclear. Sometimes they are presented as 'major moral considerations that are essential starting points for biomedical ethics' (Beauchamp and Childress, 'Fortieth'), sometimes as universal and basic ethical principles (Tom L. Beauchamp and Oliver Rauprich, 'Principlism', *Encyclopedia of Global Bioethics*, ed. by Henk ten Have (Dordrecht: Springer, 2016), pp. 2282–92 (p. 2282), https://doi.org/10.1007/978-3-319-05544-2_348-1).

philosophical stance.[29] In a similar way, one could understand the ten principles on climate justice as an operationalization and specification of the ethical choices one faces when one wants to apply the mid-level principle of justice. The ten principles open a discussion on different possible applications and specifications of the more general principle of justice, and they make clear that bringing the justice principle into the climate debate starts, and not ends, the discussion on climate policy.

Leaving theory aside and choosing principlism, however, is not a neutral act. Bringing a specific principle into the debate—and showing the breadth of the question through further specifications of the principle—emphasizes a certain perspective. This becomes clear if we consider the criticism of principlism. One such core criticism is that principlism lacks theoretical unity and that it does not provide direction.[30] In a critique of principle-based research integrity, Bruce Macfarlane claims that this lack of coherence and direction leads to cherry-picking. '(I)t can result in an "a la carte" interpretation of ethics: simply cherry-picking parts of theories that justify decisions. (…) Applied to particular situations, the range of principles of research ethics adopted by most professional and other organizational bodies can be ambiguous and contradictory.'[31]

The problem of cherry-picking also confronts the Council's 'ten principles' approach to environmental justice. These principles merely juxtapose different perspectives on justice; the choice of which principle or set of principles to apply is left entirely to policy-makers, giving them wide leeway to 'cherry-pick' those principles whose applications support their pre-existing policy preferences. When (ab)used in this manner, the principles approach becomes a rhetorical instrument for ex-post-facto justification rather than a conceptual instrument for collective reasoning.

Another line of critique of principlism is that it constrains the perspective on an issue. Principlism tends to frame complex ethical

29 Marcus Düwell, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), p. 99, https://doi.org/10.4324/9780203084205. 'Their (Beauchamp and Childress) goal is to justify a "common morality", which could provide an adequate basis for society to make decisions about morally controversial questions.'

30 Schöne-Seifert, 'Danger and Merits', p. 110: 'Among the most serious critics have been Danner Clouser and Bernard Gert, who accused the Beauchamp/Childress principle approach of lacking theoretical unity and being unable to provide substantive normative guidance.'

31 Bruce Macfarlane, *Researching with Integrity: The Ethics of Academic Enquiry* (London: Routledge, 2010), https://doi.org/10.4324/9780203886960

issues as a conflict between two or three principles. As Marcus Düwell complains, it 'is striking that bioethical works commonly and without further justification rely on autonomy or beneficence as mid-level principles, and that moral conflicts are conceptualized by way of these principles without argument.'[32]

Everything that falls outside the scope of the set list of principles runs the risk of being ignored. This narrowed perspective is considered even more problematic because it gives the false impression that by reviewing the 'checklist of principles' one has taken all relevant considerations into account.[33] Our ten principles were criticized because they narrow climate policy debates to considerations of distributive justice. Privileging a neoclassical economic perspective on distribution diverts attention from the fundamental discussions on climate justice and on the need to develop alternative ways of thinking about human relationships with nature.[34] According to this critique, a list of focused principles constitutes a weak intervention in the political world that fails to challenge existing power structures and in doing so supports the status quo.

These considerations and discussions regarding principlism show that, for the role of ethicists, it makes a difference whether one considers ethics as a foundational discipline or as a contextual pluralist discipline.

1.3. The antagonistic challenge

Democratic politics holds the promise of offering pathways through moral and ethical pluralism, not by resolving disagreement but by sustaining it in ways that are productive, reflective, and peaceable. Yet this promise is increasingly fragile. The ten principles of climate justice, though intended to support the reasoned exchange of perspectives, can be appropriated as instruments in political battles, stripped of their deliberative character and redeployed as rhetorical weapons in

32 Düwell, *Bioethics*, p. 103.

33 Asle H. Kiran, Nelly Oudshoorn and Peter-Paul Verbeek, 'Beyond Checklists: Toward an Ethical-Constructive Technology Assessment', *Journal of Responsible Innovation*, 2.1 (2015), 5–19, https://doi.org/10.1080/23299460.2014.992769

34 Richard de Brabander, 'De WRR Bedrijft Oude Economie en Politiek' (The WRR Practices Old Economics and Politics), Sociale Vraagstukken, 17 March 2023, https://www.socialevraagstukken.nl/de-wrr-bedrijft-oude-economie-en-politiek/

antagonistic struggle—moral vocabulary reduced to a language of conflict.

This fragility points to a deeper vulnerability within open democracies: the susceptibility to what has been termed the antagonistic temptation. Instead of viewing democratic politics as an ongoing process of reasoned exchange (either deliberative, agonistic or something in between) this temptation reframes it as a zero-sum battle between fundamentally irreconcilable perspectives. Why engage in the slow, uncertain work of seeking shared ground, after all, if one can assert the will of a unified majority over a fragmented pluralism?

For ethicists who hope to contribute meaningfully to democratic public reasoning, this shift represents a profound challenge. It is not only the plurality of ethical frameworks that complicates ethical reflection, but also the erosion of the very conditions that make such reflection possible: mutual recognition, openness to reconsideration, and a shared commitment to dialogue. When public discourse becomes increasingly polarised and antagonistic, and when moral language is instrumentalised for partisan gain, the space for philosophical reflection narrows. In such conditions, the public role of the ethicist cannot be taken for granted; it must be actively defended, not only by appealing to shared values, but by supporting the fragile infrastructure of public reasoning itself.

Populism exemplifies this antagonistic temptation, first as political antagonism: at the political level, populist rhetoric often reinterprets democracy in terms of a zero-sum conflict between mutually exclusive collectives, typically characterised as 'the pure people' versus 'the corrupt elite.' In this framing, intermediary institutions, minority protections, and checks and balances are not seen as integral features of democratic governance, but as impediments to the direct expression of the popular will. Electoral victory is construed less as a mandate to govern within institutional constraints than as a moral authorisation to assert a unified, majoritarian identity. Such tendencies risk displacing the open-ended and negotiated nature of democratic life with a more binary conception of political legitimacy, one that narrows the scope for disagreement and diversity in public reasoning.[35]

35 Cas Mudde and Cristóbal Rovira Kaltwasser define 'populism as a thin-centered ideology that considers society to be ultimately separated into two homogeneous

Additionally, populism encourages a view of moral convictions as absolute, identity-defining, and immune to critique. I call this normative antagonism. This normative antagonism rejects the possibility of moral reflection and reasoned exchange. It treats normative commitments as fixed and immune to critique: expressions of identity rather than positions open to argument. In this view, ethical disagreement marks an unbridgeable divide between opposing moral camps rather than an invitation to dialogue. As such, it denies the very premise of democratic public reasoning: that values can be examined, challenged, and potentially revised through shared deliberation. By framing moral commitments as non-negotiable and outside the reach of discursive engagement, normative antagonism undermines the conditions necessary for pluralistic coexistence.

The dual challenge of political and normative antagonism is clearly illustrated in contemporary debates on climate justice. While climate policy is often framed in terms of technological innovation or economic feasibility, it inherently involves normative choices about the distribution of costs and responsibilities. As noted above, the Netherlands Scientific Council for Government Policy (WRR) report on climate justice demonstrates that every climate policy—whether focused on mitigation or adaptation—entails a distribution of burdens. These distributive effects are frequently left implicit, yet they are inescapably ethical in nature. The ten principles of justice show that very different outcomes, both in terms of who pays and who benefits, are possible. Reports such as that of the WRR are only meaningful if there is room for an explicit and inclusive conversation on climate justice. This makes the importance of normative reflection in public policy all the more urgent—especially in polarised contexts where debate risks being dominated by simplistic oppositions such as climate action versus economic stability,

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and antagonistic camps, 'the pure people' versus 'the corrupt elite,' and which argues that politics should be an expression of the volonté générale (general will) of the people.' Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford: Oxford University Press, 2017), p. 17, https://doi.org/10.1093/actrade/9780190234874.001.0001 It is important to note that populism is not necessarily majoritarian. It could seek to prevent the majority of the electorate to express its political perspective by creating a fabricated majority of elected or by using other institutional ways to declare their position as the expression of the volonté générale. See, Ari Berman, *Minority Rule: The Right-Wing Attack on the Will of the People – and the Fight to Resist It* (New York: Farrar, Strauss & Giroux, 2025).

or ecological concern versus personal freedom.

When political and normative antagonism take hold, moral positions harden into identity claims, and the possibility of shared reasoning diminishes. Climate justice, then, is no longer discussed as a plural and contestable issue of fairness, but as a battlefield of opposing ideologies. Yet if antagonism is resisted, ethical reflection can reopen discursive space: a space in which competing principles are made visible, disagreements are acknowledged rather than erased, and policies can be developed with greater legitimacy and democratic support. In such a context, the role of philosophers is not to dictate outcomes, but to clarify normative stakes, map principled disagreements, and support the conditions under which public reasoning can remain both inclusive and constructive.

1.4. Looking forward

In this chapter, we have examined the interrelation between policy, politics, and ethics. Drawing on a brief case study—the strategic policy advice on climate justice published in 2023 by the Netherlands Scientific Council for Government Policy—we illustrated the challenges ethicists face in open constitutional democracies: how can philosophical-ethical claims be aligned with the political justifications required in a democratic context? Two core features of democratic public reasoning, pluralism and antagonism, complicate the effective contribution of ethical expertise. These two features underpin the two steps through which I develop orientational ethics: pluralism in the first step, and antagonism in the second.

Literature

Beauchamp, Tom L. and James Childress. 'Principles of Biomedical Ethics: Marking Its Fortieth Anniversary', *The American Journal of Bioethics*, 19.11 (2019), 9–12, https://doi.org/10.1080/15265161.2019.1665402

Beauchamp, Tom L. and Oliver Rauprich, 'Principlism', in: *Encyclopedia of Global Bioethics*, ed. by Henk ten Have (Dordrecht: Springer, 2016), pp. 2282–92, https://doi.org/10.1007/978-3-319-05544-2_348-1

Berman, Ari, *Minority Rule: The Right-Wing Attack on the Will of the People—and*

the Fight to Resist It (New York: Farrar, Strauss & Giroux, 2025).

Boin, Arjen and Martin Lodge, *The Politics of Policymaking* (London: Sage, 2024), https://doi.org/10.4135/9781036232993

BZK [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties], Gedragscode Integriteit Rijk 2020 (Ministry of the Interior and Kingdom Relations, Netherlands Integrity Code for Civil Servants 2020), https://www.p-direkt.nl/documenten/publicatie/2021/12/21/gedragscode-integriteit-rijk-2020

Caney, Simon, 'Climate Justice', in: *The Stanford Encyclopedia of Philosophy*, Winter 2021 ed. by Edward N. Zalta, https://plato.stanford.edu/archives/win2021/entries/justice-climate/

Cohen, Joshua, 'Deliberation and Democratic Legitimacy', in: *Deliberative Democracy: Essays on Reason and Politics*, ed. by James Bohman and William Regh (Cambridge, MA: The MIT Press, 1997), 67–91.

D'Agostino, Fred and Gerald F. Gaus, eds., *Public Reason, The International Research Library of Philosophy*, vol. 21 (Aldershot: Ashgate / Dartmouth, 1998).

de Brabander, Richard, 'De WRR Bedrijft Oude Economie en Politiek' (The WRR Practices Old Economics and Politics), *Sociale Vraagstukken*, 17 March 2023, https://www.socialevraagstukken.nl/de-wrr-bedrijft-oude-economie-en-politiek/

de Vries, Annick and others, *Justice in Climate Policy: Distributing Climate Costs Fairly*. Research for Policy (Heidelberg: Springer, 2024), https://doi.org/10.1007/978-3-031-59427-4_1

Dillon, Sarah and Claire Craig, *Storylistening: Narrative Evidence and Public Reasoning* (London: Routledge, 2021), https://doi.org/10.4324/9780367808426

Dreijerink Lieke and Ruben Peuchen, *Maatschappelijk Draagvlak voor Klimaat- en Energiebeleid* (Den Haag: TNO, 2020), https://publications.tno.nl/publication/34636533/Bq83Sb/TNO-2020-P10030.pdf

Düwell, Marcus, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), https://doi.org/10.4324/9780203084205

Holloway, Richard, *A Little History of Religion* (New Haven, CT/London: Yale University Press, 2016), https://doi.org/10.12987/9780300222142

I&O Research. *Rechtvaardigheid in Klimaatbeleid* (Enschede: I&O Research, 2022), https://www.ipsos-publiek.nl/actueel/wrr-eerlijke-verdeling-klimaatkosten-belangrijk-voor-draagvlak/

Jasanoff, Sheila, *Science and Public Reason* (London: Routledge, 2012), https://doi.org/10.4324/9780203113820

Kiran, Asle H., Nelly Oudshoorn, and Peter-Paul Verbeek, 'Beyond Checklists: Toward an Ethical-Constructive Technology Assessment', *Journal of Responsible Innovation*, 2.1 (2015), 5–19, https://doi.org/10.1080/23299460.2014.992769

Lever, Annabelle and Andrei Poama, 'Introduction' in: *The Routledge Handbook of*

Ethics and Public Policy, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 1–9, https://doi.org/10.4324/9781315461731-1

Macfarlane, Bruce, *Researching with Integrity: The Ethics of Academic Enquiry* (London: Routledge, 2010), https://doi.org/10.4324/9780203886960

Mampus, Ruth, 'The Deadlock of European GM Crop Authorisations as a Wicked Problem by Design: A Need for Repoliticisation of the Decision-Making Process' [Doctoral Thesis, Erasmus University Rotterdam]. (Rotterdam: Erasmus Universiteit Rotterdam 2021), https://pure.eur.nl/ws/portalfiles/portal/46481412/201214-Ruth-Mampuys-thesis.pdf

Mitcham, Carl and Eric Fisher, 'Ethics and Policy', in: *Encyclopedia of Applied Ethics*, ed. by Ruth Chadwick, 2nd ed., vol. 2 (San Diego, CA: Academic Press / Elsevier, 2012), pp. 165–172, https://doi.org/10.1016/B978-0-12-373932-2.00424-5

Mouffe, Chantal, *The Democratic Paradox* (London: Verso, 2000).

Mudde, Cas and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford: Oxford University Press, 2017), https://doi.org/10.1093/actrade/9780190234874.001.0001

Populytics. *Burgerkeuzes in kaart: resultaten van de Nationale Klimaatraadpleging 2023* (Delft: Populytics, TU Delft, 2023), https://www.tweedekamer.nl/downloads/document?id=2023D44127

Rawls, John, *Political Liberalism* (New York, NY: Columbia University Press Columbia University Press, 1993).

Sager, Fritz and Christian Rosser, 'Reflecting Weber, Wilson, and Hegel: Theories of Modern Bureaucracy', *Public Administration Review*, 69.6 (2009), 1136–47, https://doi.org/10.1111/j.1540-6210.2009.02071.x

Schöne-Seifert, Bettina, 'Danger and Merits of Principlism: Meta-theoretical Reflections on the Beauchamp/Childress Approach to Biomedical Ethics', in: *Bioethics in Cultural Contexts: Reflections on Methods and Finitude*, ed. by Christoph Rehmann-Sutter, Marcus Düwell and Dietmar Mieth (Dordrecht: Springer 2006), pp. 109–119, https://doi.org/10.1007/1-4020-4241-8_8

Vedung, Evert, 'Policy Instruments: Typologies and Theories', in: *Carrots, Sticks and Sermons*, ed. by J. McCormick (New York: Routledge, 1998), pp. 21–58, https://doi.org/10.4324/9781315081748

Waldron, Jeremy, *Law and Disagreement* (Oxford: Oxford University Press, 1999), https://doi.org/10.1093/acprof:oso/9780198262138.001.0001

Weber, Max, *Wissenschaft als Beruf & Politik als Beruf*. 1919. Translated as: Weber, Max, *The Vocation Lectures: Science as Vocation & Politics as a Vocation*, ed. by David Owen and Tracy B. Strong (Indianapolis: Hacket, 2004).

WRR [Wetenschappelijke Raad voor het Regeringsbeleid], *Rechtvaardigheid in Klimaatbeleid: Over de Verdeling van Klimaatkosten*. WRR-Rapport 106 (Den Haag: WRR, 2023).

PART I: FOUR IDEAL-TYPICAL ETHICS ROLES IN DEMOCRATIC PUBLIC REASONING

This part presents the first step in developing orientational ethics as a philosophical theory on the role of morality in a pluralist open democracy. It consists of four chapters (2–5).

Chapter 2 develops four ideal-typical roles for ethicists in pluralist democratic reasoning:

1. the pure philosopher;
2. the ethics advocate (further examined in Chapter 3);
3. the ethics facilitator (further examined in Chapter 4); and
4. the engaged philosopher (further examined in Chapter 5).

2. A conceptual cartography: Four ideal-typical roles for ethicists[1]

The question of what role an academic expert can play in policy-making is not unique to philosophy. Section 2.1 examines four idealized advisory roles in which academic scientists engage with policy processes. These roles provide inspiration for moral philosophy, which, as noted in the introduction, differs from other academic fields by being both normative and prescriptive. This 'ought'-orientation complicates the position of ethicists in public policy, especially in democracies where policy is contested and must ultimately be democratically legitimated. Section 2.2 translates these scientific roles into a conceptual map of four ideal-typical roles for ethicists in democratic policy-making, structured along two dimensions: deliberative versus agonistic understandings of democracy, and foundational versus contextual approaches in moral philosophy. As Weberian ideal types, these roles offer analytical clarity rather than descriptions of practice. Section 2.3 illustrates the four roles—the pure philosopher, the ethics advocate, the ethics facilitator, and the engaged philosopher—through the example of animal welfare policy. Section 2.4 closes with a brief conclusion.

2.1. Roles for scientists in policy-making

There are many instances where the relevance and importance of scientific knowledge—and thus of academic research—is clear for

1 An earlier version of this chapter has been published by the *Journal of Agricultural and Environmental Ethics* as Frans W.A. Brom, 'Ethicists in Animal Welfare Policy: Ideal–Typical Roles for Democratic Engagement', *Journal of Agricultural and Environmental Ethics*, 38.3 (2025), 17, https://doi.org/10.1007/s10806-025-09953-5

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both scientists and policy-makers. It can help us to understand policy problems, or sketch the impact and effectiveness of policy measures, or help decide on certain states of affairs or on other practical issues related to policy issues and policy measures. The results of academic research can be essential in developing public policy. For instance, climate research is necessary for a policy on global warming; the problem would not have been on the policy agenda without climate science. The development of food safety regulation seems impossible without relevant input from food science and epidemiology. For public health policy, medical and public health research is needed and policy-makers seek input from economists in developing economic policies.

However, the relationship between science and policy, and between scientists and policymakers, is seldom straightforward. The results of academic research are rarely translated fully into public policies. There seems, for instance, a gap between actual climate policy and the policies that the overwhelming majority of climate scientists claim are needed. The COVID-19 pandemic made clear that public health decisions in a health crisis are not only based upon—often partly incomplete or disputed—medical and epidemiological knowledge, but that these are political decisions that also need economic, social and behavioural input:[2]

> 'We are following the science' is the claim UK government ministers have repeatedly made in justifying their decisions on how to deal with the COVID-19 pandemic. These decisions include when to begin and end stringent social distancing and whether to tell people to wear face masks. Ministers get this advice through a complex network of scientific advisory committees. But to rely on science as the determining influence on policy is to misunderstand what science is. (…) A provisional and contested set of statements about how the world is, cannot be used directly as a rule for what governments should do. Ministers have to decide for themselves. They must take responsibility for these decisions and their own inevitable mistakes, rather than relying on science as if it were an apolitical and indisputable tablet of stone.[3]

2 Jay J. van Bavel, and others, 'Using Social and Behavioural Science to Support COVID-19 Pandemic Response', *Nature Human Behaviour*, 4 (2020), 460–471, https://doi.org/10.1038/s41562-020-0884-z

3 Alex Stevens, 'Governments Cannot Just "Follow the Science" on COVID-19', *Nature Human Behaviour*, 4 (2020), 560, https://doi.org/10.1038/s41562-020-0894-x

Paul Cairney, a policy scientist working in the field of 'science for policy', observes:

> The idea that policymakers should base their decisions primarily on scientific evidence may seem intuitive, but it is problematic if we simply argue that evidence should come first and bemoan the ability of policymakers to act accordingly. There are many other, equally defendable, roles for research, such as to inform solutions to a problem identified by elected policymakers, or to contribute to long-term public 'enlightenment'. Scientist can help identify problems, and access the effectiveness of solutions without feeling that they should be at the centre of a democratic policymaking system.[4]

In providing 'evidence' for policy-making there is no single role for academics. Rather, they have a range of roles: from providing insights that help to optimize a chosen policy direction to developing evidence that supports a specific policy choice. The distribution of labour between science advice and policy-making is, in all roles, in essence the same: science aims to inform in a broad sense on the state of the world, including the social world, and policy-makers (political and technical) are responsible for the policy decisions. Scientists differ in whether and how far they enter into the territory of the policy-maker in order to bring their 'evidence' to the decision-making process or even participate in that process.

Roger A. Pielke Jr. has developed four roles for science advisors in his influential book *The Honest Broker: Making Sense of Science and Politics*.[5] He develops these roles on the basis of different perspectives on democracy and different views on the role of science in society. Regarding the different perspectives on democracy, he distinguishes between an idea of democracy in which competing factions engage in debate in order to find a compromise (an interest group pluralism that he links with George Madison) and a conception in which the public

4 Paul Cairney, *The Politics of Evidence-Based Policy-making* (London: Palgrave Macmillan, 2016), p. 4, https://doi.org/10.1057/978-1-137-51781-4

5 Roger A. Pielke Jr., *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), https://doi.org/10.1017/cbo9780511818110. He also provides 'a high-level overview of the different roles to provide a more precise vocabulary for ongoing discussions of experts in policy and politics' on his Substack: https://rogerpielkejr.substack.com/p/series-making-sense-of-science-in

discusses different policy options, from which a dominant perspective arises (a competition of ideas that he links with Elmer Schattschneider).[6] According to the first conception, experts align with the faction that fits their perspective, while according to the second perspective, experts aim to support all citizens in developing and understanding the different policy options. With regard to the different views on the role of science in society, he distinguishes between a more traditional linear model and a more stakeholder-focused model inspired by developments in science and technology studies.[7] In the linear model, science provides the basis for action: science for policy bases itself on agreement in science. This scientific agreement forms the foundation for policy advice. In the stakeholder model, science and policy interact. The selection of relevant scientific insights from the enormous body of knowledge partially follows from the developments and questions in policy-making. Table 2.1 is Pielke's presentation of the four idealized roles for scientists in decision-making.

Table 2.1 Four idealized roles for scientists in decision-making (Pielke, *Honest Broker*, p. 14)

		View of science	
		Linear model	**Stakeholder model**
View of democracy	**Madison**	**Pure scientist**	**Issue advocate**
	Schattschneider	**Science arbiter**	**Honest broker of policy alternatives**

1. The Pure Scientist is interested in academic research for solely academic reasons and not for any policy application. 'Research results in findings that are placed into the reservoir

6 Pielke, *Honest Broker*, p. 11f. James Madison, *The Federalist* 10 (1787, November 22), https://founders.archives.gov/documents/Madison/01-10-02-0178 Elmer E. Schattschneider, *The Semisovereign People: A Realist's View of Democracy in America* (Hinsdale, Ill: The Dryden Press 1975).

7 Pielke, *Honest Broker*, p. 12v.

of knowledge where it will be available to all decision-makers.'[8] The Pure Scientist refrains from entering the territory of policy-making altogether.

2. The Science Arbiter seeks to provide answers to policy questions using the tools and methods of science. The science arbiter mostly functions when the approach to a policy issue has been chosen: 'In circumstances where the scope of choice is fixed and the decision-maker has a clearly defined technical question, then the expert has a very important role to play in serving as an arbiter of science, focused on specific positive[9] questions.'[10] The arbiter often works in committee contexts: 'We are most familiar with science arbiters in the form of expert advisory committees, such as those of the national academies or governmental committees.'[11] How to provide interdisciplinary advice and how to handle scientific disagreement and scientific uncertainty are core questions for this role.[12] The Science Arbiter enters the territory of policy-making as far as is needed to understand how the scientific state of the art—including its knowledge gaps and ongoing disagreements—can be translated into adequate input for the implementation of policy decisions.
3. The Issue Advocate seeks to defend a specific policy choice or direction: 'The Issue Advocate focuses on the implication of research for a particular political agenda. (…) The Issue Advocate accepts the notion that science must be engaged with decision-makers and seeks to participate in the decision-making process.'[13] This does not imply that issue advocacy is not

8 Pielke, *Honest Broker*, p. 15.
9 Positive here refers to the positive sciences: it pertains to inquiries into 'facts'.
10 Pielke, *Honest Broker*, p. 6.
11 Pielke on his Substack.
12 Compare Sarah Dillon and Claire Craig, *Storylistening: Narrative Evidence and Public Reasoning* (London: Routledge, 2021), https://doi.org/10.4324/9780367808426. From a humanities perspective, they write (p. 113): 'Because any significant policy issue requires multiple forms of evidence, the challenge of creating structures that allow evidence, synthetic or other, to inform public reasoning are also challenges of working across academic disciplines.'
13 Pielke, *Honest Broker*, p. 15.

a proper role for scientists: 'Issue advocacy is fundamental to a healthy democracy. (…) Advocacy is the most common role that each of us tend to play when seeking to connect our expertise with decision making.'[14] Pielke argues that this role may extend to taking part in certain forms of political activism; think of the scientists participating in Extinction Rebellion protests. One could say that an Issue Advocate enters the territory of policy-making in order to propagate a specific set of policy alternatives (and the abolishment or non-adoption of others).

4. The Honest Broker of Policy Alternatives is, according to Pielke, primarily driven by a desire to clarify, or sometimes to expand, the scope of options available for action. The honest broker seeks 'explicitly to integrate scientific knowledge with stakeholder concerns in the form of alternative possible courses of action.'[15] This rests on the belief that when there is political gridlock, or when policy development requires highly specialized expertise, the quality of public policy-making benefits from greater clarity on available choices and consequences of policy alternatives, including the invention of hitherto unseen or disregarded alternatives.[16] One could say that the Honest Broker enters deeply into the territory of policy-making in order to understand the policy options on the table, with the aim of restructuring the policy discussions so as to enrich the menu of policy options and to ensure that each option gets due consideration.

Is important that the role and expectations are clear when academics bring their academic knowledge into political and public reasoning: are they providing insights to support a chosen direction, are they advocating a certain policy direction, or are they broadening the relevant options? According to Pielke, all four roles are valid and can under certain circumstances be justified. This, however, is not the case for a fifth role he identifies. In that fifth role, academics practice advocacy cloaked in the mantle of pure science:

14 Pielke on his Substack.
15 Pielke, *Honest Broker*, p. 17.
16 Pielke on his Substack.

5. The Stealth Advocate 'seeks to hide their advocacy behind a façade of science, either pure scientist or science arbiter. This role seeks to swim in a sea of politics without getting wet. It is the fastest route to pathologically politicizing science. It is also what gives scientists as advocates and politicians who seek to hide behind science a bad name.'[17] The Stealth Advocate enters into the territory of policy-making in disguise, pretending to provide neutral information, while in fact advocating a specific policy direction, which necessarily involves normative or ideological considerations. This stance is ethically problematic.

2.2. Translating roles into ethics

According to Pielke's approach, scientists provide policy-makers with a more systematic account of the empirical world. Pielke's roles with regard to policy advice differ in how and to what purpose these systematic accounts are fed into the world of policy-making: forming a pool of knowledge for all interested, providing insights to support a chosen direction, advocating a certain policy direction, or broadening the relevant options. But they are all directed at ways in which factual perspectives are relevant for policy-making.

How can we use Pielke's framework for science advice to help understand ethics advice? Provided that one has a suitably broad understanding of 'science', parts of it might already be covered under Pielke's model. Ethics, just like other fields of the humanities and philosophy, may be directed at understanding the world, just like science. It may play a role in understanding and contextualizing systematic accounts of the empirical world, particularly the social world of ideas and worldviews. Through methods such as conceptual analysis, hermeneutic interpretation, and the placement of contemporary ideas within the broader history of ideas, cultures, and narratives, ethics, humanities and philosophy offer essential tools for deepening and criticizing insight; they broaden our interpretive and conceptual understanding of the world and help us to make sense of it. [18]

17 Pielke on his Substack.

18 Frans W.A. Brom, 'Institutionalizing applied humanities: Enabling a stronger role for the humanities in interdisciplinary research for public policy', *Palgrave*

Ethics, including normative political philosophy, however, is also normative and prescriptive. This implies that Pielke's roles cannot simply be mapped onto ethics and ethicists; it demands a reinterpretation of these roles that takes into account the distinctive nature of moral philosophy.[19] This asks us to reflect on the purpose of ethics advice. Science advice helps us to understand the world as it is: it is inherently descriptive. Meanwhile, ethics orientates the discussions about where to go: it is in this sense inherently normative. Therefore, it is necessary not only to translate the four roles but also to adapt the two criteria used by Pielke to construct them. This adaptation draws on the key characteristics of politics and ethics introduced earlier: the notion of a pluralist democracy and the concept of a pluralist ethics.[20] In adapting these two criteria I will build upon the analysis of pluralism in Chapter 1.

First, pluralist democracy. In determining the role of ethicists in democratic public reasoning, the relevant distinction between Madisonian and Schattschneiderian conceptions of democracy offers limited insight. More important is how ethicists respond to the dynamics of the circumstances of politics within a pluralist democracy: the need to establish some shared basis while simultaneously acknowledging the inevitable and irreconcilable disagreements characteristic of an open democratic society. These two elements (the need for a shared perspective and recognizing plurality) lead to two different two

Communications, 5.1 (2019), https://doi.org/10.1057/s41599-019-0281-2; Dillon and Craig, *Storylistening*.

19 James Wilson, Jack Hume, Cian O'Donovan and Melanie Smallman have translated these into four roles for bio-ethicists in public health policy. As becomes clear in the following: my approach differs quite substantially from theirs. James Wilson and others, 'Providing Ethics Advice in a Pandemic, in Theory and in Practice: A Taxonomy of Ethics Advice', *Bioethics*, 38 (2024), 213–222, https://doi.org/10.1111/bioe.13208

20 Wilson and others, in 'Providing Ethics Advice', develop two new criteria (p. 215): They provide 'a taxonomy of four different approaches to ethics advice within the public sphere, depending on whether (1) the advice-giver makes a recommendation about what is to be done in response to a specific policy question and (2) whether the advice is delivered from the perspective of the public interest.' I think that the first criterion fails to do justice to the democratic context of ethics advising, while the second criterion (in their words: 'bioethicists could take their role to be to argue for their own value judgments within the decision-making process, regardless of the extent to which these value judgments are widely shared within society as a whole') fails to acknowledge the critical role that ethical theory can play in relation to 'common morality'.

conceptual perspectives on democracy: deliberative democracy and agonistic pluralism. The core idea of a deliberative and argumentative approach to democracy is to seek a form of commonality through public deliberation focused in the common good. Joshua Cohen is one of the important defenders of this position.[21] From this perspective, democracy is considered as a process of generative collective reasoning: a search for a shared basis among those who partly disagree.

Agonists criticize this perspective because according to them it neglects the confrontational side of pluralism. They argue that, if democratic politics is characterized by an underlying pluralism that is fundamental and persistent, then democratic public reasoning cannot expect to transcend pluralism into a public conception of the common good. Democratic reasoning needs a framework for discussion and collective decision-making that reflects existing persistent pluralism. A strong voice from this perspective is Chantal Mouffe. According to her, 'the aim of democratic politics should be to provide the framework through which conflicts can take the form of an agonistic confrontation among adversaries instead of manifesting themselves as an antagonistic struggle between enemies.'[22]

This leads to the first criterion for constructing ideal-typical roles for ethicists: the distinction between democracy understood primarily as a collaborative process aimed at developing a shared perspective for policy-making, and democracy conceived as a confrontational process focused on securing political majorities. And although actual practices typically fall between these extremes, the strength of these two perspectives lies in their role as analytical tools: they clarify conceptual contrasts and help us examine how varying democratic contexts influence the possibilities for ethical involvement. This distinction helps to develop ideal-typical roles for ethicists engaged in democratic public reasoning.[23]

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21 Joshua Cohen, 'Deliberation and Democratic Legitimacy', in: *Deliberative Democracy: Essays on Reason and Politics*, ed. by James Bohman and William Regh (Cambridge, MA: The MIT Press, 1997), pp. 67–91, p. 69: 'When properly conducted, then, democratic politics involves public deliberation focused on the common good, requires some form of manifest equality among citizens, and shapes the identity and interests of citizens in ways that contribute to the formation of a public conception of common good.'

22 Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), p. 117.

23 Compare with Arend Lijphart's empirical analysis of democracies, which

The second criterion from Pielke is the distinction between a linear and a stakeholder model of science. This distinction helps to clarify the discussions regarding ethical pluralism. Traditionally the quest in philosophical ethics has been directed at finding an overarching common ethical theory. It is clear, however, that academic discussions in moral philosophy are not getting closer to developing any theoretical consensus. If ethicists could only participate in democratic reasoning based upon a theoretical consensus, then they should refrain from professional interventions because they lack such a theoretical base. With the help of ethical theory, ethicists may analyse and clarify moral disagreements, but they cannot resolve these disagreements with an appeal to ethical theory. Ethical advice on policy proposals derived from a particular theory is as strong as its theoretical premises. Those who doubt the starting point will not be convinced by the conclusions.[24]

That is why, nowadays, many applied ethicists refrain from starting with an explicit foundationalist ethical theory. They want to bypass theoretical discussions and concentrate their ethical intervention on ethical considerations that are shared in 'common morality'. An example of such a choice to bypass foundational theories is mid-level principlism in bioethical theory, which aims to bypass the intricacies of the extensive historical and theoretical backgrounds of different principles in order to develop a framework of relatively freestanding principles that 'captures major moral considerations that are essential starting points for biomedical ethics.'[25] It seeks to systematize a pluralist framework of principles (respect for autonomy, non-maleficence, beneficence, and justice) in order to provide an adequate basis of 'common morality' that is helpful in clarifying and supporting moral reasoning without firmly committing to a specific philosophical stance. Contextual pluralist accounts of ethics like mid-level principlism have

differentiates between majoritarian and consensus-oriented democratic systems. Arend Lijphart, *Patterns of Democracy* (New Haven: Yale University Press 2012).

24 Jonathan Wolff, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24 (p. 14), https://doi.org/10.4324/9781315461731

25 Tom L. Beauchamp and James Childress. 'Principles of Biomedical Ethics: Marking Its Fortieth Anniversary', *The American Journal of Bioethics*, 19.1 (2019), 9–12 (p. 10), https://doi.org/10.1080/15265161.2019.1665402

been criticized because of their lack of direction.[26] This results in 'an "àla carte" interpretation of ethics: simply cherry-picking parts of theories that justify decisions'.[27] Principlism runs the risk of simplifying a complex ethical issue as a conflict between two or three principles.[28] These considerations demonstrate that the role of an ethicist varies depending on how they connect their ethical interventions in democratic public reasoning to ethical theory. My intention is not to impose a strict binary, but to illustrate how these contrasting orientations give rise to distinct modes of ethical reasoning within democratic settings. This means that the second criterion for constructing ideal-typical roles for ethicists is the distinction between ethics as a foundational discipline and ethics as a contextual, pluralist discipline.

Based upon these two criteria—the structure of democracy as primarily deliberative, generative and collective reasoning, or as a primarily antagonistic confrontation; and ethics as a foundational discipline or as a contextual, pluralist discipline—four ideal-typical roles for ethicists in public policy can be constructed (Table 2.2): 1) the pure philosopher,[29] who starts from the philosophical issues and aims to develop better ethical theories, leaving—because of the lack of theoretical consensus—the democratic debate to the deliberation of citizens; 2) the ethics advocate,[30] who starts from a specific ethical theory and develops a normative vision on the basis of that theory and who aims to advocate

26 K. Danner Clouser and Bernard Gert, 'A critique of principlism', *The Journal of Medicine and Philosophy*, 15.2 (1990), 219–36, https://doi.org/10.1093/jmp/15.2.219

27 Bruce Macfarlane, *Researching with Integrity: The Ethics of Academic Enquiry* (London: Routledge, 2010), https://doi.org/10.4324/9780203886960

28 Marcus Düwell, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), p. 103, https://doi.org/10.4324/9780203084205

29 Wilson and others, in 'Providing Ethics Advice', call this role the 'pure ethicist'. In Chapter 3 end-of-life decisions in severely challenged newborns is discussed. In this discussion Alberto Giubilini and Francesca Minerva claim: 'we are not policy makers, we are philosophers, and we deal with concepts, not with legal policy.' That is why I call this role that of the pure philosopher. Alberto Giubilini and Francesca Minerva, 'An Open Letter from Giubilini and Minerva', *Journal of Medical Ethics Blog*, 2 March 2012, http://blogs.bmj.com/medical-ethics/2012/03/02/an-open-letter-from-giubilini-and-minerva/

30 Wilson and others, in 'Providing Ethics Advice', call this role the 'advocate'. The ethicists in this role, however are professional ethicists and therefore should not start from personal values, but from an ethical-theoretical base, hence 'ethics advocate'. See Chapter 3, 'The ethics advocate'.

a specific direction for policy-making; 3) the ethics facilitator,[31] who starts from the values in existing policy discussion and aims to facilitate a reasonable confrontation between disagreeing perspectives; and 4) the engaged philosopher,[32] who engages with a policy issue and aims to develop a perspective on that issue that helps society to find a shared perspective that helps it to cope with that issue.

These four roles are formulated as ideal types, in the Weberian sense: analytical constructs that highlight specific features of complex realities in order to bring conceptual clarity. These roles are not empirical generalisations nor normative prescriptions. Rather, they function as distilled models that emphasise coherent patterns of ethical engagement, offering a framework for structured comparison and critical reflection.[33]

Table 2.2 Four ideal-typical roles for ethicists in decision-making

		View of ethics	
		Foundational	**Contextual pluralist**
View of democracy	**Deliberative, generative reasoning**	**Pure philosopher**	**Engaged philosopher**
	Agonistic confrontation	**Ethics advocate**	**Ethics facilitator**

31 Wilson and others, in 'Providing Ethics Advice', call this role the 'ethics arbiter'. The ethicists in this role, however do not arbitrate between different perspectives, but they explicate context and provide language: they facilitate exchange. That is why I call this role the 'ethics facilitator'.

32 Wilson and others, in 'Providing Ethics Advice', call this role the 'critical friend'. This role, however, fits closely to the role of 'engaged philosopher' as developed by Jonathan Wolff, which is why I call this role the 'engaged philosopher'.

33 Ben Nefzger, 'The ideal-type: some conceptions and misconceptions', *The Sociological Quarterly*, 6.2 (1965), 166–174, https://doi.org/10.1111/j.1533-8525.1965.tb01650.x; Asaf Kedar, 'Ideal Types as Hermeneutic Concepts', *Journal of the Philosophy of History*, 1.3 (2007), 318–345, https://doi.org/10.1163/187226307X229380; Tuomas Forsberg, 'Normative power Europe, once again: A conceptual analysis of an ideal type', *JCMS: Journal of Common Market Studies*, 49.6 (2011), 1183–1204 (especially p. 1199), https://doi.org/10.1111/j.1468-5965.2011.02194.x; Daniel Marcelino, 'Ideal types', in: *The Encyclopaedia of Political Thought*, ed. by Michael T. Gibbons and others (Wiley online library, 2014), pp. 1756–1757, https://doi.org/10.1002/9781118474396.wbept0495

These four roles create a conceptual cartography of the possible ways ethicists might contribute to democratic policy-making, and they clarify how ethicists might navigate the terrain of public reasoning under conditions of pluralism. They serve both as analytical tools for understanding the variety of ethical approaches in policy contexts, and as reflective instruments: offering ethicists a mirror through which to examine and refine their own orientation. Rather than offering a fixed path, this conceptual map invites a more nuanced understanding of the possibilities and limitations of ethical engagement in democratic life.[34]

2.3. Four roles for ethicists

In mapping these roles, I will use a specific policy issue as an example: regulating animal welfare in animal husbandry. These are regulations regarding animal housing, animal transport and the slaughter processes. Animal welfare policies are a helpful case to clarify the role of ethicists in public policy debates for three reasons:

- The way humans treat animals is clearly an ethical issue that raises a diversity of strong views in our society. Animal welfare policy is an object of societal moral pluralism.
- At the same time, it is also an object of ethical pluralism. The moral status of animals, and the practical impact of this, is the subject of much academic philosophical-ethical research and there are many philosophical publications dealing with human-animal relations. Philosophers disagree in these publications on what humans owe to animals.
- Animal welfare in animal husbandry is also an object of practical policies in which ethicists are professionally involved. Ethicists serve as expert members of advisory committees, conduct commissioned research to support policy decisions, and actively participate as experts in public discussions on animal welfare.

34 This cartography of ideal-typical roles does not imply that when ethicists undertaking practical ethics advice take a stance, their contribution to democratic reasoning is always advocacy. When such a stance is grounded in philosophical analysis that aims to be inclusive and non-partisan, it is not necessarily advocacy, since advocacy is by definition partisan. That is why Chapter 8, 'A roadmap for ethics advice for public policy' allows for philosophical-ethical analysis to orient public reasoning.

With that in mind, let us turn to the four roles.

2.3.1. Pure philosopher

The pure philosopher is built upon the role of the Pure Scientist as defined by Pielke. The pure philosopher concentrates on academic research, making its results available, through publications, to anyone, including participants in policy debates. The work of the pure philosopher is, however, primarily directed at the audience of philosophers: to criticize and develop the field in general. In philosophy there is a tendency to seek disagreement and to focus on the loopholes in each other's arguments. Philosophers often start with an opposing position in order to find out whether such a position can be elaborated consistently. Philosophical controversy and disagreement are the bread and butter of philosophy, and there are very few other fields of academic research where it is acceptable for the same author to write a paper and a rebuttal of that paper within a year.[35]

Academic philosophy—including moral philosophy—can be characterized as seeking an original perspective. That is one of the reasons why there are so many different approaches to ethical theory. Jonathan Wolff characterizes philosophers as

> individualists and controversialists, who prize originality over agreement, which they tend to find dull and uninteresting. Compromise is not a concept familiar to philosophers. Philosophers don't have to compromise because they are under no pressure to agree to produce a practical outcome. This leads to a flowering of ideas and the pursuit of novelty.[36]

An example of the relevance of pure philosophical research to animal ethics is Daniel Dennett's analysis of consciousness, which contributes to a deeper understanding of the notion of animal welfare.[37] In general,

35 Hanno Sauer, 'The End of History', *Inquiry*, 68.7 (2022), 1739–63, https://doi.org/10.1080/0020174x.2022.2124542; Hanno Sauer, 'The Ends of History: A Reply to Sauer', *Inquiry*, 69.1 (2023), 1–11, https://doi.org/10.1080/0020174x.2023.2190771

36 Jonathan Wolff, *Ethics and Public Policy: A Philosophical Inquiry*. 2nd ed. (London: Routledge, 2019), pp. 260–261, https://doi.org/10.4324/9781351128667

37 Daniel C. Dennett, *Consciousness Explained* (Boston, MA: Little, Brown 1991) and its use by Peter Carruthers, *The Animals Issue: Morality in Practice* (Cambridge: Cambridge University Press, 1992), https://doi.org/10.1017/cbo9780511597961. By characterizing Dennett's philosophy of mind as pure philosophy I do not intend to

the direct impact of such purely academic work on policy-making is limited. The philosophical publications are accessible for different parties and perspectives in the policy debate, and thus can be used to support positions and policy proposals in the debate. Pure philosophers generally do not participate—at least not in their academic capacity—in policy discussions. Nonetheless, their work advances philosophical understanding and offers a theoretical foundation that supports other roles, contributing to the broader reservoir of knowledge informing policy debates.

2.3.2. Ethics advocate

The ethics advocate builds upon the role of the Issue Advocate. This role fits easily into the field of ethics: there is a strong tradition of issue advocacy in ethics, where philosophers develop normative visions for societal change for which they argue not only in academia, but also in politics. An important specification here is that philosophers as academic experts do this on the basis of their philosophical theories. They act as ethics advocates in the specific sense of translating ethical theory into a specific case. Andrei Poama calls this 'applied public policy ethics', which 'posits that morally justified policies are those that enact moral principles as articulated by the best available theory of (foundational) normative ethics.'[38]

We see such approaches in animal ethics, where philosophers translate their ethical theories into practical perspectives on the way we should treat animals, and which policies regarding animal welfare should be developed. Philosophers develop a normative vision for society with a clear link to politics and policy. In doing so, they intend to support theoretically the implementation of societal change in human-animal relations[39] or they argue explicitly against such a societal change.[40] They

overlook his active role role as public intellectual.

38 Andrei Poama, 'Application or Construction? Two Types of Public Policy Ethics' in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 37–50 (p. 41), https://doi.org/10.4324/9781315461731-4

39 E.g. Peter Singer, *Animal Liberation: A New Ethic for Our Treatment of Animals* (New York: Avon, 1975); Tom Regan, *The Case for Animal Rights* (Oakland: University of California Press, 1983; updated edition, 2004).

40 E.g. Carruthers, *Animal Issue*; Roger Scruton, *Animal Rights and Wrongs* (London:

take sides with one of the competing perspectives in society on the basis of their ethical theories. They apply their philosophical-ethical theory in order to advocate a specific direction for society: animal liberation according to the perspective of Peter Singer, or preserving traditional husbandry according to the perspective of Roger Scruton.

2.3.3. Ethics facilitator

The ethics facilitator differs from the Science Arbiter. The science arbiter 'avoids *normative* questions and thus seeks to remain above the political fray, preferring to inform decision-making through relevant research or assessments.'[41] For ethicists, this is impossible. They cannot avoid normative questions in their work. They can, however, deal with these questions without advocating for a specific answer. They support policy-makers in understanding and discussing these normative questions. Ethicists who perform this informative role in ethics can be considered as ethics facilitators.

The ethics facilitator aims to clarify disagreement and hopes to prevent such a disagreement leading to a fight between enemies. Through clarification of what is at stake and by showing where there is agreement and where there is disagreement, ethics facilitators aim to transform antagonism into agonism. In doing so, they refrain from being a party in the disagreement—unlike the ethics advocate—but they aim to show what is at stake. They perform what Ingrid Robeyns has coined a 'normative audit'.[42] In such a normative audit, the facilitator maps 'the normative implications of possible policies or interventions, in terms of a range of values and principles, without drawing an overall conclusion. In that case these normative implications are studied, but the question whether, all things considered, this institution or phenomenon is desirable, depends on how one weighs different public values and normative principles,

Metro, 2000).

41 Roger A. Pielke Jr., *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), p. 16, https://doi.org/10.1017/cbo9780511818110

42 Ingrid Robeyns, 'Normative Audit as a Method for Political Philosophy', *Crooked Timber*, 3 April 2020, https://crookedtimber.org/2020/04/03/normative-audit-as-a-method-for-political-philosophy/

which is a decision that is left for the public or policy makers to make.'[43]

One might, for example, agree that animal welfare, farmers' incomes, consumer choice and ecological sustainability are important values in developing animal welfare policy in animal husbandry, and recognise that the implementation of these shared but conflicting values in decisions needs further conversation. The very notion of animal welfare requires elaboration: for some, animal welfare is confined to what an animal experiences, while for others, animal welfare needs to include some harmony between an animal and its environment. When discussing abnormal stereotypical behaviour in animals, some claim that this behaviour indicates compromised welfare, while others argue that it does not necessarily mean the animals are suffering. The discussion then broadens from animal suffering to whether we owe it to animals to provide housing in which they do not resort to such stereotypical behaviour for coping.[44] In analysing the discussion on the notion of animal welfare and in presenting the different ethical questions that relate to that notion, an ethics facilitator helps to clarify discussions on animal welfare policy.

2.3.4. Engaged philosopher

The engaged philosopher shares with the Honest Broker of Policy Alternatives a strong engagement with the practice of policy-making. They enter deep into the territory of policy-making in order to understand the policy options at the table, aiming to restructure the policy discussions by enriching existing policy options and adding new ones. They assist in finding commonality.

The role of engaged philosopher has been developed by Jonathan Wolff.[45] Engaged philosophers analyse the arguments and positions that are relevant for policy questions, like the ethics facilitator. They use philosophical-ethical tools and methods to perform systematic analyses

43 Ingrid Robeyns, 'Advancing Interdisciplinary Research on Institutions: A Typology of Research Questions', *IoS Think Paper Series*, no. 4, 2022, 1–30 (p. 5), https://www.uu.nl/sites/default/files/2022%20-%20IOS%20think%20paper4_Robeyns_def.pdf

44 Frans W.A. Brom, 'Animal Welfare, Public Policy and Ethics', in: *Animal Consciousness and Animal Ethics: Perspectives from the Netherlands*, ed. by Marcel Dol and others (Assen: Van Gorcum, 1998) pp. 208–222.

45 Wolff, 'Method'; Wolff, *Ethics and Public Policy*.

of the normativity in a policy debate. But in doing so, they engage with the arguments, and sometimes they discover that reframing people's disagreements might create room for a more fruitful discussion on the issue. As Jonathan Wolff remarks: 'We need to ask: what do people think they disagree about? And is that the best way of understanding their disagreement? Is there a better way of understanding their disagreement? And if so, does that open up new avenues for making progress?'[46] Engaged philosophers can be distinguished from ethics facilitators because they add an additional, deeper layer to the normative audit directed at deliberatively generating common ground.

An important ethical argument in the debate on animal ethics is the argument from marginal cases. The core idea of the argument is that entities with the same properties ought to be treated similarly. Higher animals (like mammals) and human 'marginal cases' (babies, people with profound intellectual disabilities or with dementia) are thought to have similar mental capacities. They can feel pain, but their reflective grip on the world is limited. According to the argument from marginal cases, these entities (human marginal cases and higher animals) have similar moral status based upon these similar mental capacities and thus deserve similar moral protection.[47] The argument of marginal cases makes 'the common-sense position that we owe something to animals but not the same as we owe to humans (...) unsupportable.'[48]

Engaged philosophers aim to foster common ground by reframing the issue of marginal cases in a way that allows some shared ground to develop on policies regarding animal welfare in animal husbandry. They seek to pluralize the idea of moral status[49] in order to move moral philosophy 'closer to moral common sense.'[50] In doing so they assist

46 Wolff, *Ethics and Public Policy*, p. 31.

47 Dan A. Dombrowski, *Babies and Beasts: The Argument from Marginal Cases* (Urbana and Chicago: University of Illinois Press, 1997). Chapter 3 discusses he implications of this view for the treatment of disabled newborns.

48 Wolff, *Ethics and Public Policy*, p. 17.

49 Mary Anne Warren, *Moral Status: Obligations to Persons and Other Living Things* (Oxford: Clarendon Press, 1997); David DeGrazia, 'Moral Status as a Matter of Degree?', *The Southern Journal of Philosophy*, 46.2 (2008), 181–198, https://doi.org/10.1111/j.2041-6962.2008.tb00075.x; Dick Timmer, 'On the Idea of Degrees of Moral Status', *Journal of Value Inquiry*, 59 (2025), 789–807, https://doi.org/10.1007/s10790-023-09970-5

50 Warren, *Moral Status*, p. 242.

people with fundamentally different views on the moral status of animals to agree on supporting minimal welfare standards in housing, transport and slaughtering, and supporting animal welfare labelling that allows citizen to follow their moral choices in their market behaviour[51] or by supporting a transition to animal-free proteins. Similar to the ethics facilitator, the engaged philosopher can take part in these policy issues as an individual scholar but also as a member of interdisciplinary expert committees, providing conceptual input to the committee's work. Examples of such committees in animal welfare policy discussions are interdisciplinary animal welfare councils that advise on government policy regarding animal husbandry.[52]

Engaged philosophers use philosophical tools and methods to analyse the concepts and normativity of a policy issues. Their analysis not only leads to a clarification of the positions in the debate (as in the case of the ethics facilitator), but also opens possibilities and new framings that expand the scope of acceptable—or tolerable—policy options. They go beyond facilitating because they go beyond mapping and discussing normative implications in terms of values and principles; they search for new perspectives that might help us to get out of an ethical deadlock.

2.4. Conclusion

Four roles are developed along two central axes: one drawn from democratic theory, contrasting deliberative and agonistic conceptions of democracy; the other from moral philosophy, distinguishing between foundational approaches and contextual pluralism. Constructed as Weberian ideal types, they are not intended to capture real-world practices in their full complexity, but rather to illuminate distinct patterns of ethical engagement. Together, they offer a conceptual cartography for analysing and reflecting on the diverse ways in which ethicists may contribute to public reasoning in pluralist democratic societies.

To further elaborate this cartography, the next chapters explore the

51 Frans W.A. Brom, 'Food, Consumer Concerns, and Trust: Food Ethics for a Globalizing Market', *Journal of Agricultural and Environmental Ethics*, 12.2 (2000), 127–139, https://doi.org/10.1023/a:1009586529518

52 Steven P. McCulloch and Michael J. Reiss, 'A Proposal for a UK Ethics Council for Animal Policy: The Case for Putting Ethics Back into Policy Making', *Animals*, 8.6 (2018), 88, https://doi.org/10.3390/ani8060088

three policy-active roles—ethics advocate (Chapter 3), ethics facilitator (Chapter 4) and engaged philosopher (Chapter 5)—by bringing each into dialogue with a concrete and at times controversial case. This method allows for a more nuanced understanding of how these roles function in practice, revealing both their strengths and their limitations. Examining how each role engages with the complexities of actual public reasoning leads to a deeper understanding of its conceptual foundations, and provides lessons that extend beyond the roles themselves.

Literature

Beauchamp, Tom L. and James Childress, 'Principles of Biomedical Ethics: Marking Its Fortieth Anniversary', *The American Journal of Bioethics*, 19.1 (2019), 9–12, https://doi.org/10.1080/15265161.2019.1665402

Brom, Frans W.A., 'Animal Welfare, Public Policy and Ethics', in: *Animal Consciousness and Animal Ethics: Perspectives from the Netherlands*, ed. by Marcel Dol and others (Assen: Van Gorcum, 1998), pp. 208–222.

Brom, Frans W.A., 'Food, Consumer Concerns, and Trust: Food Ethics for a Globalizing Market', *Journal of Agricultural and Environmental Ethics*, 12.2 (2000), 127–139, https://doi.org/10.1023/a:1009586529518

Brom, Frans W.A., 'Institutionalizing applied humanities: Enabling a stronger role for the humanities in interdisciplinary research for public policy', *Palgrave Communications*, 5.1 (2019), https://doi.org/10.1057/s41599-019-0281-2

Brom, Frans W.A., 'Ethicists in Animal Welfare Policy: Ideal–Typical Roles for Democratic Engagement', *Journal of Agricultural and Environmental Ethics*, 38.3 (2025), 17, https://doi.org/10.1007/s10806-025-09953-5

Cairney, Paul, *The Politics of Evidence-Based policy-making* (London: Palgrave Macmillan, 2016), https://doi.org/10.1057/978-1-137-51781-4

Carruthers, Peter, *The Animals Issue: Morality in Practice* (Cambridge: Cambridge University Press, 1992), https://doi.org/10.1017/cbo9780511597961

Cohen, Joshua, 'Deliberation and Democratic Legitimacy' in: *Deliberative Democracy: Essays on Reason and Politics*, ed. by James Bohman and William Regh (Cambridge, MA: The MIT Press, 1997), pp. 67–91.

Clouser, K. Danner and Bernard Gert, 'A critique of principlism', *The Journal of Medicine and Philosophy*, 15.2 (1990), 219–36, https://doi.org/10.1093/jmp/15.2.219

DeGrazia, David, 'Moral Status as a Matter of Degree?', *The Southern Journal of Philosophy*, 46.2 (2008), 181–198, https://doi.org/10.1111/j.2041-6962.2008.tb00075.x

Dennett, Daniel C., *Consciousness Explained* (Boston, MA: Little, Brown, 1991).

Dillon, Sarah and Claire Craig, *Storylistening: Narrative Evidence and Public Reasoning* (London: Routledge, 2021), https://doi.org/10.4324/9780367808426

Dombrowski, Dan A., *Babies and Beasts: The Argument from Marginal Cases* (Urbana and Chicago: University of Illinois Press, 1997).

Düwell, Marcus, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), https://doi.org/10.4324/9780203084205

Forsberg, Tuomas, 'Normative power Europe, once again: A conceptual analysis of an ideal type', *JCMS: Journal of Common Market Studies*, 49.6 (2011), 1183–1204, https://doi.org/10.1111/j.1468-5965.2011.02194.x

Giubilini Alberto and Francesca Minerva, 'An Open Letter from Giubilini and Minerva', *Journal of Medical Ethics Blog*, 2 March 2012, http://blogs.bmj.com/medical-ethics/2012/03/02/an-open-letter-from-giubilini-and-minerva/

Kedar, Asaf, 'Ideal Types as Hermeneutic Concepts', *Journal of the Philosophy of History*, 1.3 (2007), 318–345, https://doi.org/10.1163/187226307X229380

Lijphart, Arend, *Patterns of Democracy* (New Haven: Yale University Press 2012).

Macfarlane, Bruce, *Researching with Integrity: The Ethics of Academic Enquiry* (London: Routledge, 2010), https://doi.org/10.4324/9780203886960

Marcelino, Daniel, 'Ideal types', in: *The Encyclopaedia of Political Thought*, ed. by Michael T. Gibbons and others (Wiley online library, 2014), pp. 1756–1757, https://doi.org/10.1002/9781118474396.wbept0495

Madison, James, *The Federalist 10* (1787, November 22), https://founders.archives.gov/documents/Madison/01-10-02-0178

McCulloch, Steven P. and Michael J. Reiss, 'A Proposal for a UK Ethics Council for Animal Policy: The Case for Putting Ethics Back into policy-making', *Animals*, 8.6 (2018), 88, https://doi.org/10.3390/ani8060088

Mouffe, Chantal, *The Democratic Paradox* (London: Verso, 2000).

Nefzger, Ben, 'The ideal-type: some conceptions and misconceptions', *The Sociological Quarterly*, 6.2 (1965), 166–174, https://doi.org/10.1111/j.1533-8525.1965.tb01650.x

Pielke Jr., Roger A., *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), https://doi.org/10.1017/cbo9780511818110

Poama, Andrei, 'Application or Construction? Two Types of Public Policy Ethics', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 37–50, https://doi.org/10.4324/9781315461731-4

Regan, Tom, *The Case for Animal Rights* (Oakland: University of California Press, 1983; updated edition, 2004).

Robeyns, Ingrid, 'Normative Audit as a Method for Political Philosophy', *Crooked Timber*, 3 April 2020, https://crookedtimber.org/2020/04/03/normative-audit-as-a-method-for-political-philosophy/

Robeyns, Ingrid, 'Advancing Interdisciplinary Research on Institutions: A Typology of Research Questions', IoS Think Paper Series, no. 4, 2022, 1–30, https://www.uu.nl/sites/default/files/2022%20-%20IOS%20think%20paper4_Robeyns_def.pdf

Sauer, Hanno, 'The End of History', *Inquiry*, 68.7 (2022), 1739–63, https://doi.org/10.1080/0020174x.2022.2124542

Sauer, Hannio, 'The Ends of History: A Reply to Sauer', *Inquiry*, 69.1 (2023), 1–11, https://doi.org/10.1080/0020174x.2023.2190771

Schattschneider, Elmer E., *The Semisovereign People: A Realist's View of Democracy in America* (Hinsdale, Ill: The Dryden Press 1975).

Scruton, Roger, *Animal Rights and Wrongs* (London: Metro, 2000).

Singer, Peter, *Animal Liberation: A New Ethic for Our Treatment of Animals* (New York: Avon, 1975).

Stevens, Alex, 'Governments Cannot Just "Follow the Science" on COVID-19', *Nature Human Behaviour*, 4 (2020), 560, https://doi.org/10.1038/s41562-020-0894-x

Timmer, Dick, 'On the Idea of Degrees of Moral Status', *Journal of Value Inquiry*, 59 (2025), 789–807, https://doi.org/10.1007/s10790-023-09970-5

van Bavel, Jay J. and others, 'Using Social and Behavioural Science to Support COVID-19 Pandemic Response', *Nature Human Behaviour*, 4 (2020), 460–471, https://doi.org/10.1038/s41562-020-0884-z

Warren, Mary Anne, *Moral Status: Obligations to Persons and Other Living Things* (Oxford: Clarendon Press, 1997).

Wilson James and others, 'Providing Ethics Advice in a Pandemic, in Theory and in Practice: A Taxonomy of Ethics Advice', *Bioethics*, 38 (2024), 213–222, https://doi.org/10.1111/bioe.13208

Wolff, Jonathan, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, https://doi.org/10.4324/9781315461731

Wolff, Jonathan, *Ethics and Public Policy: A Philosophical Inquiry*. 2nd ed. (London: Routledge, 2019), https://doi.org/10.4324/9781351128667

3. The ethics advocate: Enriching the debate with a theoretical perspective

This chapter explores the first of the three policy-active roles: the ethics advocate. This role describes an ethicist, or moral philosopher who, as academic expert, develops a normative vision for societal change on the basis of a philosophical-ethical theory. An ethics advocate argues in favour of a specific normative point of view based upon a specific choice of moral theory. Ethics advocacy aims to change the perspective of citizens. This role is most clear when it is radical and controversial: by challenging the values people hold, one can hope to change these values. Ethics advocates participate in public reasoning through the application of a philosophical-ethical theory in order to advocate a specific direction for society. They do not necessarily need to claim moral truth for their theoretical approach: if they acknowledge that there is no philosophical undisputed 'extra-theoretical' point of departure, then their response to the absence of a neutral evaluative stance can be to adopt an explicit (disputed) theoretical standpoint. To deepen understanding of this role, it is examined in the context of a particularly sensitive and controversial case: the permissibility of infanticide in neonatology. The case is discussed from a specific theoretical-ethical framework, utilitarianism, which in this instance runs counter to deeply held public values and thereby helps to clarify the role of the ethics advocate.

This chapter is structured as follows. Section 3.1 develops the notion of infanticide as a policy proposal from a utilitarian perspective, beginning with an account of the translation of the utilitarian claim that being human, in itself, does not confer moral status, into policy discussions on end-of-life decisions in neonatology. This translation

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sparked both social and bioethical controversy. This bioethical debate is examined more closely, as it explicitly raised questions about the role of ethics in the public sphere and, more specifically, in policy-making. This confrontation between the ideal-typical role of the ethics advocate and the debate on infanticide raises two key issues: (1) the role controversy plays in ethical analysis; and (2) under what conditions an ethical analysis may constitute policy advice. Section 3.2 defends the importance of controversy for criticising and challenging common morality and supporting critical reflectivity. Without controversy, there is no moral progress. Section 3.3 argues that critically probing common morality only holds weight if ethicists are prepared to stand by their claims. Applying normative ethical theory in this sense requires a willingness to confront the practical consequences of adopting the theory's principles. If the aim is to shape the values that guide moral judgment, the question of what concrete actions those values would justify cannot be sidestepped.

Addressing these questions helps clarify the broader cartography of professional ethical contributions to democratic public reasoning. It shows that ethics, particularly policy-oriented ethics, must engage meaningfully with real-world contexts, confronting and articulating the practical implications of normative positions. Ethics is not merely a matter of abstract philosophical inquiry; it carries real-life consequences that shape public discourse and policy decisions. This insight leads to the conclusion in section 3.4 that enriching public policy debates requires ethicists to take their own normative stance seriously. Section 3.5 closes the chapter with general lessons, extending beyond this specific role, that arise from the confrontation between the ideal-typical role and a concrete policy issue.

3.1. Is 'infanticide' a utilitarian policy proposal?

Can we consider infanticide as a policy proposal from a utilitarian perspective? In 2013 an article was published in the *Journal of Medical Ethics* with the title 'After-birth abortion: why should the baby live?'[1]

1 Alberto Giubilini and Francesca Minerva, 'After-Birth Abortion: Why Should the Baby Live?', *Journal of Medical Ethics*, 39 (2013), 261–63, https://doi.org/10.1136/medethics-2011-100411

This article caused a real public controversy.[2] One of the questions at issue in this controversy was whether this article should be considered as a policy proposal. Analysing this controversy helps to develop the role of the ethics advocate.

In order to understand the discussion caused by the article on 'infanticide' I start with a short description of utilitarianism as a policy-oriented ethical theory and then translate one of the 'core ideas' of this theory—that being human, in itself, does not confer moral status—to policy discussions on end-of-life decisions in neonatology. That this translation challenges values that people hold becomes clear through the social and bioethical controversy caused by this policy proposal. That is why I examine this bioethical controversy more closely, as it explicitly raised questions about the role of ethics in the public sphere, and more specifically, in the process of policy-making. This helps us to understand the role of the ethics advocate: probing common sense in order to fight prejudice.

Utilitarianism is a tradition of moral philosophy that evaluates actions based on their consequences for overall wellbeing. The guiding principle of utilitarianism is 'that one ought always to promote overall wellbeing. The core idea is that we should want all lives to go as well as possible, with no-one's wellbeing counting for more or less than anyone else's.'[3] Utilitarianism has a longstanding tradition in public policy discussions. And while 'history cannot directly tell us which moral theory is correct, utilitarian moral reasoning has a strong track record of contributing to humanity's collective moral progress—suggesting that there may at least be something morally salutary to these ideas.'[4] It was 'originally conceived as a progressive liberating theory where everyone's wellbeing counted equally. This was a powerful and radical political theory in the nineteenth century, when large sections of the population were completely disenfranchised and suffered from institutional discrimination. The theory played a role in abolitionism,

2 See for instance: Maurizio Mori, 'The Italian Reaction to the Giubilini and Minerva Paper', *Journal of Medical Ethics*, 39 (2013), 317–22, https://doi.org/10.1136/medethics-2013-101403

3 Richard Chappell, Darius Meissner, and William MacAskill, *An Introduction to Utilitarianism: From Theory to Practice* (Indianapolis, IN: Hackett Publishing, 2024), p. 6. Available at https://utilitarianism.net

4 Chappell, Meissner and MacAskill, *Utilitarianism*, p. 4.

women's liberation and animal rights movements.'[5]

Utilitarianism is application-orientated and searching for policy relevance fits within the utilitarian frame of thinking. In the past, utilitarian theory argued for a societal vision that was at odds with dominant societal perspectives. Abolitionism and women's liberation were, when utilitarians started to defend these ideas, not mainstream. Being critical of mainstream ideas is still a part of contemporary utilitarianism, for instance in animal protection. The fundamental utilitarian position in animal ethics is based upon the 'conscious disavowal of any assumption that all members of our own species have, merely because they are members of our own species, any distinctive worth or inherent value that puts them above members of other species.'[6]

Utilitarians are anti-speciesist. They claim that speciesism, which holds that moral status depends on being a member of a certain species, is as bad as racism, which holds that moral status depends on being member of a certain race. It is clear that the utilitarian approach has implications for the way humans should treat animals. But the theory also has implications for intra-human obligations. These implications are even more controversial than the application of utilitarianism in animal ethics. That is why we will look at the way utilitarians translate their theory to public policies regarding the treatment of human beings, more specific very young human beings: newborn human babies.

A complex ethical issue with regard to newborn human beings is the discussion on end-of-life decisions in neonatal care. Neonatal care has improved in recent decades. With the help of advanced medical technology, medical doctors and specialized nurses are able to save the lives of premature babies. The downside of these new biomedical

5 Julian Savulescu, Ingmar Persson, and Dominic Wilkinson, 'Utilitarianism and the Pandemic', *Bioethics*, 34 (2020), 620–32, https://doi.org/10.1111/bioe.12771; Chappell, Meissner and MacAskill, *Utilitarianism*, p. 4: 'As a progressive social reformer, Jeremy Bentham advocated for the separation of church and state; the abolition of slavery and of capital punishment; legal regulations to protect criminals and non-human animals from cruel treatment; and the decriminalization of homosexuality. (…) John Stuart Mill defended the provision of social welfare for the poor and of freedom of speech. He was the second MP in the UK Parliament to call for women's suffrage and advocated for gender equality more generally. (…) In a similar vein, Henry Sidgwick advocated for women's education and the freedom of education from religious doctrines.'

6 Peter Singer, *Practical Ethics*, 2nd edn. (Cambridge: Cambridge University Press, 1993), p. ix.

technologies is that sometimes the life of children is prolonged at the cost of suffering, and, as a result, severely disabled people lead a life full of pain and suffering. Without technological interventions, these children would have died. This raises the question of the limits of medical treatment.

From a utilitarian perspective, ethicists have proposed policies for these difficult decisions that create room for parents and doctors to take end-of life decisions. These ideas are based upon a framework in which two considerations are crucial:

- The idea that newborn humans are not yet persons. The life of human persons has inherent protectability, but 'neither embryos nor yet neonates can be persons and that in consequence it is not necessarily morally wrong to end the life of either.'[7] Non-persons, like neonates, animals or so-called human 'marginal cases',[8] lack, according to this approach, the mental state (being self-aware) needed to be considered a person, which implies that they themselves cannot be wronged if they are killed (but, for instance, parents could be wronged if their children are killed). The fact that they are human does not add to their moral status (anti-speciesist).
- The idea that only the consequences of acts are relevant, which implies that utilitarians (and other consequentialists) make no distinction between acts and omissions, between killing and letting die. If certain features (like unbearable and hopeless suffering or severe disabilities) justify that medical treatment is not prolonged (or started) and as consequence hereof the death of the premature baby is accepted then, by implication, active measures to end the life of this newborn are acceptable as well. Thus, in the words of John Harris, 'the very same features of the predicament of handicapped children which make selective non-treatment seem a good and humane solution, would make active euthanasia a better and more humane solution.'[9]

7 John Harris, *The Value of Life: An Introduction to Medical Ethics* (London: Routledge, 1985), p. 212.

8 For the use and history of the idea of 'marginal cases' see: Dan A. Dombrowski, *Babies and Beasts: The Argument from Marginal Cases* (Urbana and Chicago: University of Illinois Press, 1997).

9 John Harris, 'Debate: Reply to Lorber, Cusine and Anscombe', *Journal of Medical*

Within this framework, utilitarians have proposed—at least as a thought-provoking philosophical idea—the possibility of infanticide as a means to end the suffering of certain severely affected premature newborns. This notion has been widely discussed in the bioethical literature and has sparked intense and enduring controversy. Infanticide is closely tied to core utilitarian principles—such as consequentialism, the minimisation of suffering, the maximisation of wellbeing, and non-speciesism—and has been a source of bioethical debate for over fifty years. In 2013 the *Journal of Medical Ethics* devoted a special issue to forty years of discussion on infanticide.[10] As was mentioned in the introduction to this section, this issue contained an article from Alberto Giubilini and Francesca Minerva with the title 'After-birth abortion: why should the baby live?'[11] In this article the authors develop a perspective on personhood and defend, as an implication of that perspective, the view that neonates do not have a similar right to life that adult persons have because they are 'not yet' a person.[12] Their point of view was brought forward in a sharp and provocative way with the question: why should the baby live? Their article caused a real public controversy.

In the popular press, the suggestion that the lives of young children are less worthy of protection than those of adults was seen by many as a sign that bioethicists—and academia more broadly—are out of touch with society's core values. However, the controversy was not confined to the popular press or (social) media; it also raised significant concerns within the broader bioethical community. This wider bioethical debate is particularly relevant for understanding the role of the ethics advocate, as the authors were both criticised and praised for their contribution to bioethical discourse in light of the broader implications of their work for public policy. The authors were criticised for explicating the practical

Ethics, 8 (1982), 40–41, https://doi.org/10.1136/jme.8.1.40

10 *Abortion, Infanticide and Allowing Babies to Die, Forty Years On*, special issue of *Journal of Medical Ethics*, ed. by Julian Savulescu, 39 (May 2013).

11 'Giubilini and Minerva, 'After-Birth Abortion'.

12 From the perspective of ethical analysis their article is problematic because it seems to presuppose that the justification of the legalisation of abortion rests on the basis of the 'non-status' of the foetus. This is not necessarily the case. As Judith Jarvis Thompson famously argued, the permissibility of abortion in some cases does not imply the right to secure the death of the unborn child, but the autonomy of the woman. Judith Jarvis Thomson, 'A Defense of Abortion', *Philosophy and Public Affairs*, 1.1 (1971), 47–66.

implications of their utilitarian theory as if that could be seen as a policy proposal. According to some critics, they should have made clear that their contribution should not be considered as ethics-for-policy but as pure philosophy. In a commentary in the leading bioethics journal *The Hastings Center Report*, for instance, Mirko D. Garasic asserted that the publication of Giubilini and Minerva's article was unwise. Such an extreme philosophical perspective might distort the political sphere and jeopardize democratic public reasoning. He states:

> Putting forward an argument in support of infanticide might be illuminating when confined to the realm of theoretical speculation, but it is politically unwise to disseminate it broadly. To ensure that our message will not come out distorted in the political sphere, we need to have a more compromising attitude that will leave out of the picture extremist claims that might jeopardize the public response to even a valid argument.[13]

Garasic assumes that Giubilini and Minerva engage in theoretical—philosophical—speculation and he is concerned about the idea that their article could be perceived as practical ethical guidance for policy-making. Such a perception would, according to him, be detrimental to finding common ground for policy-making. In response to the bioethical—and especially the public—controversy, Giubilini and Minerva seem to agree with that assessment and defend their article by stating that it does not present infanticide as a policy proposal, but rather as a piece of philosophical speculation. They claim:

> Laws are not just about rational ethical arguments, because there are many practical, emotional, social aspects that are relevant in policy making (such as respecting the plurality of ethical views, people's emotional reactions etc). But we are not policy makers, we are philosophers, and we deal with concepts, not with legal policy.[14]

Giubilini and Minerva suggest that they were just undertaking 'rational philosophy' and not 'emotional policy'. They claim to be 'pure philosophers' and not presenting a practical moral view with policy implications. They consider their paper more speculative and thought-provoking.

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13 Mirko D. Garasic, 'Commentary: Scholarly Discussion of Infanticide?', *The Hastings Center Report*, 42.4 (2012), inside back cover, https://doi.org/10.1002/hast.62

14 Alberto Giubilini and Francesca Minerva, 'An Open Letter from Giubilini and Minerva', *Journal of Medical Ethics Blog*, 2 March 2012, http://blogs.bmj.com/medical-ethics/2012/03/02/an-open-letter-from-giubilini-and-minerva/

Their defence of the paper as 'pure philosophy' prompts two important questions about the implications of the role of the ethics advocate for the broader conceptual cartography of professional ethical contributions to democratic public reasoning: (1) what role does controversy play in ethical analysis; and 2) under what conditions, if any, does such an ethical analysis amount to policy advice? Exploring these questions helps to illuminate how the ethics advocate connects to policy-making processes and how controversy functions within that form of ethical engagement.

3.2. Controversy and the role of ethicists

The idea that ethicists should show some restraint in bringing forward certain theoretical speculations in such a way that they could be perceived as practical ethical guidance, as suggested among others by Garasic, caused further academic debate. Udo Schüklenk—one of the editors of the journal *Bioethics*—disagrees strongly with this plea for restraint. According to him, there are two issues at stake. He starts with an argument about academic freedom of speech and claims that it is 'all the more important for members of the academic community—no matter what our ideological preferences and differences—to stand firm in our defence of academic freedom of research and expression.'[15]

The plea for academic freedom of speech could be seen as a plea for space for 'pure philosophy', but for Schüklenk this space is needed for the practical-philosophical task of ethics: probing common sense in order to allow society to make moral progress. According to him, society needs controversy in order to make moral progress. It is essential

> for our field that its academic outlets maintain space for the discussion of highly controversial topics—yes!—including infanticide, the involvement of healthcare professionals in torture and even—imagine!—queer issues. If we fail to do so we will not be able to make moral progress on questions to do with what it is that makes us, in a moral sense, human; what it is that gives us moral standing; what we owe to each other and many related issues. It is at the core of what we do in bioethics.[16]

15 Udo Schüklenk, 'In Defence of Academic Freedom: Bioethics Journals under Siege', *Journal of Medical Ethics*, 39.5 (May 2013), 303–306, (p. 304), https://doi.org/10.1136/medethics-2012-100801

16 Schüklenk, 'Academic Freedom', p. 305.

From this perspective the idea of infanticide as a policy proposal is comparable with abolitionism, women's liberation and animal rights. It is not 'just' philosophical-theoretical speculation, but an important way of probing and testing our common-sense morality. Such a controversial idea forces society to reflect on the basis of the idea that persons have a right to life and by reflecting upon these fundamental issues more insight is gained and societal morality might develop. Excluding these ideas from policy-oriented bioethical debates might lead to less controversy, but it is also detrimental for the moral reflexivity of society.

However, causing controversy is not without implications. As Schüklenk rightly claims, the freedom to present controversial perspectives implies for academics the duty to take responsibility for the views that they defend. 'Respect for free speech has a flipside, requiring of us to take responsibility for the views that we defend. On what other grounds could we expect our views to be taken seriously? What kind of debate could we reasonably have with discussants who—when cornered—will say "I didn't really mean it"?'[17]

Ethics advocacy is the development of arguments and visions that shape the values that people hold. These arguments are a part of the real-world public discussion on public policy in which people form those values. The arguments and visions of ethics advocates convince some, and that makes them a part of the societal debate. In this way, practical-philosophical perspectives are never constrained to the seminar room. The distinction between pure philosophical speculation in ethics and policy-oriented ethics is that pure philosophers might speculate and search for counter-intuitive implications and inconsistencies, while ethics advocates express normative visions and explicate the practical implications of these visions. Therefore, they cannot evade argumentative responsibility for arguments that are directed at shaping the values people hold. Their philosophical visions create strong discussion, because they are recognized for what they are: arguments that aim to shape future policies.

3.3. Ethics advocacy and policy-making

The controversy that Giubilini and Minerva caused raises the question of under what conditions, if any, ethical analysis amounts to policy

17 Ibid.

advice. Is it reasonable to consider as a form of policy advice an ethical analysis that is part of forty years' of arguing for a controversial societal perspective, and that is published a medical ethical journal that directs itself not only to philosophers, but also to practitioners? I believe it is, and I elaborate this point in Box 3.1. Underpinning this view is a conviction articulated by David Archard in his analysis of 'ethics advice'. He argues that a 'philosopher who publishes practical normative recommendations thereby advises even if such advice is not solicited, is not directed towards any identifiable advisee, and is not heard as advice or acted upon. As such the philosopher bears the responsibility of any adviser to take due care as to what the advice is and how it is offered.'[18]

Underlying the debate about whether infanticide can be considered a public policy proposal is the broader question of how philosophical-ethical theories relate to practical policy discourse. In a blog post connected to the previously mentioned special issue of the *Journal of Medical Ethics*, John Harris draws a distinction between two forms of policy-oriented ethics. He differentiates between 'Green Papers' and 'White Papers' in ethics. Green papers represent theoretical or exploratory discussions of moral issues, while white papers take the form of concrete policy proposals. This distinction refers to the UK policy context: 'In England we have a distinction between the sorts of documents that the government issues. The government issues green papers and white papers. White papers are proposals for legislation. Green papers are something that is much short of that; green papers are discussion documents putting forward ideas seriously but not necessarily for implementation in legislation.'[19] For the ethics advocate this leads to the following question: how to bring one's normative vision forward, if one wants to probe and test common-sense morality with such a vision?

18 David Archard, 'Philosophical Advice', *Philosophy*, 96.4 (2021), 603–23 (p. 610), https://doi.org/10.1017/S0031819121000139

19 Paulien Westerman, 'The Moralist: A Conversation with John Harris about Bioethics', *Netherlands Journal of Legal Philosophy*, 1 (2005), 46–56, p. 48, https://doi.org/10.5553/RenR/2005034001004

Box 3.1 Three arguments in favour of considering the article of Giubilini and Minerva as 'policy advice'

1. Title and the content of the article

The title and the content suggest practical ethical guidance and not just philosophical speculation. The first part of the title, 'After-birth abortion', directly links their argument to one of the more controversial bioethical public policy issues, namely abortion. The content of the article links the acceptance of abortion (which is public policy in many countries) directly to 'after-birth abortion'. According to the authors 'that what we call "after-birth abortion" (killing a newborn) should be permissible in all the cases where abortion is, including cases where the newborn is not disabled.'[20] And to give their analysis even more practical-ethical guidance they discuss practical conditions for 'after-birth abortion'. They explicitly address the practical question of length of time in which killing a newborn can be considered as 'after-birth abortion': 'we do not think that in fact more than a few days would be necessary for doctors to detect any abnormality in the child. In cases where the after-birth abortion were requested for nonmedical reasons, we do not suggest any threshold, as it depends on the neurological development of newborns, which is something neurologists and psychologists would be able to assess.' [21] So the title and the content suggest practical ethical guidance and not just philosophical speculation.

2. The journal in which the article was published

The *Journal of Medical Ethics*, in which the article is published, 'features articles on various ethical aspects of health care relevant to health care professionals, members of clinical ethics committees, medical ethics professionals, researchers and bioscientists, policy makers and patients'.[22] The journal was created, according to the first editorial of Julian Savulescu, who was editor from 2001–2018, to support ethical discussion on biomedicine in public and among professionals not only

20 Giubilini and Minerva, 'After-Birth Abortion', p. 261.
21 Giubilini and Minerva, 'After-Birth Abortion', p. 264.
22 Website of the *Journal of Medical Ethics*, https://jme.bmj.com/

for argument's sake, but to have an impact on the way people behave. He wrote: 'It is also my hope as Editor that both those contributing to the journal and those reading it can take a lead in public and professional discourse on ethical issues in biomedicine generally. The greatest achievement of a journal of medical ethics would be to change what people do.'[23] Neither the journal nor the authors can claim that this article was 'just philosophy'.

3. The argumentative tradition in which the article stands

The article stands explicitly within an intellectual tradition, as the title of the special issue makes clear: Abortion, infanticide and allowing babies to die, forty years on. In his introduction Julian Savulescu writes: 'Over the last 40 years, there has been an active debate on the ethics of killing or allowing severely ill or disabled newborns to die. (…) Giubilini and Minerva extend the long-running debate on infanticide to ask: if abortion is permissible both for social as well as medical reasons, why is infanticide permissible only for medical reasons (assuming that selective non-treatment is a form of infanticide)? They ask: what is the moral difference between a fetus and a neonate?' [24] Explicitly comparing infanticide to abortion enters into the sphere of public policy.

In an attempt to answer the question, how to relate critical philosophical thinking to public policy, Malcolm Oswald develops Harris' distinction between green and white papers. In an article in the 'Public Policy' section of the same special issue of the *Journal of Medical Ethics* he asserts that, in practice, the purpose of a philosophical contribution is not always clear to policy-makers. According to our terminology: philosophers need to be clear whether they are acting like pure philosophers, or as ethics advocates. According to Oswald, bioethical papers sometimes confuse policy-makers. That is why, he argues, the distinction between white and green needs to be made more explicit in the academic bioethical literature. According to Oswald, this distinction could aid policy-makers in interpreting bioethical literature more effectively. 'Marking a paper

23 Julian Savulescu, 'Future Directions of the Journal', *Journal of Medical Ethics*, 27.3 (June 2001), 147, https://doi.org/10.1136/jme.27.3.147. Note that Savulescu was also editor of the special issue dedicated to forty years of discussion on infanticide.

24 Savulescu, '40 Years On', p. 258.

as "green" would alert readers that the piece explores, but does not necessarily propose a solution to, a policy question. It would make clear to lay readers that the author does not propose some potentially shocking policy such as infanticide.'[25] Writing a white paper, by contrast, entails more than intellectual exploration; it involves presenting a concrete policy proposal aimed at shaping a specific policy debate or decision.

A key concern with this proposal is that it risks neutralizing the critical force of ethical advocacy. If challenging arguments are framed in advance as mere 'green papers', how can they effectively interrogate or unsettle prevailing moral intuitions? Over the past four decades, it has been systematically developed and defended 1) that newborns should not be regarded as persons in the morally relevant sense, and 2) that the justifications for withholding life-prolonging treatment may also support active life-ending interventions. When such arguments are part of an ongoing normative ethical (utilitarian) project, it is no longer plausible to treat them as purely speculative. Their sustained development signals a serious normative position, not just an intellectual exercise.

It is not tenable to argue that a normative vision is compelling, yet should not be taken too seriously or regarded as worth implementing. Such a stance undermines the credibility of ethics. The distinction between speculative 'green papers' and actionable 'white papers' may seem helpful, but in practice it obscures the normative ambitions embedded in systematic ethical theorizing. This is not to say that there should be no space for unsettling or 'dangerous' ideas; on the contrary. But when speculative arguments are presented as part of a coherent and sustained theoretical framework, they carry normative weight. If the utilitarian tradition aims to shape moral judgment, it must take responsibility for its practical consequences, rather than evade them by presenting its conclusions as mere speculation. The same holds for any systematic ethical theory: if it aspires to inform moral reasoning, it must be willing to engage with the real-world implications of its normative claims.

In the role of ethics advocate, ethicists aim to have societal impact by bringing forward a philosophically well-founded vision. In doing so they broaden the perspectives in the debate, and thus assist politicians, stakeholders and others in democratic societies to make informed and

25 Oswald, 'Green and White', pp. 312–313.

fair decisions. Formulating and presenting such visions will inevitably make them a part of the politico-societal debate, in which they will be probed on their practical implications in the complex context of policy-making. Normative visions cannot evade a discussion on the consequences of their being adopted. If you want to shape the values that people are going to hold, then you cannot avoid the discussion about which practical policy would be justified on the basis of these values. Or in the words of Archard: 'Yet, philosophers who commend a state of affairs that might be policy can at least be asked to consider whether they would legislate such a state of affairs. Would you, we can ask, wish that what you advise to be allowable is allowed?'[26] To which one can add: and if not, why not?

3.4. The ethics advocate: Enriching policy debates

Ethics advocacy aims to help society in coping with moral conflicts in policy-making by advocating a specific perspective. Such an approach may bring forward neglected perspectives and may assist specific parties in the societal debate. This is a legitimate goal for impact-seeking ethicists. Vision assists politicians, stakeholders and others in strengthening their position. It adds to (or strengthens) the existing diversity of opinions. A specific vision might probe the common understanding of the normative conflict between different societal opinions and it may lead to the scrutiny of the different normative aspects in that conflict. In that sense, it is a valid contribution of ethical expertise. However, bringing normative views effectively into policy discussions entails more than just translating internal philosophical debates.

Philosophers engaged in presenting and defending normative visions need to take seriously the role of their normative theory as a future frame for policy. The ethics advocate has to engage with the policy implications of their proposal. That is why ethics advocates also need to interpret the context in which their arguments land. And although the ethics advocate is not working towards the development of a common ground for public policy in the face of current normative conflicts, they need to understand the normative conflicts to which they

26 Archard, 'Philosophical Advice', p. 612.

translate their theories. Normative theory may enrich the debate, but in itself that is not helpful for policy-makers who are searching for a practical way forward in policy-making with these normative conflicts.[27] Ethical theory by itself does not establish a way for society to cope with these normative conflicts; it cannot function as a normative framework for the public sphere that fosters coordinated and cooperative actions among citizens who may hold deep-seated disagreements. Ethicists and ethics who want that, need to do something different. The ideal types of this 'something different' are the object of the next two chapters.

3.5. Lessons beyond this role

In real policy-oriented discussions regarding neonatal end-of life care, the idea of infanticide has very little to no impact.[28] The idea that neonates are not persons, and thus have no individual right to life, seems irrelevant in practical medical-ethical discussions; the discussions instead focus on the proportionality of medical interventions. The idea that ending life-saving interventions logically and thus practically implies the acceptability of active life-ending seems also to be irrelevant. Discussions do include the question of how to deal with suffering when live-saving interventions are ended. In these discussions it is clear that alleviating suffering might get close to—or is indistinguishable from—life ending. Accepting that, in the context of intensive medical care, the distinction between killing and letting die is impossible to draw, however, does not necessarily imply that one cannot uphold such a distinction in other fields of (medical) ethics.

Ethicists and their arguments can play a constructive role in these discussions. In order to do so, they need to link their arguments to the

27 James Wilson and others, 'Providing Ethics Advice in a Pandemic, in Theory and in Practice: A Taxonomy of Ethics Advice', *Bioethics*, 38 (2024), 213–22 (p. 215), https://doi.org/10.1111/bioe.13208: 'Where this model is used as the basis for policy-relevant translational bioethics, it faces significant challenges of democratic legitimacy, particularly if the bioethicist's approach would run counter to some deeply held public values. Even if bioethicists did have genuine ethical expertise, it is not clear that it would be appropriate for democratic decision-making to defer to their ethical judgements.'

28 E.g. Dominic J. C. Wilkinson and Sophie Bertaud, 'End of Life Care in the Setting of Extreme Prematurity – Practical Challenges and Ethical Controversies', *Seminars in Fetal and Neonatal Medicine*, 28.4 (2023), 101442, https://doi.org/10.1016/j.siny.2023.101442

moral deliberations that are essential in these discussions. Ethicists can only assist when they start by recognising that embedded values in the discussion include caring for a newborn, alleviating suffering, promoting healing, and accepting that death is sometimes inevitable. Only by linking to the ongoing discussions can ethicists help society develop a thoughtful perspective on how to navigate the immense possibilities of modern medicine and encourage a reflective examination of its moral values. How that can be done, we will see in the next two ideal-typical roles.

Literature

Archard, David, 'Philosophical Advice', *Philosophy*, 96.4 (2021), 603–23, https://doi.org/10.1017/S0031819121000139

Chappell, Richard, Darius Meissner, and William MacAskill, *An Introduction to Utilitarianism: From Theory to Practice* (Indianapolis, IN: Hackett Publishing, 2024).

Dombrowski, Dan A., *Babies and Beasts: The Argument from Marginal Cases* (Urbana and Chicago: University of Illinois Press, 1997).

Garasic, Mirko D., 'Commentary: Scholarly Discussion of Infanticide?', *The Hastings Center Report*, 42.4 (2012), inside back cover, https://doi.org/10.1002/hast.62

Giubilini Alberto and Francesca Minerva, 'After-Birth Abortion: Why Should the Baby Live?', *Journal of Medical Ethics*, 39 (2013), 261–63, https://doi.org/10.1136/medethics-2011-100411

Giubilini Alberto and Francesca Minerva, 'An Open Letter from Giubilini and Minerva', *Journal of Medical Ethics Blog*, 2 March 2012, http://blogs.bmj.com/medical-ethics/2012/03/02/an-open-letter-from-giubilini-and-minerva/

Harris, John, *The Value of Life: An Introduction to Medical Ethics* (London: Routledge, 1985).

Harris, John, 'Debate: Reply to Lorber, Cusine and Anscombe', *Journal of Medical Ethics*, 8 (1982), 40–41, https://doi.org/10.1136/jme.8.1.40

Mori, Maurizio, 'The Italian Reaction to the Giubilini and Minerva Paper', *Journal of Medical Ethics*, 39 (2013), 317–22, https://doi.org/10.1136/medethics-2013-101403

Oswald, Malcolm, 'Should Policy Ethics Come in Two Colours: Green or White?', *Journal of Medical Ethics*, 39 (2013), 312–15, https://jme.bmj.com/content/39/5/312

Savulescu, Julian, 'Future Directions of the Journal', *Journal of Medical Ethics*, 27.3 (2001), 147, https://doi.org/10.1136/jme.27.3.147

Savulescu, Julian, ed., *Abortion, Infanticide and Allowing Babies to Die, Forty Years On*, special issue of *Journal of Medical Ethics*, 39 (May 2013).

Savulescu, Julian, Ingmar Persson, and Dominic Wilkinson, 'Utilitarianism and the Pandemic', *Bioethics*, 34 (2020), 620–32, https://doi.org/10.1111/bioe.12771

Schüklenk, Udo, 'In Defence of Academic Freedom: Bioethics Journals under Siege', *Journal of Medical Ethics*, 39.5 (2013), 303–06, https://doi.org/10.1136/medethics-2012-100801

Singer, Peter, *Practical Ethics*, 2nd edn. (Cambridge: Cambridge University Press, 1993).

Jarvis Thomson, Judith, 'A Defense of Abortion', *Philosophy and Public Affairs*, 1.1 (1971), 47–66.

Westerman, Paulien, 'The Moralist: A Conversation with John Harris about Bioethics', *Netherlands Journal of Legal Philosophy*, 1 (2005), 46–56.

Wilkinson, Dominic J. C. and Sophie Bertaud, 'End of Life Care in the Setting of Extreme Prematurity – Practical Challenges and Ethical Controversies', *Seminars in Fetal and Neonatal Medicine*, 28.4 (2023), 101442, https://doi.org/10.1016/j.siny.2023.101442

Wilson, James and others, 'Providing Ethics Advice in a Pandemic, in Theory and in Practice: A Taxonomy of Ethics Advice', *Bioethics*, 38 (2024), 213–22.

4. Ethics facilitator: Strengthening public reasoning

This chapter explores the second of the three policy-active roles: the ethics facilitator. The ethicist, or moral philosopher, in this role, is characterized as an academic expert who refrains from advocating a specific position in relation to a normative question.[1] The ethics facilitator supports policy-makers and the general public in understanding and discussing such a question. Ethics facilitators map the normative implications of public policies and seek to describe value conflicts as adequately as possible in order to facilitate sensible conversations about these conflicts. The purpose of these conversations is to support public reasoning on the moral issues at stake and to seek common orientation for the handling of these conflicts.

To deepen our understanding of this role we confront it with a practical ethical issue: the use of chlorine washing of chicken as a contested food safety policy. Chlorine washing causes a policy issue in international trade and it is strongly related to fundamentally different value perspectives. Ethicists have facilitated moral deliberation on 'chlorinated chicken'. They supported stakeholder discussions by mapping relevant normative implications of chlorine washing as a hygienic measure in poultry production. Ethics facilitators aim with these maps to strengthen society's moral reflectivity. Such a reflectivity is discursive and that makes facilitating discursive public reasoning an

1 It is important to note that this is the description of an ideal-typical role intended to highlight specific features of complex realities in order to bring conceptual clarity. In the practice of ethics advice, taking a public stance grounded in philosophical analysis might strengthen public reasoning. That is why Chapter 8, 'A roadmap for ethics advice for public policy' highlights the role of philosophical-ethical analysis in orienting public reasoning.

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important task for the ethics facilitator.

Section 4.1 presents the case of the so-called chlorinated chicken, followed in section 4.2 by the introduction and application of the ethical matrix as a tool for addressing this case. In the matrix, social actors and the values at stake are central. The confrontation between the ideal-typical role of the ethics facilitator and the use of this practical mapping tool shows that the normative implications of the chlorinated chicken extend beyond what the matrix can reveal. A deeper contextual analysis is therefore needed. Section 4.3 develops four additional questions to support such an analysis, resulting in an approach consisting of six questions. Section 4.4 concludes that the ideal-typical role of ethics facilitation emphasises the importance of supporting societal reflectivity. Finally, section 4.5 draws a broader lesson for the cartography of professional ethical contributions to democratic public reasoning, namely the need to link practical normative issues with fundamental philosophical questions.

4.1. Food policy and chlorinated chicken

Food is an important issue for public policy. It is a policy field in which the government interacts with many different groups. Food chains are long and complicated and many actors such as farmers, food industry, retailers, restaurants and consumers are involved. Food policy also has several objectives: direct food-related objectives like food security (guaranteeing enough food), food safety (preventing food-borne diseases) and food quality (guaranteed through labelling and transparency in the market), as well as the regulation of the externalities of food production like environmental sustainability, working conditions, animal welfare, or the quality of rural areas.

Brexit provided an interesting example for analysing the normative aspects that play a role in food policy. Agriculture and food played an essential role in the Brexit discussions: one of the arguments in favour of Brexit was the chance of 'regaining control' over agricultural and food production. Brexit gave the United Kingdom the opportunity to fundamentally rethink the position of its food system.

So-called 'chlorinated chicken' symbolizes the issues at stake.[2] Chicken meat is a source of food contamination and food-borne disease. Micro-organisms such as Salmonella and Campylobacter bacteria grow easily on chicken meat and can cause severe illness. There is a strong association between chicken meat and Salmonella outbreaks around the world. In the USA alone, 1.35 million infections, 26,500 hospitalizations, and 420 deaths by Salmonella every year are reported by the Centre for Disease Prevention and Control.[3] In a review article on Salmonella in chicken meat, the food hygienist Kirsten Wessels and her colleagues write on the use of chlorine:

> Slow release chlorine dioxide (SRCD) is often used in the processing of poultry to decrease Salmonella on carcasses. The use of SRCD as an antimicrobial is necessary because, despite efforts that ensure the number of live birds that have Salmonella are low, there is an inevitable spread of Salmonella due to the mechanical action of the plucking machine, as well as the damage to innards during the evisceration step. (…) SRCD—as well as other chlorine-containing antimicrobials—are a popular choice for disinfection due to chlorine's versatility, relatively low cost and effectiveness in reducing bacterial populations. These chemicals, although shown to have a good efficacy, are not permitted in the EU.[4]

The use of chlorine in chicken meat production in the EU is forbidden.[5] In the USA, chlorine washing is allowed. The EU does not allow the import of chlorinated chicken, which has led to tension in EU-USA trade relations. Brexit has amplified these tensions because a post-Brexit United Kingdom had to decide whether it will keep the core idea of following EU food policy or transfer to a USA perspective.

The British Conservatives, who formed the government after the

2 Erik Millstone, Tim Lang, and Terry Marsden, 'Food Brexit and Chlorinated Chicken: A Microcosm of Wider Food Problems', *The Political Quarterly*, 90.4 (October 2019), 645–53, https://doi.org/10.1111/1467-923x.12780

3 CDC [US Centers for Disease Control and Prevention], Salmonella. Available online: https://www.cdc.gov/salmonella/index.html

4 Kirsten Wessels, Diane Rip, and Pieter Gouws, 'Salmonella in Chicken Meat: Consumption, Outbreaks, Characteristics, Current Control Methods and the Potential of Bacteriophage Use', *Foods*, 10.8 (July 2021), 1742, https://doi.org/10.3390/foods10081742.

5 David J. Hornsby, 'Disputing Chlorinated Chickens: The Politics Underpinning EC-Poultry', in: David J. Hornsby, *Risk Regulation, Science, and Interests in Transatlantic Trade Conflicts, International Political Economy Series* (London: Palgrave Macmillan, 2014), pp. 165–82, https://doi.org/10.1057/9781137034175_7

Brexit referendum, had assured voters in the run-up to the first election (2017) after the referendum that they were not planning to lower food safety standards. In their manifesto they wrote: 'In all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards.'[6] They promised this in the context of the trading environment of Brexit: 'And one of the great opportunities of Brexit is the chance to lead the world in the quality of our food, agriculture and land management—driven by science-led, evidence-based policy.'[7] The United States made clear that in a future trade agreement they wanted the UK—at least in the case of imports—to accept the food safety regime of the United States. They wanted the UK market to open up for chlorinated chicken.

On the British side, some officials expressed support for the American food safety standards. Liam Fox, who was serving as the UK's International Trade Secretary at the time, argued that importing chlorinated chicken would not compromise food safety. He maintained that there were no health-related reasons to prohibit its consumption, noting that salads in UK supermarkets are often rinsed in chlorinated water and that the United States generally reports lower rates of Campylobacter food poisoning compared to many European countries. Emphasizing consumer autonomy, he asserted that as long as products are safe and properly labelled, the British public should have the freedom to choose what they eat.[8]

Allowing chlorinated chicken into the British food market seems a complicated technical policy problem. If we assume that food safety is central to both regimes and that for both the EU and the US pathogenic food products do not belong on the market, then it is clear that other issues play an important role behind the discussion on the acceptability of chlorine washing in poultry production. We will see that the chlorinated chicken discussion is loaded with ethical issues, such as the autonomy of consumers, the social responsibility of food companies, food safety and protecting human health, the welfare of the animals

6 Website www.conservatives.com accessed 13/6/2022, no longer available.
7 Website www.conservatives.com accessed 13/6/2022, no longer available.
8 Agnes Chambre, 'Liam Fox: I have no objection to chlorinated chicken', *PoliticsHome*, 1 November 2017, https://www.politicshome.com/news/article/liam-fox-i-have-no-objection-to-chlorinated-chicken

involved, and justice with regard to food distribution, environmental values, biodiversity and sustainable agriculture. This makes chlorinated chicken a good case for getting an overview of what an ethics facilitator might accomplish.

4.2. Stakeholders and values

Recognizing and systematizing ethical arguments is not easy, and the normative implications of public policies are not always clear. In order to recognize these arguments and to systematize them critically, one needs an ethical perspective.[9] Recognizing these arguments in public policy discussions, with their associated interests, power, and practical circumstances, is even more complicated. In applied ethics, several practical instruments have been developed to assist the explication and systematization of ethical issues in policy discussions. These instruments can be considered 'as "ethical tools," since they are practical instruments that can be used (tools) in order to support debates and deliberative structures for a systematic engagement with ethical issues (hence, ethical tools).'[10]

These tools are mostly directed at the content of the systematic engagement with ethical issues and they therefore present an overview of possible relevant principles, values, rights, duties or virtues as a point of departure for further deliberation. In order to show how a tool might be helpful in the practice of an ethics facilitator, I will focus here on one specific tool, the ethical matrix, and use it as an example. The ethical matrix is developed by Ben Mepham of the Centre for Applied Bioethics at the University of Nottingham and is used in agricultural and food discussions (Box 4.1).[11]

9 F. Robert Heeger, 'What Is Meant by the "Turn to Applied Ethics?"', in: *The Turn to Applied Ethics*, ed. by F. Robert Heeger and Theo van Willigenburg (Kampen: Kok Pharos, 1995), pp. 9–16.

10 Volkert Beekman and Frans W.A. Brom, 'Ethical Tools to Support Systematic Public Deliberations about the Ethical Aspects of Agricultural Biotechnologies', *Journal of Agricultural and Environmental Ethics*, 20.1 (January 2007), 3–12, p. 3, https://doi.org/10.1007/s10806-006-9024-7

11 Ben Mepham, 'Ethical Analysis of Food Biotechnologies: An Evaluative Framework', in: *Food Ethics*, ed. by Ben Mepham (London: Routledge, 1996), pp. 101–19; Ben Mepham, 'A Framework for the Ethical Analysis of Novel Foods: The Ethical Matrix', *Journal of Agricultural and Environmental Ethics*, 12.2 (January

The ethical matrix assists in the critical systematization of potentially relevant arguments and it aims to include relevant perspectives. It helps in a fairly accessible way to identify moral considerations in a complex (policy) discussion and it helps to keep an overview of the complexity of moral considerations that are brought forward. The matrix has been used to assist in structuring ethical deliberation in participatory debates on policy issues. In such a participatory process 'it provides for substance in the ethical deliberations, since it explicitly provides those considerations that are deemed to be most relevant for an ethical judgement in general.'[12]

Ethical tools such as the ethical matrix are 'as practical methods designed to improve ethical deliberations by broadening the values considered and/or stakeholder involvement.'[13] These tools are not a determinative system of principles that 'just' needs a determinant application, but they aim to foster reflectivity.

Box 4.1 Ethical matrix[14]

The ethical matrix is based upon the four medical-ethical principles of Tom Beauchamp and James Childress.[15] Beauchamp and Childress have formulated four general principles that are intended to morally structure the doctor-patient relationship as the core of medical ethics. The four

2000), 165–76, https://doi.org/10.1023/a:1009542714497; Matthias Kaiser and Ellen Marie Forsberg, 'Assessing Fisheries: Using an Ethical Matrix in a Participatory Process', *Journal of Agricultural and Environmental Ethics*, 14 (2001), 191–200, https://doi.org/10.1023/A:1011300811590; Doris Schroeder and Clare Palmer, 'Technology Assessment and the Ethical Matrix', *Poiesis & Praxis*, 1.4 (April 2003), 295–307, https://doi.org/10.1007/s10202-003-0027-4; Ben Mepham, *Bioethics: An Introduction for the Biosciences* (Oxford: Oxford University Press, 2005); Pierfrancesco Biasetti and Barbara De Mori, 'The Ethical Matrix as a Tool for Decision-Making Process in Conservation', *Frontiers in Environmental Science*, 9 (April 2021), 584636, https://doi.org/10.3389/fenvs.2021.584636; Guillermina Hernández-Cruz and others, 'An Ethical Matrix for the Reintroduction of Trafficked Primates: A Platyrrhine Case Study', *International Journal of Primatology*, 45.4 (February 2024), 834–59, https://doi.org/10.1007/s10764-024-00419-5

12 Kaiser and Forsberg, 'Assessing Fisheries', p. 195.

13 Volkert Beekman and others, *Ethical Bio-Technology Assessment Tools for Agriculture and Food Production: Final Report*, Ethical Bio-TA Tools (QLG6-CT-2002-02594) (The Hague: LEI, February 2006), p. 14.

14 Mepham, *Bioethics*.

15 Tom L. Beauchamp and James Childress, *Principles of Biomedical Ethics*. 3rd ed. (Oxford: Oxford University Press, 1989).

principles are: respect for autonomy, non-maleficence, beneficence and justice. These four principles are the backbone of dominant medical ethics. These principles function as points of orientation for medical ethical debates. Mepham has adapted these principles in two steps to create a practical tool for moral deliberation in the broader applied biosciences:

- Firstly, he focusses on three principles. He puts the principles of non-maleficence and beneficence together (under the principle of wellbeing) and refines the principle of justice to that of fairness.
- Secondly, he adds to the framework a broader field of stakeholders, because in an ethics for the application of biosciences there are more parties involved in moral deliberation than the traditional focus in medical ethics (patient and doctor).

The purpose of the matrix is to structure a moral discussion. It aims, as a pragmatic tool, not to generate answers to moral questions, but to identify different dimensions in a moral discussion: '(T)he matrix is designed to facilitate, but not determine, ethical decision-making by making explicit the relevant ethical concerns and providing a reasoned justification for any decisions made'.[16] This means that the matrix can be adapted according to the problem we are dealing with. For agricultural and food ethics, the matrix is constructed as follows:

Respect for:	**Wellbeing**	**Autonomy**	**Fairness**
Producers	**Satisfactory income and working conditions**	**Managerial freedom**	**Fair trade laws**
Consumers	**Safety and acceptability**	**Choice**	**Affordability**
Treated organisms	**Welfare**	**Behavioural freedom**	**Intrinsic value**
Biota	**Conservation**	**Biodiversity**	**Sustainability**

16 Mepham, *Bioethics*, p. 63.

4.2.1. Who are the relevant societal actors?

The first question in applying the ethical matrix is: Who are the relevant societal actors? The matrix suggests an overview of stakeholders with an interest in the policy under discussion, but this mapping can be further developed. For example, the stakeholder category 'producers' can be specified into at least three distinct groups: those operating under a food safety regime in which chlorine washing is prohibited (European Union), those under a regime in which it is permitted (such as the USA), and those under a regime where decisions are still pending (United Kingdom). The list can be expanded by including other actors in the food chain, such as transport companies, slaughterhouses, and retailers, as well as by further differentiating producers according to farming systems (organic, conventional, family-based, or industrial). The same approach applies to the next group on the list: consumers. They can be distinguished according to regulatory regime, but also by consumption patterns (vegetarian, low-cost, high-quality, or convenience-oriented). Considering such specifications clarifies how food safety policies affect different societal groups, while keeping the analysis manageable requires reflection about the added value of each distinction. The matrix does not prescribe the stakeholder list but prompts reflection on who should be considered a stakeholder. It also reminds us that the policy affects not only human actors but also the treated organism (the organism involved, in this case the chicken) and the environment (biota).

Before turning to the next dimension, one final aspect of 'those involved' deserves attention. In mapping a policy debate, it is essential to begin with the actors who are actively shaping it: the groups and individuals who drive the discussion and exert influence. For a strategic policy map, these are the stakeholders whose power and interests must be understood in order to navigate the debate effectively. However, when the aim is to interpret a policy debate ethically within the context of democratic public reasoning, a broader lens is required. One must also consider those who are affected by the policy but may not have a voice in the debate, particularly vulnerable groups or marginalized populations. An ethical map, therefore, must include not only the visible participants in the policy arena but also those whose interests may be overlooked or silenced. This underscores that even the seemingly straightforward task

of identifying relevant social actors forces the ethics facilitator to grapple with deeper questions about democracy, visibility, and representation.

4.2.2. What are the values at stake in this policy question?

The next question is: What is ethically at stake in this policy issue?[17] To address this, ethics facilitators often work with lists of commonly referenced values or principles. Before turning to the values presented in the matrix, however, it is important to reflect briefly on the conceptual use of 'values' in mapping policy debates. Some have argued that 'values' is too vague a concept for ethical analysis, as it tends to blur a more subjective sense ('my values' versus 'your values') with a more normative or prescriptive one ('moral values' or 'principled positions'). This ambiguity can obscure the ethical force of the term. As the philosopher Onora O'Neill notes, values are often reduced to 'merely subjective' expressions of personal preference, sometimes rebranded as 'autonomous choices', a label that gives undue weight to what may be arbitrary. Once values are treated this way, it becomes easy to speak of them as private, unchallengeable positions. Yet, as O'Neill reminds us, 'the continued use of the term 'value' (rather than of explicitly subjective terms such as 'preference' or 'attitude') suggests that these subjective states are not arbitrary and not mere reflections of individual choice, but on the contrary they are weighty and in need of justification that is not merely subjective.'[18]

In my view, this vagueness is not a problem for the ethics facilitator. In practice, participants in policy debates often (though sometimes implicitly) intertwine subjective attachments with normative claims. Rather than a weakness, this can be a starting point for ethical reflection. A closer look at what it means to hold a value can bring this into focus. People value something because it matters to them, which reflects

17 Compare with 'Step 2: Identify the arguments and values.' Jonathan Wolff, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, p. 18, https://doi.org/10.4324/9781315461731

18 Onora O'Neill, *From Principles to Practice: Normativity and Judgement in Ethics and Politics* (Cambridge: Cambridge University Press, 2018), p. 45, https://doi.org/10.1017/9781316286708

what Abraham Edel calls the purposive background of human agency. As he explains, 'We speak of a *purposive background* because problems arise only for persons for whom some things matter and where some active effort is going on in some direction. If a person did not care what happened, there would be no problem for him or her—life, death, pain, pleasure would all be one.'[19]

This perspective is useful for an ethics facilitator aiming to develop familiarity with the positions of participants in an actual debate. Beginning with expressed values helps to identify what is at stake for those involved in a policy discussion. Before reflecting on these values and distinguishing between those that are merely subjectively relevant for the actors themselves and those that claim normative force (for example, as rights) in relation to others, it is necessary to gain an understanding of what is valued by the participants. The process of becoming acquainted with the purposes that people pursue in a given policy debate (what they value) and the ways these purposes are expressed and communicated (the values and arguments put forward) clarifies the normativity at stake. The aim is a form of 'engaged assimilation' that develops a kind of 'empathic life-knowledge'.[20] For the ethics facilitator, the values expressed are a good starting-point for mapping the normativity in the debate.

The ethics facilitator, however, needs to go beyond that starting-point. In the previous section we have seen that the ethics facilitator cannot restrict the answer to the question 'Who are the relevant societal actors?' to those who are actually involved. In a similar way, the answer to the question 'What are the values at stake in this policy question?' should not be confined to the values expressed in the debate. The analysis of

19 Abraham Edel, Elizabeth Flower, and Finbarr O'Connor, *Critique of Applied Ethics: Reflections and Recommendations* (Philadelphia: Temple University Press, 1994), p. 93. They use a purposive background because they have an 'attitudinal' concept of value: 'We call it 'purposive background' and not just 'having values' because a practical problem occurs in the midst of effort and purpose; it is not a matter of merely pro- and con-attitudes.'

20 Compare: 'Life-knowledge was conceived in terms of an experiential intake where the subjective certainties of everyday life coalesce with what we inherit from the past and take for granted in our local community. The resulting elementary understanding is rooted in this inherited common commonality. We can say that everyday life-knowledge is based on assimilation.' Rudolf A. Makkreel, *Orientation and Judgement in Hermeneutics* (Chicago: The University of Chicago Press, 2015), p. 83, https://doi.org/10.7208/chicago/9780226249452.001.0001

expressed values must be complemented by an exploration of values that are at stake but not explicitly articulated. Such an analysis requires the ethics facilitator to ethically 'sort out' these values. This involves distinguishing between values specifically relevant to the involved actors themselves and those that hold normative force in relation to others involved (e.g. as rights). Mapping ethical issues begins with the ongoing policy debate and the values expressed within it, but it must also develop a perspective on the values that should be considered, even if not explicitly present in the debate. Ethics facilitators build these perspectives by drawing on the academic ethical literature, where the issues central to these debates are critically analysed. Therefore, an ethics facilitator must possess deep expertise in the academic ethical literature relevant to their field.

In his Matrix, Mepham suggests a list of three values: Wellbeing, Autonomy and Fairness. These three 'were chosen to represent the major traditional theories; i.e. respect for wellbeing represents the major utilitarian principle; respect for autonomy represents the major deontological principle; and respect for fairness is important to both utilitarian and deontological traditions, but, also, and importantly, it encompasses the fundamental tenet of modern social contract theory.'[21] To map the chlorine case, this seems a good starting point, but for other issues broader perspectives might be necessary.

4.2.3. Applying the matrix

The matrix facilitates reasoning by linking the three values to the stakeholders. To start with wellbeing: for producers, this is operationalized as satisfactory income and working conditions. The income and working conditions of European producers is marginally affected by the decision of the British government to allow chlorinated chicken into its market. The European producers might lose some market share to the American producers, but on the other hand they might position themselves at the 'high end' of the market. Quality markets can muster more revenues. This, however, depends on the consumer perception of chlorinated chicken. Given the current discussion, there

21 Mepham, *Bioethics*, p. 51.

are interesting opportunities for EU producers in creating quality markets. For USA producers the opposite impact might arise. USA producers gain a new market, but they might be forced to compete on price alone. Whether this amounts to a more profitable market share depends also on the dynamics of the market. For UK producers, the impact might be more complicated. On the one hand, the UK poultry industry seems currently more oriented towards a quality market, and allowing USA chlorinated chicken could strengthen that orientation. On the other hand, if some UK producers start to use chlorine washing, the market position of the UK poultry industry as such might come under pressure. One can say that these cells in the matrix point to a further discussion on the structure of the food markets and the broader ethics of food production.

The wellbeing of consumers is formulated in terms of safety and acceptability. Those in favour of chlorinated chicken present it as a step towards safer food. Those against it say that it might improve the safety of the end product as an end-of-pipeline regulation, but focusing on the end product alone might lead to lower standards of food safety practices in the whole chain and thus lead to lower food safety as such. Similar questions pop up with regard to the acceptability of the chlorinated chicken. Whether consumers think chlorine washing leads to acceptable food products depends upon a broader concept of what food is. One could say that this cell in the matrix points to a more in-depth discussion about the concept of 'acceptable food' and normative questions embedded that are raised by the term 'acceptability of food products'.

For the organism involved—the chicken—wellbeing is specified with regard to animal welfare. Our first reaction could be that chlorine washing happens after slaughtering and that the welfare of slaughtered animals cannot be harmed. This, however, isolates post-mortem chlorine washing from the production system of which chlorine washing is (or is not) a part. This cell in the matrix raises the question of the food production system and leads to an animal welfare discussion in poultry production. This principle reminds us that this policy issue involves sentient living beings, whose welfare is at stake.

Finally, the question of conservation is raised under the heading of the wellbeing of biota. Again, in isolation this leads to questions

regarding the environmental impact of the use of chlorine in food production. Again, this cell places the issues in a broader context: the broader question of the environmental impact of poultry production, such as its nitrogen emissions.[22]

If we look at the second principle, autonomy, we find comparable issues. This principle adds to the analysis the managerial freedom of the producers and choice of the consumers. Both seem at a first glance positively impacted by a policy that allows chlorine washing. Allowing chlorine washing as a practice adds options for producers and it therefore seems to enhance managerial freedom. Allowing chlorinated chicken on the markets increases the range of products consumers can choose and thus enhances choice. However, reflecting on the application of this principle raises the fundamental question 'does having more options lead to more autonomy?'. This opens the more fundamental philosophical question of how to respect the autonomy of producers and consumers in complex and regulated markets.[23] Here we see that, in line with Mepham's intent, the matrix points towards more fundamental discussions on the concept of autonomy and the meaning of choice in a complex market. For the animal and the biota, the autonomy cells add little extra to the discussion.[24]

22 For instance: Samanta Prantik, Harald Horn, and Florencia Saravia, 'Impact of Livestock Farming on Nitrogen Pollution and the Corresponding Energy Demand for Zero Liquid Discharge', *Water*, 14.8 (2022), 1278, https://doi.org/10.3390/w14081278

23 That the matrix works this way became clear in my 2020 Ethics and Public Policy class. Two students moderated a discussion on chlorinated chicken and labelling with the help of the Ethical Matrix. In their reflection report on the discussion in the class, they wrote: 'Most of the cells were rated relatively similar, but the audience made a variety of points for the cell of "consumer autonomy", where half of the audience stated that the policy did not have any impact on the autonomy, whereas the other half either maintained that it had a positive or negative impact. Some maintained that it had a positive impact on the autonomy by arguing that since chlorine-chicken is banned, the consumer knows that chlorine has not been used. Others argued that it had a negative impact on their autonomy since they do not have a choice at all. This made us realise that it would have been relevant to discuss how to understand the notion of "autonomy" and what is implied in that cell.' Lucca Lautenbacher Olsen and Simon Looijestijn, 'Structuring the Ethical Discussion on Food Policy: chlorinated chicken with the Use of the Ethical Matrix', Reflection Paper for Ethics and Public Policy, Utrecht University, 24 September 2020.

24 For living animals, however, the possible tension between animal welfare and behavioural freedom opens the fundamental conceptual discussions on the relation between animal welfare and natural behaviour. See: F. Robert Heeger and Frans W.A. Brom, 'Intrinsic Value and Direct Duties: From Animal Ethics towards Environmental Ethics?', *Journal of Agricultural and Environmental Ethics*, 14 (2001),

The third principle is fairness. For producers this raises the question of trade rules and fair trade. Is it fair to European and British farmers not to be able to use chlorine in food production? Would it be fair if chlorine use is not acceptable in Europe and the UK to allow USA chlorinated chicken on the European and British market? This principle shows that the policy decisions about whether or not to allow the importation of chlorinated chicken are linked to the question of whether one should allow such a practice in one's own market. For the consumer, the issue of affordability raises questions of food prices, poverty and social justice.

When applying the ethical matrix, ethics facilitators often map normative convictions that are already (implicitly) shared among those involved in the policy debate. By doing so, they contribute to the capacity for public reasoning and policy implementation by activating shared, pre-theoretical moral knowledge. In some cases, the normative content of certain cells in the matrix is so clear that the challenges it raises are less about justification or direction and more about application and motivation. In such instances, the ethics facilitator focuses on issues of implementation and practical feasibility rather than normative disagreement.[25] The wellbeing of the organisms involved (chicken) is an example of this. That animals are sentient beings and that animal welfare is a broadly shared societal value is widely acknowledged, yet what the weight of this value is and what acting upon this value entails remains a matter of disagreement.

241–52, https://doi.org/10.1023/A:1011319921159; this is related to concepts like positive animal welfare: Jean-Loup Rault and others, 'A Consensus on the Definition of Positive Animal Welfare', *Biology Letters*, 21 (2025), 20240382, https://doi.org/10.1098/rsbl.2024.0382; and to discussions on welfare over a whole animal life: Frans W.A. Brom, 'Animal Welfare, Public Policy and Ethics', in: *Animal Consciousness and Animal Ethics: Perspectives from the Netherlands*, ed. by Marcel Dol and others (Assen: Van Gorcum, 1998), pp. 208–22.

25 This is comparable to the challenge in ethics teaching, especially as part of professional education, where the emphasis should not be on learning ethical theories, but on developing a reflexive understanding of one's own normative position. Compare: Gordon Marino in *The Chronicle for Higher Education* of 20 February 2004, B5: 'Unless our ethics students learn to examine themselves and what they really value, their command of ethical theories and their ability to think about ethics from different perspectives are not likely to bring them any closer to being willing and able to do the right thing.'

4.3. Providing context

Applying the matrix to the policy question of whether or not to allow chlorinated chicken in post-Brexit UK helps to identify a broad set of normative issues embedded in this debate. The matrix cannot resolve these issues, nor does it claim to do so, but it serves as an ethical tool for identifying and clarifying them. It enriches the discussion by analysing the perspectives of relevant stakeholders and by raising the question of who is, or should be, involved in the policy debate. The questions concerning consumers and producers, however, highlight the importance of an additional element in the analysis: the structure of the food market. This underlines that ethical analysis of a specific policy question must be situated within the broader policy context.

4.3.1. What is at stake in the public policy discussion?

To make sense of a policy situation, it is helpful to view policy-making as a purposeful, self-bounding reflective system, that is, as a cooperative process aimed at sustaining, influencing, or transforming existing structures in the world.[26] As discussed in Chapter 1, policy-making occurs through coordination among multiple actors, and this coordination depends on communication. Policy debates are therefore not peripheral but essential: they allow those involved to discuss the goals and direction of policy. Understanding a policy situation begins with examining that discussion—its terms, tensions, and underlying assumptions. It does not mean identifying a single 'best answer', since such questions rarely have one. Rather, it requires developing a perspective on the evolving dynamics of the debate itself. And the Brexit discussion on the chlorinated chicken makes clear that this debate represents a broader question concerning the United Kingdom's

26 The idea of a 'productive system' as socio-historical context is taken from Makkreel, who builds upon Dilthey. See Rudolf A. Makkreel, *Dilthey, Philosopher of the Human Studies* (Princeton: Princeton University Press, 1975, expanded with a new afterword, 1992). Makkreel, *Orientation and Judgement*, p. 125: 'The concept ('productive system' or Wirkungszusammenhang) allows us to conceive of the efficacy of life and the historical world in terms of productivity before any causal or teleological analysis is applied. The carriers of history, whether they be individuals, cultures, institutions, or communities, can all be conceived as productive systems capable of producing value and meaning and in some cases realizing purposes.'

position in relation to both the European Union and the United States.

Policy-making is ideally a form of coordinated and collective action directed at something that the individual citizens are not, or are less effectively, able to do on their own. The purpose of policy-making is often the creation of collective goods, including security, infrastructure or public institutions. These collective structures make individual choice and autonomy possible; their purpose is to create circumstances in which people are able to flourish. But by structuring the social space they also might limit choice from an individual perspective and could have the tendency to lock people into the straitjacket of commonality. Public coordination and individual space need to be balanced. It helps in understanding a policy discussion to understand what idea of the public sphere is at stake.

When we look at the Brexit discussion on chlorinated chicken, we see a conflict between two perspectives on the role of public policy regarding food. For the USA, governmental regulations should be limited to ensuring food safety: protect citizens against foodborne diseases; for the European Union, public policy on food goes beyond food security and food safety. The USA allows chlorine washing as a hygienic food safety measure, while for the EU it does not fit its fundamental approach to food production. In order to map the ethical issues in this discussion, the ethics facilitator needs to unpack the fundamentally different approaches to food in the policies of the EU and the USA. The next three questions help to do so.

4.3.2. What are the relevant social-historical contexts?[27]

Food is far more than the intake of safe nutrients; food is about culture, identity and worldview. This dimension of food becomes evident in the widening gap between consumer and farm, and between citizen and food, a gap that is both physical and mental.[28]

Firstly, the physical gap. The gap between food consumption and food production has grown. This gap is caused by different developments,

27 Compare with: 'Step 3: history and comparisons.' Wolff, 'Method', p. 19.

28 Frans W.A. Brom, Tatjana Visak, and Franck Meijboom, 'Food, Citizens, and Market: The Quest for Responsible Consuming', in: *Understanding Consumers of Food Products*, ed. by Lyn Frewer and Hans van Trijp (Cambridge: Woodhead, 2007), pp. 610–23, https://doi.org/10.1533/9781845692506.5.610

one of which is that the food chain has become longer and thereby less transparent. The 'chain-less' food chain in which the producer was the same person as the consumer disappeared long ago in the developed world, for nearly all food. The 'chain-less' food chain has remained in subsistence farming in developing countries but it is diminishing due to urbanization processes. Only a few people buy their food directly from the producer, and even small-scale intermediary trade has become rare. Most products are bought in supermarkets, which are often part of big retail chains with a central buying organization.

Secondly, the physical gap has grown under the influence of innovations in the food industry. Consumers, especially in the Western world, buy increasingly processed food. Not only do consumers increasingly buy instant meals, but there is also a tendency to use more processed ingredients in food products. The food processing industry has grown in recent years. With the help of scientific and technological procedures, the use of raw materials is optimized in industrial food processing. Because of these technical innovations, the opacity of the food chain has also grown. Chlorine washing of chicken is a relatively simple form of food processing that optimizes the safety of chicken meat.

The third cause of the growth of this opacity is globalization. One reason for losing touch with primary food production is its internationalization: a world food market has emerged. Improved conservation methods as well as fast and cheap transport make long-distance food transportation possible. The international food market is further strengthened by the transparency of European borders and by the liberalization of international markets promoted by trade agreements (GATT and WTO). As a result, there has been an increase in non-traditional foodstuffs in rich markets, and many food products are produced in faraway countries, promoting out-of-season availability of seasonal crops. The discussion on the ban of the importation of chlorinated chicken is the result of different approaches to food safety in this globalizing food market.

This physical gap between food production and consumption has also resulted in a mental gap between citizen and food. Social changes have contributed to this growing gap. Everywhere in the world, a declining proportion of the population is directly involved in food production. These kinds of social changes have consequences for the mental pictures

people have about food production. The dominant narratives of food production are disconnected from the reality of food production; such narratives often consist of stories and picturesque images of rural farms. These romantic narratives are supported by the advertisements of the food industry and the retailers. Advertisers pretend that food is made according to 'grandma's' recipes. Television commercials show lovely family farms and food products show smiling and happy animals on their label, such as 'La vache qui rit' (Laughing Cow). These images of traditional food production and processing systems are not only knowingly evoked in commercials; they are also kept alive in dominant social narratives about food. This can be seen in children's books. The farms in these books are mostly minimally mechanized, mixed family farms without intensive, highly technological methods of production. In addition, in cooking books and food magazines the myth of traditional artisanal production is cherished.

All these stories reinforce romantic images of food and food production in the popular mind. The reality of food production, however, greatly diverges from these images. By far the greatest amount of food consumed in the developed world is produced on industrial farms and intensive agriculture. This food is often processed in hypermodern food industries with new and innovative techniques. This tendency towards modernization is also growing in developing countries. What follows is that the physical gap is reinforced by this mental gap between the images and stories about food production and its reality.

The differences between popular narratives and the technical production reality are not unique to food products. Most people have also no idea about the production reality of other products they purchase. The consequences of this difference in food, however, are unique. This is because food is something special. Food gets very close to people, both emotionally and culturally; it deeply touches them. Not only is it vital for the sustenance of our life, it also has a symbolic function: food is an important factor in the construction of our individual and social identity. The cultural distinction between the edible and non-edible, the role of meals in community-forming, and the sacred and religious meanings of food, all make clear that eating is not just the intake of necessary nutrients. Consequently, the gap between food production and consumption forms a constant threat to identity, as the functional

and symbolic aspects of food fall out of harmony.

The chlorinated chicken controversy gets its dynamic not only from the impact on the income, managerial freedom or working conditions of food producers, or the consequences for the safety, choice or affordability of food for consumers. An ethical map of chlorinated chicken needs to go beyond these consequences for individual consumers and producers and must include a more societal and public perspective. An ethics facilitator has to present these dimensions in order to assist society in coping with the policy issues raised by chlorinated chicken. For many, especially European citizens and for their governments, food policy is not only about food security and food safety but also about food quality and food identity.

4.3.3. What are the relevant juridico-political contexts?

The core of EU food policy is outlined in the 2020 European Commission paper *Farm to Fork Strategy: For a Fair, Healthy and Environmentally-Friendly Food System*.[29] This strategy is a central component of the European Green Deal, which serves as part of the EU's long-term growth agenda towards 2050. The Farm to Fork Strategy aims to make the entire food system—covering production, processing, consumption, and waste prevention—healthier, fairer, and more environmentally sustainable. Its key goal is to reduce the environmental footprint of the food system while enhancing its resilience and safeguarding food security. It promotes a circular, bio-based economy intended to serve as a model for global food system transformation.[30]

A central feature of the Farm to Fork approach is that food safety is not addressed solely at the level of the end product, but through regulation of the entire production chain. EU food safety measures emphasize systemic hygiene rather than merely applying final-stage decontamination. From this perspective, the use of chlorine washing, as practiced in the USA and other countries, is problematic. While it may effectively disinfect food at

29 European Union, *Farm to Fork Strategy: For a Fair, Healthy and Environmentally-Friendly Food System* (Brussels: European Union, 2020), https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en

30 Heidrun Moschitz and others, 'How Can the EU Farm to Fork Strategy Deliver on Its Organic Promises? Some Critical Reflections', *EuroChoices*, 20.1 (2021), 30–36, https://doi.org/10.1111/1746-692X.12294

the endpoint, it can undermine hygiene standards throughout the earlier stages of production. Relying on post hoc cleaning reduces the incentives to maintain strict hygiene. This is particularly concerning because chlorine washing is not entirely effective.

The difference between the juridico-political contexts of the EU and the USA becomes particularly evident in analyses of the food policy implications of Brexit. In 2019, British food policy experts Erik Millstone, Tim Lang, and Terry Marsden examined the chlorine-washed chicken debate as a microcosm of broader challenges in food governance. They contrasted the EU and USA food safety regimes, noting that it 'is important to appreciate that the USA authorities permit the extensive use of chemical disinfectants because the levels of microbiological contamination of their food supply are noticeably higher than is the case, and that could be deemed lawful, in the EU. Standards of hygiene and animal welfare in USA livestock production are far poorer than is deemed acceptable in the EU.'[31] Their analysis highlights how divergent regulatory philosophies—precautionary and systemic in the EU, more reactive and end-product-focused in the USA—reflect deeper institutional and normative differences. On can say that European food policy focusses on improving the whole system as part of a farm-to-fork approach. It aims to improve food safety by improving the whole food production process. The EU has banned chlorine washing because to do so is seen as a deterrent to poor (animal welfare and hygienic) practices.

This difference between the EU and the USA has clear policy implications. In the USA, government food policy is confined to ensuring the safety of the final product. Food quality and the symbolic or worldview-related functions of food, such as its origin, artisanal production methods, or religious slaughter, are treated as matters for the commercial market. Commercial entities may claim that their product has a certain origin, is produced in a particular way (vegetarian, vegan, or organic), or fits a specific religious practice (kosher or halal), provided such claims are not false. In contrast, the EU approach takes production processes as its starting point: products are defined by the way they are produced. According to this view, food safety cannot be separated from the production process. Systems enabling consumers to trace the origins

31 Millstone, Lang, and Marsden, 'Food Brexit', p. 649.

of their products have been developed, alongside detailed regulation on food labelling. According to the European perspective, the food production system from farm to fork is considered a collective good that merits policy attention in its own right.

This analysis of the background of the different juridico-political contexts makes clear that there is more at stake in chlorinated chicken than just different food safety standards. An ethics facilitator aiming to map the ethical issues of an ostensibly simple case like chlorinated chicken cannot avoid these complexities. Public reasoning about the chlorinated chicken case also involves reasoning about the proper roles of government and market, as well as what constitutes a legitimate object of public policy. What begins as an ethical mapping of the normative implications of a specific public policy—intended to facilitate sensible conversations about the value conflicts surrounding this policy—evolves into a broader perspective that contextualizes the policy within larger frameworks of related policies and even fundamental debates about the role of government itself.

Juridico-political contexts are relevant, not only because they give context, but also because 'there is an inevitable bias towards the status quo. At any time, some public policy will be in place, and in most circumstances the burden of argument for change is higher than for reflective or unreflective continuation of current policy.'[32]

4.3.4. What are the relevant facts?

And finally, it is necessary to look at the facts. A sound understanding of a policy discussion requires engaging with the factual debates that surround it. Questions of fact, however, are seldom value-free (Box 4.2 illustrates this with reference to the FAO/WHO food safety framework). Factual analysis is never entirely separate from normative perspectives. This reality often poses challenges for policy-makers. They tend to prefer clear, objective descriptions that can serve as common ground, assuming that progress follows when 'everyone agrees on the facts.' Ethics facilitators do not dismiss factual issues but seek to place them within a broader context. In the chlorinated chicken case, food safety is a key factual concern, and

32 Wolff, *Ethics and Public Policy*, p. 4.

examining this helps to clarify the broader issue.

To understand the proper role of facts, it is essential to recognize and clarify this interconnection in interpreting the factual situation, not to dismiss the importance of these facts but to contextualize the way they are established. Three considerations help to provide this context: the complexity or 'wickedness' of policy problems, the overwhelming abundance of facts, and the translation of the facts to policy-making.

Box 4.2 Food safety: values in risk assessment[33]

Central to food safety policy is risk assessment, defined in the 1995 FAO/WHO formulation as 'the scientific evaluation of known or potential adverse health effects resulting from foodborne hazards. The process consists of the following steps: (i) hazard identification, (ii) hazard characterisation, (iii) exposure assessment and (iv) risk characterisation.' Examining these steps reveals the normativity in such a scientific evaluation.

Hazard identification and characterisation

Hazard identification is defined by Notermans as 'the identification of known or potential adverse health effects associated with a particular food product.' Calling a certain effect on a person's health 'adverse' is clearly a value judgement, albeit often an uncontroversial one. There is in itself little disagreement that illnesses and, in extreme cases, deaths caused by particular food products are negative and should be prevented. In identifying and characterising hazards, judgements are, in most cases, based on past experience. Consumer complaints and epidemiological data, among other sources, play a role in determining which hazards are considered significant.

33 Based upon Frans W.A. Brom, 'Background Paper for the FAO Expert Consultation on Food Safety: Science and Ethics', Rome, Italy, 3–5 September 2002, https://www.academia.edu/212807/Food_safety_science_and_ethics?sm=b written for the FAO Expert Consultation on Food Safety: Science and Ethics, Rome, Italy, 3–5 September 2002, Food and Agriculture Organization of the United Nations, https://www.fao.org/4/j0776e/j0776e00.htm#Contents In this background paper I use extensively: Servé H.H.W. Notermans, Geoffrey C. Mead, and Jean Louis R. Jouve, 'Food Products and Consumer Protection: A Conceptual Approach and a Glossary of Terms', *International Journal of Food Microbiology*, 30.1–2 (June 1996), 175–85, https://doi.org/10.1016/0168-1605(96)00998-1

Without critical reflection on the hazards chosen for action, attention may be directed solely toward those that are most apparent. This can be justified when such hazards cause the greatest harm. However, if the value decisions underlying hazard selection are left implicit, they cannot be subjected to discussion. Making these choices explicit helps defend the prioritisation of certain hazards, particularly when changing circumstances bring new risks to the forefront. Obesity offers an example. It is one of the most significant and rising foodborne health problems in the developed world, yet it is not caused by chemical or biological contamination. Instead, it arises from the overconsumption of food high in fat and sugar, combined with other factors such as lack of physical activity and genetic predisposition. This constitutes a food hazard that is typically excluded from standard risk assessments. The decision not to include it is not value-free.

Exposure assessment and dose-response assessment

Exposure assessment is defined by Notermans as 'the quantitative estimation of the dose of a potentially hazardous entity (such as a pathogenic organism, chemical substance or physical agent) to which the consumers are exposed at the time of consumption.' Exposure assessment alone, however, is insufficient for obtaining quantitative information about risks, as not every exposure leads to illness. A dose-response assessment is therefore also required, defined by Notermans as 'the process of obtaining quantitative information on the probability of human illness following exposure to a hazard.'

Both exposure and dose-response assessments rest on certain implicit value judgements. Two examples illustrate this. Firstly, it is necessary to decide how consumers are expected to behave. The quality of a product at the moment of consumption is strongly influenced by home storage, preparation, and hygiene conditions. In order to make an exposure assessment, assumptions must be made about what consumers are expected to do. These expectations are based on assumptions about what consumers know and are able to do with their food. For instance, expecting that food will be kept in a cool place, such as a refrigerator or cellar, presupposes a certain level of education and financial means. Secondly, for a dose-response assessment it is necessary to determine the benchmark for human vulnerability. It is important, and generally

accepted, that vulnerable groups such as the elderly, the very young, pregnant women, and the ill should be protected. Such applied technical decisions are grounded in shared value assumptions.

Risk characterisation

Once all preceding steps have been completed, it becomes necessary to estimate the risk of a particular food product. Even food considered safe is never entirely without risk. In order to manage the risk, it must therefore be characterised. In an ideal situation, this characterisation would take the form of a number between zero and one, representing the probability that a specific hazard is caused by a given product under certain conditions.

Because risk characterisation integrates all stages of the risk assessment, the value judgements involved in earlier steps are carried over into this stage. In addition to these judgements, the uncertainties from each step are also combined here. This creates the problem of second-order uncertainty: in some cases, it is important not only to know how certain the risk estimate is, but also how certain the approximation of that risk is. In practice, it is often impossible to achieve the ideal of a precise numerical characterisation due to limited data. In such cases, the characterisation must be qualitative.

Firstly, wickedness. Often there is no simple description of the issues at stake. The more significant policy debates tend to revolve around problems that are inherently controversial. Societal issues are frequently complex, and policies to address them often involve multiple actors with differing preferences. Such issues cannot be reduced to clear problems for which planned, rational, and systematic public policy can be developed. Many of them fall into the category of what Horst Rittel and Melvin Webber famously described as 'wicked problems,' which are difficult to define, have no straightforward solution, and are often intertwined with other complex issues. As they note, 'Wicked problems cannot be characterised, analysed and planned for by adopting a rational systems perspective, because they cannot be considered as if they were "tame" or "benign"; that is definable, separable, and solvable.'[34]

34 Horst W.J. Rittel and Melvin M. Webber, 'Dilemmas in a General Theory of Planning', *Policy Sciences*, 4.2 (June 1973), 155–69, https://doi.org/10.1007/bf01405730

Whether a social issue constitutes a 'wicked' policy problem, however, is not an inherent property of the issue itself; rather, it depends on how the issue is perceived. Therefore, a crucial aspect of understanding a policy debate involves mapping and clarifying the diverse perspectives on the societal problem at hand. Reflecting on whether, and to what extent, the policy issue can be characterized as 'wicked' is essential for interpreting the debate. Additionally, understanding whose moral position is strengthened or weakened by framing a policy problem as 'wicked' is crucial for analysing the social dynamics within the discussion.

A second issue concerns the abundance of facts. This challenge arises from the sheer richness and complexity of scientific and factual descriptions of the world, a phenomenon Daniel Sarewitz refers to as an 'excess of objectivity'. He argues that nature itself is so complex and multifaceted that it can support a vast and diverse scientific enterprise, encompassing a wide range of methodologies, disciplines, and institutions. As a result, scientific knowledge becomes fragmented, producing multiple legitimate factual accounts shaped by different disciplinary perspectives. These diverse accounts can be used, often legitimately, to support competing, value-laden political positions. The core challenge, then, is not 'a lack of scientific understanding' but 'the lack of coherence among competing scientific understandings.'[35]

The third issue is that of making these facts relevant. In discussing difficult issues, the question is not only 'what are the facts' but also 'which are the relevant facts'. In the food safety case, deciding which scientific perspectives count as relevant has a major impact on the policy debate. Should attention focus on evidence from consumer complaints, epidemiological data, toxicological laws, or animal studies? Often, different factual perspectives are inconclusive and point in different directions. If certain perspectives, such as consumer complaints, are prioritised, that prioritisation rests on a valuation of that perspective.

A further complication is that policy-making must work within limited resources, which constrains both the scrutiny of facts and the translation of general scientific insights into policy-relevant

35 Daniel Sarewitz, 'How Science Makes Environmental Controversies Worse', *Environmental Science & Policy*, 7.5 (2004), 385–403, https://doi.org/10.1016/j.envsci.2004.06.001

knowledge. Science seeks general, law-like understanding, whereas policy-making needs case-specific knowledge. Developing a food safety policy therefore requires targeted scientific risk assessment, which involves setting priorities, selecting indicators, choosing methods and disciplines, and interpreting findings. Each of these steps is shaped by value-laden decisions, and investing resources in one area inevitably means less attention to others. Scarcity thus ensures that policy-making always takes place against a background of partial and provisional knowledge.

To conclude, in policy formation, facts are seldom simply 'given'. As the analysis above has shown, analysing and selecting relevant factual perspectives on problematic policy issues is neither straightforward nor a matter of merely applying a scientific framework. Value-sensitive contexts are involved, making it clear that discussions about the factual basis for policy-making inevitably embody different normative perspectives. Answering the question, 'what are the relevant facts?', therefore requires reflective interpretation that is attentive to this interlinking of facts and values.[36]

4.3.5. Answering the six questions

By seeking answers to six key questions in a policy debate, ethics facilitators uncover the normative dimensions of public policy discussions. While these six questions (for an overview, see Box 4.3) are distinct, answering them is often interconnected.

Addressing these questions frequently requires knowledge and skills developed in other academic disciplines. This is why the work of an ethics facilitator necessitates an interdisciplinary approach. Mapping the normativity of a public policy issue requires insights from policy sciences, legal studies, history, social sciences, and natural sciences to fully understand the dimensions of a policy debate. Executing interdisciplinary analysis—whether individually or as part of a team—poses significant practical and methodological challenges.[37]

36 Karsten Klint Jensen and Peter Sandøe, 'Food Safety and Ethics: The Interplay between Science and Values', *Journal of Agricultural and Environmental Ethics*, 15.3 (September 2002), 245–53, https://doi.org/10.1023/a:1015726423707

37 An analysis of these problems for legal research: Sanne Taekema and Wibren van der Burg, *Contextualizing Legal Research: A Methodological Guide, Elgar Studies in Legal*

In addressing these six questions, fundamental philosophical issues inevitably arise. Interpreting policy debates through the lens of these questions reveals profound philosophical-ethical challenges. How should stakeholders be included based on democratic considerations of political representation? Which value perspectives should be introduced that are not (yet) part of the policy debate? Where disagreement exists about the role of public policy, how should competing problem definitions be addressed? When should established juridico-moral frameworks be respected, and when should they be reconsidered? How should the interconnection between values and facts be navigated? These questions highlight that interpreting policy debates and developing reflective descriptions of policy issues necessarily involves engaging with fundamental philosophical-ethical concerns. Analysis in applied ethics leads directly to fundamental philosophical inquiries rather than steering away from them.

This presents a significant challenge for the ethics facilitator: avoiding both the neglect of fundamental philosophical issues and the risk of being overwhelmed by their complexity. Successfully navigating this challenge requires not only skills in reflective interpretation and interdisciplinary cooperation, but also the ability to steer a steady course between these two extremes. Diving too deep into fundamental philosophical issues risks not only overwhelming the facilitator themselves, but also theorizing clear obligations away. We saw in the application of the matrix that it can contribute to the capacity for public reasoning and policy implementation by activating shared, pre-theoretical moral knowledge. Sometimes the normative content of a certain cell in the matrix is so clear that the challenges it raises are less about justification or direction and more about application and motivation. Too much theory might analyse this normative content away. Some participants might even be tempted to use theory in this way, for instance using of philosophical disagreement about the concept of 'consciousness' to cast doubt on the idea of animal sentience, thereby arguing against human obligations to avoid causing disproportionate animal suffering.

Research Methods (Cheltenham: Elgar, 2024), https://doi.org/10.4337/9781035307395

Box 4.3 Six questions that facilitate ethical mapping of public policy issues

Getting a good picture or developing a feel for what is at stake requires more than having an adequate description. It asks for interpretation and reflective understanding. These six questions help to develop this.

1. Who are the relevant societal actors?

Understanding a policy discussion is understanding who is involved. For an ethical analysis, this goes beyond the description of those who are involved de facto; it also includes those who should be involved. And if they are not actually involved, we need to understand why this is the case.

2. What are the values at stake in this policy question?

In policy discussions, participants bring different 'value perspectives' forward. People value certain elements at stake in policy-making. Understanding a policy discussion implies interpreting the values that people bring forward in policy discussions and asking whether there are relevant value perspectives that are not yet part of the discussion.

3. What is at stake in this public policy?

Policy-making can be considered as a purposeful system aiming to sustain, influence or change existing structures in the world. Interpreting a policy situation starts with understanding the discussion about the purpose of that policy. This purpose is often the creation of collective goods. These create circumstances in which people are able to flourish and limit choice from an individual perspective. Interpreting a policy debate requires understand the tension between public coordination and individual space and the ideas regarding the public sphere that are involved.

4. What are the relevant social-historical contexts?

To understand the complexities of a policy debate, it is crucial to situate it within a broader historical and social framework. By interpreting the historical, cultural, and social influences that shape and colour the debate and by tracing the evolution of the policies themselves, we gain understanding into the underlying forces at play and the motivations driving the various stakeholders involved.

5. What are the relevant juridico-politcal contexts?

It is crucial to understand the juridico-political frameworks that shape a policy discussion. Existing laws and policies structure and constrain policy options and the language in which policies are discussed. Interpretation is necessary to understand what is perceived as possible, reasonable and effective and what the room for criticism is.

6. What are the relevant facts?

In policy-making, competing descriptions of a given problem wrestle for dominance. Facts are not just a 'given'. Factual and normative uncertainty are interlinked (wickedness), there is an abundance of competing scientific descriptions of the world and the translation of these scientific descriptions to practical policy issues demands difficult choices. A 'factual' description of a policy issue needs a reflective interpretation that understands the links between facts and values.

4.4. Ethics facilitator: Strengthening public reasoning

Ethics facilitators refrain from making normative judgments about policy choices. Instead, they support public reasoning by helping citizens identify areas of agreement and disagreement. However, this does not mean their analysis is normatively neutral. Their role involves uncovering and interpreting the normative dimensions embedded in public policy discussions while fostering deeper moral reasoning and action.

This type of work frequently calls for an interdisciplinary approach. Charting the normative dimensions of public policy issues benefits from the combined insights of policy science, law, history, the social sciences, and the natural sciences. As previously stated, carrying out such an analysis, either alone or in cooperation with others, involves considerable methodological and practical hurdles. That is why ethics facilitation often takes place in the context of interdisciplinary ethics committees.

The analysis of the chlorinated chicken case highlights two key aspects of the ethics facilitator's role. Firstly, they engage in 'interpretive ethics', assisting policy-makers in the interpretation of the normative

positions of those involved in the debate. By mapping these positions, ethics facilitators bring shared moral knowledge—often implicitly present in policy discussions—into focus. This contribution enhances the capacity for moral reasoning and action by activating shared pre-theoretical moral knowledge. Some normative assumptions are so clear that their primary challenges relate to application and motivation rather than justification or direction. While such assumptions may still invite criticism or reflective examination, the most pressing issue often lies in their neglected implications. When clear moral frameworks are underutilized, applying them to real-world problems can yield valuable insights without the need for elaborate theoretical groundwork. This approach draws on widely shared normative ideas, using them not as abstract doctrines but as practical tools for illumination and emancipation. For instance, invoking the principle of wellbeing in relation to the organism involved brings animal welfare to the forefront in the chlorinated chicken debate. Similarly, international human rights codes offer common reference points for tackling foundational questions in political-ethical discussions. In medical ethics, the principle of respect for autonomy has transformed the doctor-patient relationship, by challenging paternalistic models and enabling a more emancipatory and guiding role for ethics.[38]

Secondly, ethics facilitators inevitably encounter fundamental philosophical-ethical issues. Addressing the complexities of mapping policy issues often leads to deeper philosophical inquiries rather than avoiding them. These may include questions about representation, competing problem definitions, and the interplay between values and facts. This poses a demanding task: neither to overlook the deeper philosophical questions nor to be paralyzed by their intricacy. Meeting

38 As Marcel Verweij writes about the application of a principle: 'The core of a moral principle can often best be explicated by referring to paradigmatic situations or acts in which the principle is evidently violated (...) around the clear core of a principle, a penumbra of related—though less strong—moral considerations may be imagined. If principles are interpreted in this way, then application of principles may sometimes involve a sort of casuistry, in which the implications of the principle are assessed by comparing the case at hand with paradigmatic cases that can illuminate the principles clear core.' Marcel Verweij, 'Moral Principles: Authoritative Norms or Flexible Guidelines?', in: *Reflective Equilibrium*, ed. by Wibren van der Burg and Theo van Willigenburg, Library of Ethics and Applied Philosophy, 2 (Dordrecht: Springer, 1990), pp. 29–40, p. 38, https://doi.org/10.1007/978-94-011-4972-3_2

this challenge calls for a reflective mind and a steady hand; the ethics facilitator must be capable of charting a balanced path between superficiality and overcomplication.

In summary, ethics facilitators aim to go beyond merely describing ethical considerations in policy debates. Their role is to foster the reflective appropriation of shared social morality by emphasizing the consequences of taking shared moral ideas seriously.[39] By highlighting diverse contextual perspectives on policies and actions, they encourage deeper interpretation and reflective understanding. This understanding, however, also demands engagement with fundamental philosophical questions.

4.5. Lessons beyond this role

From the confrontation between the ideal-typical role of the ethics facilitator and the debate on chlorinated chicken, we can learn three things that are of general interest for ethicists who aim to bring their professional ethical perspectives to democratic public reasoning. Firstly, there is a link between applied and fundamental ethics. We have seen that crafting a map of normative implications raises fundamental questions and frictions. These are not weaknesses but strengths that invite deeper reflection. Searching for practical ethical understanding invites theoretical ethical reflection and fundamental philosophical inquiry.

Secondly, these theoretical explorations run the risk of undermining clear moral obligations. A key lesson for ethicists in any role is to avoid theorizing clear obligations away; instead a balance must be struck between using philosophical discussions that support reflective thinking and philosophical disagreements that might be used to cast doubt on difficult shared moral challenges. Moral philosophy should not be used to dissolve clear but difficult obligations in doubt and scepticism.

Thirdly, in practical ethics the challenge is to find an equilibrium between avoiding fundamental philosophical issues and becoming overwhelmed by them. Each applied ethicist must navigate this balancing act. Ethical skills not only include the skills of reflective interpretation, but also the skills of managing this equilibrium.

39 For the idea of 'appropriation' see Chapter 7, Moral Theory in Orientational Ethics.

Literature

Beauchamp, Tom L. and James Childress, *Principles of Biomedical Ethics*, 3rd edn. (Oxford: Oxford University Press, 1989).

Beekman, Volkert and Frans W.A. Brom, 'Ethical Tools to Support Systematic Public Deliberations about the Ethical Aspects of Agricultural Biotechnologies', *Journal of Agricultural and Environmental Ethics*, 20.1 (January 2007), 3–12, https://doi.org/10.1007/s10806-006-9024-7

Beekman, Volkert and others, *Ethical Bio-Technology Assessment Tools for Agriculture and Food Production: Final Report*, Ethical Bio-TA Tools (QLG6-CT-2002-02594) (The Hague: LEI, February 2006).

Biasetti, Pierfrancesco and Barbara De Mori, 'The Ethical Matrix as a Tool for Decision-Making Process in Conservation', *Frontiers in Environmental Science*, 9 (April 2021), 584636, https://doi.org/10.3389/fenvs.2021.584636

Brom, Frans W.A., 'Animal Welfare, Public Policy and Ethics', in: *Animal Consciousness and Animal Ethics: Perspectives from the Netherlands*, ed. by Marcel Dol and others (Assen: Van Gorcum, 1998), pp. 208–22.

Brom, Frans W.A., 'Background Paper for the FAO Expert Consultation on Food Safety: Science and Ethics', Rome, Italy, 3–5 September 2002, https://www.academia.edu/212807/Food_safety_science_and_ethics?sm=b

Brom, Frans W.A., Tatjana Visak, and Franck Meijboom, 'Food, Citizens, and Market: The Quest for Responsible Consuming', in: *Understanding Consumers of Food Products*, ed. by Lyn Frewer and Hans van Trijp (Cambridge: Woodhead, 2007), pp. 610–23, https://doi.org/10.1533/9781845692506.5.610

Edel, Abraham, Elizabeth Flower, and Finbarr O'Connor, *Critique of Applied Ethics: Reflections and Recommendations* (Philadelphia: Temple University Press, 1994).

Heeger, F. Robert, 'What Is Meant by the "Turn to Applied Ethics?"', in: *The Turn to Applied Ethics*, ed. by F. Robert Heeger and Theo van Willigenburg (Kampen: Kok Pharos, 1995), pp. 9–16.

Heeger F. Robert and Frans W.A. Brom, 'Intrinsic Value and Direct Duties: From Animal Ethics towards Environmental Ethics?', *Journal of Agricultural and Environmental Ethics*, 14 (2001), 241–52, https://doi.org/10.1023/A:1011319921159

Hernández-Cruz, Guillermina and others, 'An Ethical Matrix for the Reintroduction of Trafficked Primates: A Platyrrhine Case Study', *International Journal of Primatology*, 45.4 (February 2024), 834–59, https://doi.org/10.1007/s10764-024-00419-5

Hornsby, David J., 'Disputing Chlorinated Chickens: The Politics Underpinning EC-Poultry', in: David J. Hornsby, *Risk Regulation, Science, and Interests in Transatlantic Trade Conflicts*, International Political Economy

Series (London: Palgrave Macmillan, 2014), pp. 165–82, https://doi.org/10.1057/9781137034175_7

Kaiser Matthias and Ellen Marie Forsberg, 'Assessing Fisheries: Using an Ethical Matrix in a Participatory Process', *Journal of Agricultural and Environmental Ethics*, 14 (2001), 191–200, https://doi.org/10.1023/A:1011300811590

Klint Jensen, Karsten and Peter Sandøe, 'Food Safety and Ethics: The Interplay between Science and Values', *Journal of Agricultural and Environmental Ethics*, 15.3 (September 2002), 245–53, https://doi.org/10.1023/a:1015726423707

Lautenbacher Olsen, Lucca and Simon Looijestijn, 'Structuring the Ethical Discussion on Food Policy: chlorinated chicken with the Use of the Ethical Matrix', Reflection Paper for Ethics and Public Policy, Utrecht University, 24 September 2020.

Makkreel, Rudolf A., *Dilthey, Philosopher of the Human Studies* (Princeton: Princeton University Press, 1975; expanded with a new afterword, 1992).

Makkreel, Rudolf A., *Orientation and Judgement in Hermeneutics* (Chicago: The University of Chicago Press, 2015), https://doi.org/10.7208/chicago/9780226249452.001.0001

Mepham, Ben, 'Ethical Analysis of Food Biotechnologies: An Evaluative Framework', in: *Food Ethics*, ed. by Ben Mepham (London: Routledge, 1996), pp. 101–19.

Mepham, Ben, 'A Framework for the Ethical Analysis of Novel Foods: The Ethical Matrix', *Journal of Agricultural and Environmental Ethics*, 12.2 (January 2000), 165–76, https://doi.org/10.1023/a:1009542714497

Mepham, Ben, *Bioethics: An Introduction for the Biosciences* (Oxford: Oxford University Press, 2005).

Millstone, Erik, Tim Lang, and Terry Marsden, 'Food Brexit and Chlorinated Chicken: A Microcosm of Wider Food Problems', *The Political Quarterly*, 90.4 (October 2019), 645–53, https://doi.org/10.1111/1467-923x.12780

Moschitz Heldrun and others, 'How Can the EU Farm to Fork Strategy Deliver on Its Organic Promises? Some Critical Reflections', *EuroChoices*, 20.1 (2021), 30–36, https://doi.org/10.1111/1746-692X.12294

Notermans, Servé H.H.W., Geoffrey C. Mead, and Jean Louis R. Jouve, 'Food Products and Consumer Protection: A Conceptual Approach and a Glossary of Terms', *International Journal of Food Microbiology*, 30.1–2 (June 1996), 175–85, https://doi.org/10.1016/0168-1605(96)00998-1

O'Neill, Onora, *From Principles to Practice: Normativity and Judgement in Ethics and Politics* (Cambridge: Cambridge University Press, 2018), https://doi.org/10.1017/9781316286708

Prantik, Samanta, Harald Horn, and Florencia Saravia, 'Impact of Livestock Farming on Nitrogen Pollution and the Corresponding Energy Demand for Zero Liquid Discharge', *Water*, 14.8 (2022), 1278, https://doi.org/10.3390/w14081278

Rault, Jean-Loup and others, 'A Consensus on the Definition of Positive Animal Welfare', *Biology Letters*, 21 (2025), 20240382, https://doi.org/10.1098/rsbl.2024.0382

Rittel, Horst W.J. and Melvin M. Webber, 'Dilemmas in a General Theory of Planning', *Policy Sciences*, 4.2 (June 1973), 155–69, https://doi.org/10.1007/bf01405730

Sarewitz, Daniel, 'How Science Makes Environmental Controversies Worse', *Environmental Science & Policy*, 7.5 (2004), 385–403, https://doi.org/10.1016/j.envsci.2004.06.001

Schroeder, Doris and Clare Palmer, 'Technology Assessment and the Ethical Matrix', *Poiesis & Praxis*, 1.4 (April 2003), 295–307, https://doi.org/10.1007/s10202-003-0027-4

Taekema, Sanne and Wibren van der Burg, *Contextualizing Legal Research: A Methodological Guide*, Elgar Studies in Legal Research Methods (Cheltenham: Elgar, 2024), https://doi.org/10.4337/9781035307395

Verweij, Marcel, 'Moral Principles: Authoritative Norms or Flexible Guidelines?', in *Reflective Equilibrium*, ed. by Wibren van der Burg and Theo van Willigenburg, Library of Ethics and Applied Philosophy, 2 (Dordrecht: Springer, 1990), pp. 29–40, https://doi.org/10.1007/978-94-011-4972-3_2

Wolff, Jonathan, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, https://doi.org/10.4324/9781315461731

Wessels, Kirsten, Diane Rip, and Pieter Gouws, 'Salmonella in Chicken Meat: Consumption, Outbreaks, Characteristics, Current Control Methods and the Potential of Bacteriophage Use', *Foods*, 10.8 (July 2021), 1742, https://doi.org/10.3390/foods10081742

5. Engaged philosopher: Finding common ground

This chapter examines the third of the three policy-active roles: the engaged philosopher.[1] This role is taken up by ethicists or moral philosophers who, as academic experts, immerse themselves in the policy arena to help overcome ethical deadlocks.[2] Like the ethics facilitator, engaged philosophers begin by mapping the relevant arguments and positions in a policy debate. But they go further: employing philosophical-ethical methods, they seek common perspectives that can serve as the basis for shared policy solutions. Their aim is not merely to clarify positions, but to reframe disagreements in ways that open space for more constructive debate, and to develop such a reflective common

1 The role of the engaged philosopher builds upon the work of Jonathan Wolff (Jonathan Wolff, *Ethics and Public Policy: A Philosophical Inquiry*. 2nd ed. (London: Routledge, 2019), https://doi.org/10.4324/9781351128667; Jonathan Wolff, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, https://doi.org/10.4324/9781315461731). I develop this role beyond his perspective and I will not engage in a detailed discussion with his position on the specificities. In general, I think that my way of developing this role is in line with his. Some differences, however, will be indicated in the notes. There are also similarities between 'engaged philosophy' and David Archard's idea of 'public philosophy'. According to him, public philosophy is 'the ethical approach of someone who recognizes moral disagreement in a liberal democracy but seeks to recommend laws and policies that can nonetheless be accepted by all.' David Archard, 'Mary Warnock and "Public Philosophy"', *Journal of Applied Philosophy*, 41.5 (2024), 751–66, p. 752, https://doi.org/10.1111/japp.12747. In light of pervasive pluralism, however, it seems quite unrealistic to aim for laws and policies that can be accepted by all.

2 For Archard, the prime example of a public philosopher is Mary Warnock, who chaired the UK Committee of Inquiry into Human Fertilisation and Embryology, laying the foundation for UK policies on in vitro fertilisation and fundamental medical research in embryology. Archard, 'Mary Warnock'.

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ground. The core of engaged philosophy is that in policy-making 'there is little space for "agreeing to disagree": some policy or other is needed.'[3]

Engaged philosophy often takes place within interdisciplinary advisory councils or expert committees tasked with developing policy proposals. The aim is to integrate diverse forms of expertise and perspectives in order to comprehensively assess the policy issue. A recommendation from such a diverse body can serve as an authoritative starting point, fostering common ground amidst pluralism. To shed further light on the role of the engaged philosopher, this chapter examines that role within the context of an interdisciplinary advisory committee advising on the ethics of scientific research involving animals. This is a field marked by significant societal and ethical controversy and therefore can serve as a clear example of a policy issue in which ethical and philosophical considerations are central, and in which interdisciplinary advisory bodies, including ethicists, are expected to provide guidance. The report of the Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', will serve as the example.[4]

The role of engaged philosopher is developed in three steps. The first step looks at the specificity of their ethical mapping (section 5.1). The engaged philosopher here builds upon the ethics facilitator, but engaged philosophers map with a specific perspective: they reconstruct underlying conflicts in a way that enables constructive dialogue and opens up the possibility of finding common ground.[5] The second step shows how engaged philosophy can gain valuable insight by examining the normative discussions that take place within the mapped policy field

3 Wolff, *Ethics and Public Policy*, p. 4. Mary Warnock made this point when she remarked about the advice of her committee: 'Perhaps the most important point of agreement, in the field our Inquiry had to cover, was that some laws or other need to be enacted'. Mary Warnock, 'Moral Thinking and Government Policy: The Warnock Committee on Human Embryology', *The Milbank Memorial Fund Quarterly. Health and Society*, 63.3 (1985), 504–22, p. 521, https://doi.org/10.2307/3349845

4 Nuffield Council on Bioethics report, *The Ethics of Research Involving Animals* (London: Nuffield Council on Bioethics, 2005). Wollf was member of the working group for this report and reflected on it. Wolff, *Ethics and Public Policy*, pp. 10–31.

5 Wolff, 'Method', p. 22: 'The philosopher identifies relevant values, in the context of a problem, current facts, past history, and contemporary alternatives. There is a certain amount of sifting and balancing to articulate the moral dilemmas underlying the messy public debate, and then the identification and evaluation of possible solutions, before making recommendations, that may or may not have any effect on actual policy.'

(section 5.2). By mapping the professional and bio-ethical discussions in the field of animal experimentation, additional resources for finding practical progress in policy-making can be mobilized. The third step focusses on common ground for socially robust policies (section 5.3). Engaged philosophy distinguishes between two interconnected levels in the search for common ground: 1) the substantive level of the disagreement where the ethical content of the issue is debated; and 2) the governance level of handling the disagreement in which democratic public reasoning is directed toward identifying policy arrangements that are tolerated by enough people to preserve societal peace. This distinction helps in finding common ground. Section 5.4 concludes with a summarizing description of the ideal-typical role of the engaged philosopher, distilling its core features and practical implications. Section 5.5 draws broader conclusions for the conceptual cartography of professional ethical contributions to democratic public reasoning, highlighting how this role complements and extends the ethical landscape explored in earlier chapters.

5.1. Animal experimentation as policy conflict

The six questions developed in the previous chapter are helpful in mapping the different positions in the debate concerning animal experimentation. Engaged philosophers, however, not only engage with the debate and seek to understand and reconstruct it as adequately and fruitfully as possible, but they go an extra mile: they aim for common ground. Such an aim already has consequences for their ethical analysis. What this might entail will be illustrated in two ways: firstly, with an example of how conceptual space can be created in the discussion on the moral status of animals; and secondly, with a proposal of how to understand the dynamics of public opinion formation through the construction of ideal-typical positions that structure the complexity and dynamics of the societal debate.

5.1.1. Moral status and the need for some deliberative space

Engaged philosophy begins by focusing on the actual societal disagreements at hand. It looks for patterns in argumentation, traces the

conceptual frameworks through which these debates are conducted, and seeks to reconstruct the discussion in a way that makes the development of some common ground possible.

An example of analysing the debate in a way that makes finding common ground difficult is the analysis of the International Bioethics Study Group.[6] This group analyses the policy discussion on animal experimentation as a conflict between two positions, for and against animal experimentation, and according to them these positions are based on the question of whether or not animals have moral status. In their view, 'animal rights advocates' are against animal experimentation because they 'strongly argue that the moral status of non-human animals is similar to that of humans, and that animals are entitled to equality of treatment.' According to this view, 'animals should be treated with the same level of respect as humans, and no one should have the right to force them into any service or to kill them or use them for their own goals.'[7] The other position supports animal experimentation. Proponents of animal experimentation

> have frequently made the argument that animals cannot be elevated to be seen as morally equal to humans. Their main argument is that the use of the terms "moral status" or "morality" is debatable. (…) Since, for the most part, animals do not possess humans' cognitive capabilities and lack full autonomy (animals do not appear to rationally pursue specific goals in life), it is argued that therefore, they cannot be included in the moral community. It follows from this line of argument that, if animals do not possess the same rights as human beings, their use in research experimentation can be considered appropriate.[8]

Such a division into two groups is relatively simple, but is not helpful in developing a more nuanced approach. Can we create more deliberative space that allows democratic public reasoning to go beyond such a binary formulation? This quest for a more nuanced approach is supported

6 The International Bioethics Study Group is an international research group financed by the Provincia Autonoma di Bolzano (Italy) which has published articles on: 'Ethics committees for clinical experimentation' (2020); 'Ethical considerations regarding animal experimentation' (2022) and 'Methodology for clinical research' (2022).

7 International Bioethics Study Group (Kiani, A. K., and others), 'Ethical Considerations Regarding Animal Experimentation', *Journal of Preventive Medicine and Hygiene*, 63.2 Suppl 3 (17 October 2022), 255–66, p. 256, https://doi.org/10.15167/2421-4248/jpmh2022.63.2S3.2768

8 International Bioethics Study Group, 'Animal Experimentation', p. 257.

by the experience that in practice many people hold a common-sense position that we owe something to animals, but not the same as we owe to humans, and a binary perspective on moral status makes such a common-sense position unsupportable.[9] An analysis closer to common sense might help to create common ground.

One way of constructing deliberative space for public reasoning is to develop degrees of moral status.[10] Such an idea might offer a more flexible and differentiated moral framework, one that better reflects intuitive judgments about varying obligations toward different beings and moves moral philosophy closer to common-sense ethical thinking. Mary Anne Warren, in her *Moral Status: Obligations to Persons and Other Living Things* (1997), explores such an approach.[11]

To distinguish levels of moral standing, she proposes a multi-criteria approach based on seven fundamental principles. These principles are (1) the Respect for Life Principle, (2) the Anti-Cruelty Principle, (3) the Agent's Rights Principle, (4) the Human Rights Principle, (5) the Ecological Principle, (6) the Interspecific Principle, and (7) the Transitivity of Respect Principle.[12] The first four are relatively clear and focus on properties of the entity itself (living, sentience, agency, being human). The other three principles base a being's status on its relations with others. According to the ecological principle, ecologically important organisms and systems possess a moral status on these grounds; according to the interspecific principle, beings gain moral status through their social relationships with humans; and finally, the transitivity of respect principle bases moral status on the attribution of value. This gives moral status to holy mountains or places of aesthetic value. While it lies beyond the scope of this chapter to analyse these principles in full, the value of her approach lies in enabling a more nuanced and complex ethical framework.

9 Wolff, *Ethics and Public Policy*, p. 17.

10 E.g. Mary Anne Warren, *Moral Status: Obligations to Persons and Other Living Things* (Oxford: Clarendon Press, 1997); David DeGrazia, 'Moral Status as a Matter of Degree?', *The Southern Journal of Philosophy*, 46 (2008), 181–198, https://doi.org/10.1111/j.2041-6962.2008.tb00075.x; Dick Timmer, 'On the Idea of Degrees of Moral Status', *Journal of Value Inquiry*, 59 (2025), 789–807, https://doi.org/10.1007/s10790-023-09970-5

11 Warren, *Moral Status*, p. 242. She defends the claim that seeking degrees in moral status moves moral philosophy 'closer to moral common sense.'

12 Warren, *Moral Status*, p. 149v.

Such a perspective is not limited to the philosophical literature. A similar approach can also be found in the report of the Nuffield Council on Bioethics. This report defends the claim that there 'are five features, at least one or all of which may be applicable to specific animals, albeit to differing degrees, and with subtly distinct moral consequences: sentience; higher cognitive capacities; the capacity to flourish; sociability; and the possession of a life.'[13] On the basis of this multi-criteria approach to moral status, the Council develops a conceptual space for a normative discussion in which a broader set of relevant aspects can be taken into account. In his reflective analysis of the report, Wolff argues that a 'patchwork of morally relevant properties generates a patchwork of potentially problematic forms of treatment. Rather than suggesting that there is a single "sliding-scale" property, we can observe that if creatures differ in their morally relevant features, something resembling a sliding scale will be generated.'[14] These features allow differentiation between different animal species, e.g. between rats and great apes, and it also allows us to consider harm in the context of an animal life (where mild suffering might be outweighed by positive welfare) Finally, the idea of degrees of moral status allows a conceptual distinction between the discussion about the ethics of research involving animals from a discussion about the ethics of care for (marginal) humans.[15]

This discussion on degrees of moral status serves to illustrate a core idea of engaged philosophy: ethicists can restructure a policy debate using more flexible terminology, thereby assisting society in public reasoning directed at finding common ground.

5.1.2. Reconstructing the problem in ideal-typical perspectives

How can the conceptual space in terms of degrees of moral status be used? In the previous section, it became clear that the International Bioethics Study Group's analysis of the debate as constituted solely by two positions is too simple. In order to get a grip on the complexity and dynamics of the different societal positions, some other form of systematizing is necessary.

13 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. 41.
14 Wolff, *Ethics and Public Policy*, p. 19.
15 Compare Chapter 3.

The Nuffield Council Report suggests a reconstruction of the debate in four ideal-typical positions. These ideal-types do not describe the perspectives of actual people, but they reconstruct positions in an abstract systematic and coherent way. Such a reconstruction is helpful for public deliberation in two ways: it assists in the analysis of positions by making them as coherent and as strong as possible and it functions as a mirror in real deliberation with stakeholders which helps them to reflect on their own position. The Council defends that from 'a philosophical perspective, consideration of the range of different views is useful because they illustrate the complex structure of ethical justification. Like other areas of controversy in bioethics, the topic of research involving animals challenges us to test, and if necessary, revise, our ethical framework in view of our considered judgements about specific areas of research.'[16]

The four different[17] conceptual, not empirical, ideal-typical perspectives that the Council sees are developed along the line of how they fundamentally understand the problem of animal experimentation.[18] The council sees:

1. 'The "anything goes" view. From this viewpoint, if humans see value in research involving animals, then it requires no further ethical justification. (…) This position marks one end of the spectrum, and is not held by any members of the Working Party.'
2. 'The "on balance justification" view. Here it is argued that although research involving animals has costs to animals, which must be taken seriously in moral reasoning, the benefits to human beings very often outweigh those costs in moral terms.'
3. 'The "moral dilemma" view. From this viewpoint it is argued that most forms of research involving animals pose moral dilemmas: according to the current scientific approach the use of animals is necessary to comply with the moral imperative to

16 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. 243.

17 Wolff distinguishes three groups, while the Nuffield Council on Bioethics distinguishes four groups. The three groups in Wolff, *Ethics and Public Policy*, are the groups 2–4 in the Nuffield Council Report.

18 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. 244. Quotations in the following description from this section of the report.

cure human disease and to save human lives. This also means that animals are treated in ways which are morally wrong. Accordingly, however one decides to act, one acts wrongly, either by neglecting human health or by harming animals. Both alternatives cause severe regret to moral agents, and there is no justification either in principle or in general for conducting, or neglecting to conduct, research involving animals.'

4. 'The "abolitionist". According to this view, humans experiment on animals not because it is right but because they can. Since any research that causes pain, suffering and distress is wrong, there is no moral justification for harmful research on sentient animals that is not to the benefit of the animal concerned. The greater the impact on the animal's welfare, the more objectionable the research.'

The role of these four positions is that they show the argumentative dynamics of reaching common policies. They show that there is no easy way of finding common ground, because the reconstruction does not provide one new perspective on which everyone can agree. That is why the Council seeks to develop a basic idea that according to them 'could be accepted, or at least tolerated, by all those holding reasonable views.'[19] This basic idea consists in the continuation of the current legislation: the UK Animals (Scientific Procedures) Act, A(SP)A. This act regulates the use of animals in scientific research in the UK by requiring licences for procedures that may cause pain, suffering, distress, or lasting harm, and mandates ethical review and harm-benefit assessment for all such research. The Council claims that 'the type of hybrid moral position underlying the A(SP)A (some absolute constraints, some balancing) could be accepted, or at least tolerated, by all those holding reasonable views.'[20]

How do they justify this statement and what is the role of the ideal-typical positions in this justification? The Council begins with the observation that their consensus statement is acceptable to proponents of the 'on balance justification' view and the emphasis on the necessity of the experiment (absent less problematic alternatives) also helps to

19 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. xv (Summary).

20 Ibid.

include the 'moral dilemma' view: 'The 'moral dilemma' approach suggests that there are no decisive moral considerations, and so those holding this view may, for practical purposes, be prepared to fall in line with the 'on balance justification' view, as long as the research is genuinely necessary, and no alternatives exist.'[21]

It is clear that neither the 'anything goes' view nor the abolitionist are easily included in this consensus statement. With regard to the 'anything goes' view, which no one in the Nuffield working group defends, they remark that it is 'unlikely that any serious thinker holds the view that human beings may do whatever they like to animals without any moral justification.'[22] The view is excluded from public reasoning because it cannot withstand critical scrutiny ('no serious thinker holds this view'). With regard to the abolitionist, the report states that 'it would be imprudent to abandon the project of trying to draw more people sharing the abolitionists' view into the overlapping consensus. This would, of course, mean introducing more restrictions.'[23]

Here it is helpful to look at the way Jonathan Wolff reflectively analyses the way this advice is given. In his book he supports the method of reasoning in the report. According to him 'there appears to be moral progress in public policy at relatively little cost, by a series of concessions around the edges. But equally clearly, in this case, there remains work to be done. (…) for the moment, the best we can hope for in short to medium term is to make current practices less objectionable to more people.'[24] The common perspective seeks to include opposing perspectives through additional steps. However, as Box 5.1 makes clear, in doing so it is important to be careful in the language used to describe the different positions.

This discussion of ideal-typical positions serves to illustrate the difficulties that engaged philosophy encounters in supporting public reasoning aimed at finding common ground. It shows that restructuring

21 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. 256.
22 Ibid.
23 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', pp. 256–257. The use of the term 'consensus', however, for a tolerable pragmatic compromise is problematic. Compare Brian Barry, *Political Argument* (Hemel Hempstead: Harvester Wheatsheaf, 1965; repr. 1990), p. 87. See also 5.3. 'Public reasoning at two levels'.
24 Wolff, *Ethics and Public Policy*, p. 30.

the societal debate can be helpful to understand its dynamics and may assist in constructing common ground at the substantive level, where the ethical content of the issue is debated. It makes clear where and how different perspectives can share a common view; it also helps to establish that certain positions are (nearly) indefensible, such as the 'anything goes' view in our case. At the same time this analysis makes clear that it is not possible to establish what a 'reasonable view' should be able to tolerate on the basis of a kind of 'conceptual negotiation'. That is why it is crucial for engaged philosophers to distinguish between the substantive level of the disagreement where the ethical content of the issue is debated, and the governance level of handling such a disagreement where (tolerable) practical ways forward in light of the disagreement are sought. Democratic public reasoning, at the governance level, searches for acceptable and tolerable policies given different substantial positions. The considerations at this level do not fit directly in the (ideal-typical) ethical reconstructions. From this we learn that the methodology of engaged philosophy must be sensitive to the limits and language of ideal-typical constructions of moral positions. Section 5.3 elaborates on the distinction between these two levels and reflects on the role of the engaged philosopher in relation to democratic public reasoning at both, including the tensions and limitations involved in invoking notions such as reasonableness and consensus in contexts of deep ethical disagreement.

Box 5.1 The importance of language

Engaged philosophy seeks to reframe disagreements in ways that create space for constructive debate and enable public reasoning aimed at a reflective common ground. In doing so, there is a risk of exerting a pre-emptive influence in the reframing that pre-structures a particular policy outcome. As Jonathan Wolff observes, 'some attempted reframings are little more than disguised attempts to win the debate by fiat.'[25] Such influence need not lie in the substance of the positions themselves but can also be embedded in the choice of language. Wolff's description of the ideal-typical positions on animal experimentation in his book provides an example of this. He summarizes the positions as follows:

25 Wolff, 'Method', p. 20.

> First, there are those who think that harms to animals are on balance outweighed by scientific and medical benefits such experiment allows. Second there are those who see irrefutable arguments on both sides and conclude that this is a genuine moral dilemma with no solution. Third, there are those who feel that the moral considerations show that we are wrong to use animals in scientific research.[26]

A closer examination of the use of the verbs 'think,' 'see,' and 'feel' shows a bias in describing the three positions.

- Firstly, the position ('on balance justification' view) that accepts (directly endorses) the policy proposal of the Nuffield Council is described as 'thinking'. With the use of 'thinking' it is suggested that the position that animal experimentation can be justified is the reflective and rational view. The use of 'thinking' already frames this position as a common point of departure.
- Secondly, the position (the 'moral dilemma' view) that 'for practical purposes' must fall into line is described as 'seeing'. Seeing is in the Anglo-American context close to thinking.[27] By using 'seeing' for describing the position that animal experiments create unsolvable dilemma's this position is considered also as a cognitive position. In this way a shared cognitive basis for practical reasoning is created with the 'on balance justification' view.
- Thirdly, the position (abolitionists) that is out of tune with the proposal is described as 'feeling'. Feeling is not (or at least is less) cognitive and the use of that verb places the abolitionist position outside the field of argumentative discussion and deliberation. This opens the possibility of asking those in that position to transcend their feelings and understand that as long as animal research continues, animals involved must be protected. This leads to the idea that for the 'most reasonable' abolitionists,

26 Wolff, *Ethics and Public Policy*, pp. 29–30.

27 'The Thinking Is Seeing formula constitutes a unique manifestation of metaphorical thinking. It makes a commentary on the very nature of the human mind, suggesting by implication that cognition is shaped by the iconic Gestalts, or images, that can ultimately be traced to the activities of the visual perception system.' Marcel Danesi, 'Thinking Is Seeing: Visual Metaphors and the Nature of Abstract Thought', *Semiotica*, 80.3–4 (1990), 221–38, p. 226, https://doi.org/10.1515/semi.1990.80.3-4.221

> tolerating some procedural compromise as a common point of departure might for practical purposes be possible.

From this example, we learn the importance of language in mapping ethical issues. Engaged philosophers must not allow their choice of terminology to frame issues in ways that favour a particular 'common position'. Doing so would unduly steer public reasoning in that direction.

5.2. Animal experimentation as reflective practice

In discussing these additional steps and the possible inclusion of some abolitionists who are deemed to hold a 'reasonable view' and who might be considered willing to accept an 'overlapping consensus', it may be helpful to examine the dynamics of current policies. What could count as moral progress that might lead abolitionists to tolerate certain policies as a step in the right direction? To address this question, it helps to understand the argumentative dynamics within current animal experimentation practice. This is a practice characterised by extended reflexivity: there are ongoing practical-ethical discussions in academic journals dedicated to the broader field of animal experimentation, and within the wider disciplines of bioethics and applied philosophy there are several practice-oriented debates on animal experimentation. As an example of how analysing ethical discussions within a reflective practice might help foster broader support for a common policy, three issues are examined: animal-free alternatives, the assessment of the substantiation of the importance of the experiment, and the governance of this assessment.

The core of current policy is that animal experimentation is legally permitted because such experiments are considered necessary for curing human disease and saving human lives. This premise lies at the heart of current policies. In both Europe and the United States, public policy on animal research is 'based on the idea of the moral acceptability of the proposed experiments under specific conditions.'[28] This principle is also reflected in the recommendations of the Nuffield Council, which state that the goals should outweigh the harm caused to the animals. Even if this claim is accepted in abstract terms as it is in the 'on balance justification' view and in practice in the 'moral dilemma' view, it must still be substantiated at the

28 International Bioethics Study Group, 'Animal Experimentation', p. 258.

level of individual experiments. Building confidence that this weighting is applied rigorously may also help to bring abolitionists closer to accepting this rigorous weighing as a pragmatic way forward.

The first element in this weighing is in avoiding or minimizing the harm through alternatives. If there is a less problematic alternative, then that alternative should be chosen. The idea of seeking alternatives was elaborated in 1959 by William Russell and Rex Burch in *The Principles of Humane Experimental Technique*. They formulate three ways to look at alternatives, often described as the three Rs of animal experimentation.[29] These Rs are: Refinement, which seeks to minimize harm to animals while achieving the scientific objective; Reduction, which focuses on using the smallest number of animals necessary; and Replacement, which advocates for finding animal-free alternatives to meet the same scientific goals.[30] The point relevant for public policy, however, is that alternatives do not simply 'appear out of thin air.' If alternatives are to play a significant role, one way to demonstrate this is by actively supporting the development of animal-friendly methods. Incorporating research programmes that promote animal-free innovation as part of public policy could help to strengthen the tolerability of these policies.[31]

The weighing itself involves balancing the importance of an experiment (the human interests at stake) against the harm inflicted on animals (the animal interests involved). In most Western democracies, this is done by animal experimentation committees which review specific experiments.[32] There are several frameworks that help these committees in their assessments. The elements of the weighing are of a fundamentally different character, and therefore in a technical sense incommensurable. That is why the purpose of these framework is not the weighing per se, but the explication of the content of the scales. And precisely this point has been criticised in the ethical literature concerning animal experimentation.

29 William M.S. Russell and Rex Leonard Burch, *The Principles of Humane Experimental Technique* (London: Methuen & Co. Ltd., 1959), available at https://caat.jhsph.edu/the-principles-of-humane-experimental-technique/

30 Russell and Burch, *Principles*.

31 E.g. the Knowledge Agenda on the Transition to Non-Animal Innovations of ZonMw, the Netherlands Funder of Medical and Health Research, https://www.zonmw.nl/en/knowledge-agenda-transition-non-animal-innovations

32 These committees have different names in different jurisdictions, such as Animal Ethics Committee (AEC), Animal Welfare and Ethical Review Body (AWERB) or Institutional Animal Care and Use Committee (IACUC).

An article by my Utrecht colleagues Frans Stafleu, Ronno Tramper, Jan Vorstenbosch and Jaap Joles in *Laboratory Animals*,[33] published in 1999, criticised existing frameworks for the assessment of animal experiments because these frameworks 'do not extensively articulate and evaluate the human interests involved in animal experiments. Often the questions posed amount to no more than an invitation to give a general, fairly intuitive statement on the significance of the research.'[34] This is relevant for the challenge of including 'the moral dilemma' view in the policies and making them less problematic for abolitionists. The lack of rigorous scrutiny could undermine the ability of those critical towards animal experimentation to develop confidence in procedures that aim to translate general disagreement into case-specific decisions. To strengthen the trustworthiness of decisions that assess the validity, usefulness, and relevance of animal research in individual cases, the evaluation of human interests must become more transparent. That is why Stafleu and his colleagues propose a decision-making framework that separates the assessment of human interests into three components. The assessment of human interests:[35]

- involves identifying the ultimate aim of the specific experiment and clarifying what we hope to learn from it. What is the 'assignable and desirable state of affairs that can be pointed out by the researchers' that ultimately motivates the experiment?
- requires examining to what extent this aim contributes to the justification of the broader human interest. For instance, if the experiment is justified by its relevance to the development of a medicine for a particular disease, it must be assessed how meaningfully the specific aim supports that goal.
- calls for a critical evaluation of whether the experiment is an appropriate means of achieving its aim and whether the connection between the experiment and its stated purpose is sufficiently well established.

33 Frans R. Stafleu and others, 'The Ethical Acceptability of Animal Experiments: A Proposal for a System to Support Decision-Making', *Laboratory Animals*, 33.3 (July 1999), 295–303, https://doi.org/10.1258/002367799780578255

34 Stafleu and others, 'The Ethical Acceptability', p. 296.

35 Stafleu and others, 'The Ethical Acceptability', pp. 296–99.

It is not the purpose of this section to discuss in detail the assessment of the acceptability of animal experiments or the proposals for such an assessment. In this section I hope to have shown that an analysis of the ethical discussion in a specific policy field gives a deeper overview of the issues in that field. Such an overview provides insights that may help to identify which 'concessions around the edges' might help to develop tolerable policies.

The third relevant issue is the governance of the assessment of animal experiments. When deep disagreements persist, policy discussions often shift toward governing such disagreements. Even without consensus on the substance of a problem, agreement may still be reached on shared procedures for managing it. Engaged philosophers can support policy-makers by fostering common ground on the underlying ethical content and by clarifying the normative dimensions relevant to governance itself. The governance of animal experimentation assessment is a prominent topic in academic journals on animal experimentation science, with debates focusing on responsibility for authorising specific experiments, the degree of transparency in decision-making, and the scope and format of information about both the experiments and the weighing process to be made accessible.

An authoritative example of the discussion in the scientific community can be found in the *Handbook of Laboratory Animal Science*. Anna S. Olsson and her colleagues argue that an ethical assessment of an experiment needs a 'third party': 'If a research proposal raises moral issues, any decision about its acceptability must be made by a third party—an individual or body of individuals that is not involved in the relevant project and does not stand to gain from its completion. The researcher has a vested interest in his proposed investigation, since his career may depend on the results.'[36]

Transparency and accountability are closely connected, which is why the composition of animal experimentation committees is a recurring topic in public policy debates.[37] These committees are not only the venue

36 Anna S. Olsson and others, 'Animal Research Ethics', in: *Handbook of Laboratory Animal Science*, ed. by J. Hau and G.L. Van Hoosier Jr. (Boca Raton: CRC Press, 2002), pp. 13–31, p. 29.

37 Orsolya Varga and others, 'Improving Transparency and Ethical Accountability in Animal Studies', *EMBO Reports*, 11.7 (June 2010), 500–03, https://doi.org/10.1038/embor.2010.91

for ethical discussions on the acceptability of specific experiments but also the subject of ethical scrutiny themselves. A central public policy question is: who should be entitled to serve on such committees? Barbara Orlans has argued that one way to enrich ethical deliberation is to promote a more balanced representation of differing viewpoints within decision-making bodies. Including representatives from animal welfare organisations and more non-animal researchers would, she suggested, help achieve this balance.[38] Within the scientific community, some have warned that excessive reliance on scientists as sole judges of acceptability could undermine the trustworthiness of the entire field. In *Alternatives to Laboratory Animals*, Pandora Pound and Ricardo Blaug contend that expert authority in a democracy presupposes 'some argumentative interaction with the general public,' otherwise it risks becoming 'a form of dominance instead of a form of guidance.' For them, 'the very status and authority of experts depends upon lay involvement in some form; (…) knowledge professions that fail to work alongside citizens, seem to demand an unquestioning compliance to authority that is unhealthy in a democracy—thus fuelling citizen disengagement and rendering professionals vulnerable to public scepticism about their authority, competence and elite bias.'[39]

Again, this discussion is relevant for gaining support beyond the 'on balance justification' view. For both the 'moral dilemma' view and the abolitionist perspective, a degree of transparency and responsiveness appears important in building confidence in governance structures. Strengthening these aspects of animal experimentation policy may help to make policy less objectionable to opponents of animal experimentation.

All three issues merit more discussion. For now, the short description of these issues suffices to make a systematic point with regard to the methodology of engaged philosophy: make more explicit use of the existing practical ethical debates in the field one is advising on in order to find practical steps that might help to identify issues where, in Wolff's

38 F. Barbara Orlans, 'Ethical Decision Making About Animal Experiments', *Ethics & Behavior*, 7.2 (June 1997), 163–71, https://doi.org/10.1207/s15327019eb0702_7

39 Pandora Pound and Ricardo Blaug, 'Transparency and Public Involvement in Animal Research', *Alternatives to Laboratory Animals*, 44.2 (May 2016), 167–73, p. 170, https://doi.org/10.1177/026119291604400210

terminology, some 'concessions around the edges' might strengthen the tolerability, or even the acceptability, of policies.[40] That is why engaged philosophers need more than the philosophical skills of analysis and argument that are necessary for reconstructing the disagreements. They need the content of topic-oriented philosophical-ethical analysis. The rejection of foundational normative theories as a basis for policy advice does not imply that the engaged philosopher cannot learn from the applied ethical discussions in the field of analysis. A practical way to do this is to start with a review of the ethical literature in a specific field as is currently practiced in medical ethics.[41] Analysis of the policy field shows that, particularly in the case of animal experimentation, there is no monolithic policy to take as a starting point. When the field is a reflexive practice, as in animal experimentation, its internal dynamics should inform both the advice of an ethics committee and the democratic public reasoning that follows.

5.3. Public reasoning at two levels

Ethics committees are tasked with assisting governments in identifying policies that are both ethically acceptable and supported from a societal perspective. We have seen that animal experimentation is an issue that is persistent and resistant to resolution, as it continues to generate

40 I emphasize this point, because this is not included in Wolff's description of methodology for engaged philosophy (Wolff, 'Method'; Wolff, *Ethics and Public Policy*). He seems to confine the philosophical analysis to the problems of foundational theories. On the basis of that analysis, he concludes that engaged philosophers need to use their philosophical skills, and not the substance of their philosophy. There is, however, more philosophical substance than in foundational theory and that 'applied philosophical substance' is necessary for policy ethics.

41 Examples of such a review: Nienke de Graeff and others, 'The Ethics of Genome Editing in Non-Human Animals: A Systematic Review of Reasons Reported in the Academic Literature', *Philosophical Transactions of the Royal Society B: Biological Sciences*, 374.1772 (March 2019), 20180106, https://doi.org/10.1098/rstb.2018.0106; Shona Kalkman and others, 'Patients' and Public Views and Attitudes towards the Sharing of Health Data for Research: A Narrative Review of the Empirical Evidence', *Journal of Medical Ethics*, 48.1 (November 2019), 3–13, https://doi.org/10.1136/medethics-2019-105651; Anne-Floor J. de Kanter and others, 'The Ethical Implications of Tissue Engineering for Regenerative Purposes: A Systematic Review', *Tissue Engineering Part B: Reviews*, 29.2 (April 2023), 167–87, https://doi.org/10.1089/ten.teb.2022.0033; For the methodology of such a review: Daniel Strech and Neema Sofaer, 'How to Write a Systematic Review of Reasons', *Journal of Medical Ethics*, 38.2 (November 2011), 121–26, https://doi.org/10.1136/medethics-2011-100096

deep disagreement. Against the background of this disagreement, the Nuffield Council formulated a proposal that, in its view, 'could be accepted, or at least tolerated, by all those holding reasonable views.'[42] Underpinning this proposal is a distinction between two forms of 'consensus'. The Nuffield Council differentiates between 'substantive consensus (i.e. consensus on a shared view about which research can be viewed as justified)' and 'an enlarged procedural consensus (...) (i.e. consensus that a certain system of licensing and control of animal research is tolerable or acceptable).'[43]

The use of the term 'consensus' for both forms of practical agreement, however, is problematic. Here it would be helpful to distinguish between between consensus, which reflects not only agreement but also a mutually understandable foundation for that agreement and practical compromises, which enable peaceful co-existence despite fundamental disagreement.[44] The distinction, however, can be further developed into a differentiation between two levels of ethical discussion: the substantive level, which concerns the ethical content of the issue itself, and the governance level, which addresses the handling of persistent disagreement and examines whether a broadly supported ethical framework is possible given these fundamental differences of opinion. At the end of section 5.1, the conclusion was reached that further elaboration of the distinction between these two levels is needed, together with reflection on the role of the engaged philosopher in relation to democratic public reasoning at both levels, including the tensions and limitations involved in invoking notions such as reasonableness and consensus in contexts of deep ethical disagreement. At the end of section 5.2, it was concluded that when the policy field, such as animal experimentation, consists of a reflexive practice, the internal dynamics of that practice should inform both the advice of an ethics committee and the democratic public reasoning that follows.

42 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. xv (Summary).

43 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', pp. 225–27.

44 Barry, *Political Argument*, p. 87: In a consensus 'parties to the dispute have changed their minds about what they want; even if one party had the power to get its way completely it would not want to change' in a compromise 'each side retains its wish for the solution it originally entertained and if it had the power to achieve that solution it would use it to that end.'

Public reasoning at the substantive level is not solely aimed at developing a 'substantive consensus'; it involves both deliberation and confrontation. As discussed in Chapter 1, democratic politics seeks common ground while also requiring agonistic confrontation between adversaries, which depends on explicit disagreement. In contexts of fundamental societal disagreement, public policy demands both clarity on where agreement is possible and recognition of where disagreement must be acknowledged. The role of the engaged philosopher at this level is therefore to identify and construct agreement where possible and to foster confrontation where necessary. This supports the earlier conclusion that engaged philosophers must work on two levels: the level of disagreement and the level of handling that disagreement. Governing persistent ethical disagreement requires more than finding partial agreement; it demands careful negotiation of coexistence.

Once the remaining disagreement is recognized and clarified, democratic public reasoning at the governance level focuses on identifying policy arrangements that enough people can tolerate to preserve societal peace. In this situation the philosophical question 'whether a moral view is correct, or right, or persuasive, takes second place to whether it is widely shared, or at least widely accepted in the sense of enough people being prepared to live with it.'[45] In a pluralist society, a common ground may arise from an 'interlocking of consensus and dissensus' that 'should be experienced as a moral learning process (…) more difficult in social practice than reaching decisions by means of a majority vote.'[46] Engaged philosophy, here, is concerned about what the public feels and could accept,[47] and for this it needs to addresses practical ethical considerations such as decision-making authority, transparency, and investment in animal-free alternatives. The reflective debate within the field can be helpful to inform this philosophizing. At this level the 'best that can be hoped for' according to Warnock 'is that by understanding more of the issues in each particular case people may come to feel that the freedoms allowed, and the restrictions imposed,

45 Wolff, *Ethics and Public Policy*, p. 4.

46 Alberto Bondolfi, 'Coming to Consensus: An Ethical Problem in Law and Politics – Illustrated by the Example of Reproductive Technologies', in: *The Concept of Moral Consensus*, ed. by Kurt Bayertz, Philosophy and Medicine, 46 (Dordrecht: Springer, 1994), pp. 123–28, p. 125, https://doi.org/10.1007/978-94-011-0860-7_9

47 Archard, 'Mary Warnock', p. 762.

are acceptable, even if not exactly what they would have personally liked to see.'[48] Ethics advice, at this level, does not replace democratic public reasoning, but feeds into collective reasoning 'something practical, regretted no doubt by some as too lax, by others as too strict, but something to which, whatever their mental reservations, everyone would be prepared to consent. It is an area in which we all want to be governed; and government must, in the end, be government by consent.'[49]

In order to support public reasoning regarding policy issues, engaged philosophy has left the academy.[50] In doing so, it has altered the epistemic criteria for what counts as good philosophy. The shift in audience moves the emphasis from logic, consistency, and elegance (rationality) to practical acceptability or tolerability for disagreeing citizens. This acceptability for disagreeing citizens might be seen as reasonableness; at least this seems to be what is meant by 'reasonableness' in the Nuffield Council report ('could be accepted, or at least tolerated, by all those holding reasonable views').[51] Reasonableness also functions as a condition for the public discussion on policy issues: reasonable participants need to be able to participate and they are expected to conduct themselves reasonably.[52] Yet reasonableness runs the risk of in practice being is interpreted in ways shaped by existing power relations, prevailing norms, or a bias toward the status quo. As we have seen in 5.1, this seems to be the case in Wolff's defense of the Nuffield Council policy proposal, where he defends small steps tweaking the edges of current policy as moral progress.[53] He seems to argue that policy implementation should be conceived as careful piecemeal engineering,

48 Mary Warnock, 'The Regulation of Technology', *Cambridge Quarterly of Healthcare Ethics*, 7.2 (April 1998), 173–75, p. 175, https://doi.org/10.1017/S0963180198702105

49 'Warnock, 'Moral Thinking and Government Policy', p. 521.

50 '(I)nsights and methods from the philosophical seminar room can be highly useful in public policy discussions, but to use them efficiently it is necessary to pay due attention to the contextual differences between the two kinds of discussions.' Sven Ove Hansson, 'Philosophy and Public Policy', *Theoria*, 78.2 (April 2012), 89–92, p. 91, https://doi.org/10.1111/j.1755-2567.2012.01131.x

51 Nuffield Council on Bioethics, 'The Ethics of Research Involving Animals', p. xv (Summary).

52 Ibid: 'The discussion about appropriate policies must be conducted in a fair and informed manner, which permits all reasonable participants to argue their case.' And xvii (Summary): 'The debate about research involving animals must be conducted in a reasonable and civilized manner.'

53 Wolff, *Ethics and Public Policy*, p. 30.

and in that seeking radical change in policy is 'unreasonable'. While appeals to reasonableness may encourage moderation and incremental change, they can also narrow the scope of legitimate disagreement and obscure the possibility of more radical, yet equally defensible, policy alternatives. The focus on 'consensus', or that on which reasonable people can agree, runs the risk of excluding principled but challenging positions.[54]

This change in epistemic criteria from seeking moral truth to persuading a broad public audience brings ethics close to policy-making. In doing so it runs the risks of getting 'too close'. A core challenge for the engaged philosopher is to prevent engagement from derailing into enmeshment, where professional independence is lost.[55] That is why an engaged philosopher needs more than the practical acceptance of a wide possible public audience. Engaged philosophers cannot limit their purpose to simply persuading a given group of people. They also need to foster normative reflectivity and ethical scrutiny. To avoid absorption into policy advocacy, engaged philosophers must preserve distance, maintaining space for normative reflection and for challenging established views. At a social level it might be ethically necessary to tolerate certain perspectives as a democratic given, but such an acceptance at the level of handling disagreement does not take away the importance of probing and challenging these established perspectives at the substantive level. Engaged philosophy needs to link the discussions and agonistic confrontation at this level with the governance level of peacefully handling disagreement. In doing so, it

54 Bernice Bovenkerk and Lonneke M. Poort, 'The Role of Ethics Committees in Public Debate', *International Journal of Applied Philosophy*, 22.1 (2008), 19–35, https://doi.org/10.5840/ijap20082213; Bernice Bovenkerk, *The Biotechnology Debate: Democracy in the Face of Intractable Disagreement, Library of Ethics and Applied Philosophy* (Dordrecht: Springer, 2012), https://doi.org/10.1007/978-94-007-2691-8; Lonneke Poort, Tora Holmberg, and Malin Ideland, 'Bringing in the Controversy: Re-politicizing the De-politicized Strategy of Ethics Committees', *Life Sciences, Society and Policy*, 9.1 (2013), 11, https://doi.org/10.1186/2195-7819-9-11

55 The concept of enmeshment originates in family therapy models: 'Enmeshment can be defined as the experience of confusion of one's separateness from others, a diminished sense of self that includes a loss of autonomy in relationships, and an inability to fully experience, understand, and value one's own thoughts, feelings, and needs in the context of relationship.' Ingrid Bacon and Jef Conway, 'Co-dependency and Enmeshment—A Fusion of Concepts', *International Journal of Mental Health and Addiction*, 21 (2023), 3594–3603, p. 3596, https://doi.org/10.1007/s11469-022-00810-4

assists in distinguishing an agonistic confrontation from an antagonistic war.[56]

Opening an issue up to dissenting voices becomes even more important when we realize that existing policies are seldom monolithic; animal experimentation policy is certainly not. It is embedded in a reflexive practice that shows that current policies do not represent a substantive societal consensus. Ethicists and ethics committees can remind policy-makers that in contested areas, existing policies and legislation often rest on a practical equilibrium shaped by earlier agonistic confrontations. Such an equilibrium may be fragile, with even small shifts potentially leading to radically different outcomes. This underscores the importance, at the governance level, of distinguishing between pragmatic compromises that allow peaceful coexistence and consensuses grounded in mutual understanding. Preserving this distinction helps sustain a constructive relationship between consensus and dissent and keeps the process of collective moral learning open.[57]

5.4. The engaged philosopher: Finding common ground

An engaged philosopher is an ethicist or moral philosopher who, as an academic expert, delves deeply into policy-making to develop common perspectives that help policy-makers break ethical deadlocks. Starting like ethics facilitators by mapping arguments and positions relevant to policy questions, engaged philosophers use their philosophical-ethical tools and methods to go deeper into the policy discussion. They engage with these arguments and positions to search for common ground, going beyond mere mapping to find, construct, or propose shared perspectives.

By reframing existing disagreements, engaged philosophers create space for more fruitful discussions on the issue and guide public reasoning towards a reflective common ground. They begin with the policy issue and ask, 'What is at stake?' Using their philosophical skills, they explicate the implicit normativity in policy-making, an

56 See Chapter 1, 'Ethics and public policy' and Chapter 6, 'Preserving democratic reasoning'.

57 Albert Jacob Meijer and Frans W.A. Brom, 'Biotechnology and Social Learning: An Empirical Analysis of the Dutch Animal Biotechnology Act', *Technology in Society*, 31.1 (February 2009), 117–24, https://doi.org/10.1016/j.techsoc.2008.10.008

indispensable step for an informed policy discussion. In explicating the normative issues in a policy problem, however, the engaged philosopher can build upon the ethical discussions that already take place around the policy issue. In order to identify the topics that are relevant in ethical mapping, it helps to make a systematic review of the ethical literature on a specific policy issue.

Explicating the conflict is not always enough to make policy progress. There must be some common ground to develop policies amidst disagreement. The search for such common ground occurs at two interlinked levels: the substantive level, where the content of the issue is discussed (e.g. how to ethically assess animal experimentation), and the governance level, where the need for coexistence is discussed (e.g. how to regulate animal experimentation in the face of fundamental disagreement). These levels are interconnected and the engaged philosopher aims to make progress on both. This is only possible if both levels are distinguished. On the substantive level, engaged philosophers needs to seek or propose agreement where possible, and foster an agonistic confrontation among adversaries where necessary. At the governance level of handling disagreement, they need to assist these adversaries in finding policies that are acceptable, or at least tolerable, for all (or at least most) of them.

5.5. Lessons beyond this role

Three lessons from the discussion on the role of the engaged philosopher are relevant for all ethical roles.

Firstly, the existing academic ethical context of policy issues is crucial. Many policy issues have already been the subject of applied ethical analysis, and the insights from this literature are invaluable for understanding the full scope of the issue. Therefore, it is always advisable for ethicists, regardless of their role, to begin with a systematic analysis of the discussions in this literature. This approach helps maintain professional distance from the debate at hand.

The second lesson is closely related: engaging with policy-making requires proximity to policy-makers. For ethicists who aim to assist policy-makers in public reasoning, it is important to maintain some distance. The risk of too much engagement is enmeshment: identifying too closely

with others in a way that compromises professional autonomy. The role of ethics is not to help policy-makers persuade a particular group, but to assist society in developing ethical reasoning and reflectivity.

This leads to the third lesson: understanding the distinction between two levels of addressing ethical disagreement in policy-making. The substantive level is the disagreement itself: can we find common ground or productive confrontation on the issue at stake? The governance level concerns managing that disagreement: can we develop policies that are acceptable or at least tolerable within the context of a peaceful and orderly society?

The general lesson for ethicists in all roles is that, even in a democratic context, they must scrutinize all perspectives, including those with established societal credentials. While it may sometimes be ethically necessary to tolerate certain perspectives as a democratic given, this acceptance at the level of managing disagreement does not diminish the importance of probing and challenging these established perspectives in a democratic agonistic confrontation.

Literature

Archard, David, 'Mary Warnock and "Public Philosophy"', *Journal of Applied Philosophy*, 41.5 (2024), 751–66, https://doi.org/10.1111/japp.12747

Bacon, Ingrid and Jef Conway, 'Co-dependency and Enmeshment—A Fusion of Concepts', *International Journal of Mental Health and Addiction*, 21 (2023), 3594–3603, https://doi.org/10.1007/s11469-022-00810-4

Barry, Brian, *Political Argument* (Hemel Hempstead: Harvester Wheatsheaf, 1965; repr. 1990).

DeGrazia, David, 'Moral Status as a Matter of Degree?', *The Southern Journal of Philosophy*, 46 (2008), 181–198, https://doi.org/10.1111/j.2041-6962.2008.tb00075.x

Bondolfi, Alberto, 'Coming to Consensus: An Ethical Problem in Law and Politics – Illustrated by the Example of Reproductive Technologies', in *The Concept of Moral Consensus*, ed. by Kurt Bayertz, Philosophy and Medicine, 46 (Dordrecht: Springer, 1994), pp. 123–28, https://doi.org/10.1007/978-94-011-0860-7_9

Bovenkerk, Bernice, *The Biotechnology Debate: Democracy in the Face of Intractable Disagreement*, *Library of Ethics and Applied Philosophy* (Dordrecht: Springer, 2012), https://doi.org/10.1007/978-94-007-2691-8

Bovenkerk, Bernice and Lonneke M. Poort, 'The Role of Ethics Committees in Public Debate', *International Journal of Applied Philosophy*, 22.1 (2008), 19–

35, https://doi.org/10.5840/ijap20082213

Danesi, Marcel, 'Thinking Is Seeing: Visual Metaphors and the Nature of Abstract Thought', *Semiotica*, 80.3–4 (1990), 221–38, https://doi.org/10.1515/semi.1990.80.3-4.221

de Graeff, Nienke and others, 'The Ethics of Genome Editing in Non-Human Animals: A Systematic Review of Reasons Reported in the Academic Literature', *Philosophical Transactions of the Royal Society B: Biological Sciences*, 374.1772 (March 2019), 20180106, https://doi.org/10.1098/rstb.2018.0106

de Kanter Anne-Floor J. and others, 'The Ethical Implications of Tissue Engineering for Regenerative Purposes: A Systematic Review', *Tissue Engineering Part B: Reviews*, 29.2 (April 2023), 167–87, https://doi.org/10.1089/ten.teb.2022.0033

Hansson, Sven Ove, 'Philosophy and Public Policy', *Theoria*, 78.2 (April 2012), 89–92, https://doi.org/10.1111/j.1755-2567.2012.01131.x

International Bioethics Study Group (Z. Naureen and others), 'Ethics Committees for Clinical Experimentation at International Level with a Focus on Italy', *Acta Biomedica*, 91.13-S (9 November 2020), e2020016, https://doi.org/10.23750/abm.v91i13-S.10643

International Bioethics Study Group (A. K. Kiani and others), 'Ethical Considerations Regarding Animal Experimentation', *Journal of Preventive Medicine and Hygiene*, 63.2 Suppl 3 (17 October 2022), 255–66, https://doi.org/10.15167/2421-4248/jpmh2022.63.2S3.2768

International Bioethics Study Group (A. K. Kiani and others), 'Methodology for Clinical Research', *Journal of Preventive Medicine and Hygiene*, 63.2 Suppl 3 (17 October 2022), E267–E278, https://doi.org/10.15167/2421-4248/jpmh2022.63.2S3.2769

Kalkman, Shona and others, 'Patients' and Public Views and Attitudes towards the Sharing of Health Data for Research: A Narrative Review of the Empirical Evidence', *Journal of Medical Ethics*, 48.1 (November 2019), 3–13, https://doi.org/10.1136/medethics-2019-105651

Meijer, Albert Jacob and Frans W.A. Brom, 'Biotechnology and Social Learning: An Empirical Analysis of the Dutch Animal Biotechnology Act', *Technology in Society*, 31.1 (February 2009), 117–24, https://doi.org/10.1016/j.techsoc.2008.10.008

Nuffield Council on Bioethics report, 'The Ethics of Research Involving Animals' (London: Nuffield Council on Bioethics, 2005).

Olsson, Anna S. and others, 'Animal Research Ethics', in: *Handbook of Laboratory Animal Science*, ed. by J. Hau and G.L. Van Hoosier Jr. (Boca Raton: CRC Press, 2002), pp. 13–31.

Orlans, F. Barbara, 'Ethical Decision Making About Animal Experiments', *Ethics & Behavior*, 7.2 (June 1997), 163–71, https://doi.org/10.1207/

s15327019eb0702_7

Pielke Jr., Roger A., *The Honest Broker: Making Sense of Science in Policy and Politics* (Cambridge: Cambridge University Press, 2007), https://doi.org/10.1017/cbo9780511818110

Poort, Lonneke, Tora Holmberg, and Malin Ideland, 'Bringing in the Controversy: Re-politicizing the De-politicized Strategy of Ethics Committees', *Life Sciences, Society and Policy*, 9.1 (2013), 11, https://doi.org/10.1186/2195-7819-9-11

Pound, Pandora and Ricardo Blaug, 'Transparency and Public Involvement in Animal Research', *Alternatives to Laboratory Animals*, 44.2 (May 2016), 167–73, https://doi.org/10.1177/026119291604400210

Russell, William M.S. and Rex Leonard Burch, *The Principles of Humane Experimental Technique* (London: Methuen & Co. Ltd., 1959), available at https://caat.jhsph.edu/the-principles-of-humane-experimental-technique/

Stafleu Frans R. and others, 'The Ethical Acceptability of Animal Experiments: A Proposal for a System to Support Decision-Making', *Laboratory Animals*, 33.3 (July 1999), 295–303, https://doi.org/10.1258/002367799780578255

Strech, Daniel and Neema Sofaer, 'How to Write a Systematic Review of Reasons', J*ournal of Medical Ethics*, 38.2 (November 2011), 121–26, https://doi.org/10.1136/medethics-2011-100096

Timmer, Dick, 'On the Idea of Degrees of Moral Status', *Journal of Value Inquiry*, 59 (2025), 789–807, https://doi.org/10.1007/s10790-023-09970-5

Varga, Orsolya and others, 'Improving Transparency and Ethical Accountability in Animal Studies', *EMBO Reports*, 11.7 (June 2010), 500–03, https://doi.org/10.1038/embor.2010.91

Warnock, Mary, 'Moral Thinking and Government Policy: The Warnock Committee on Human Embryology', *The Milbank Memorial Fund Quarterly. Health and Society*, 63.3 (1985), 504–22, https://doi.org/10.2307/3349845

Warnock, Mary, 'The Regulation of Technology', *Cambridge Quarterly of Healthcare Ethics*, 7.2 (April 1998), 173–75, https://doi.org/10.1017/S0963180198702105

Warren, Mary Anne, *Moral Status: Obligations to Persons and Other Living Things* (Oxford: Clarendon Press, 1997).

Wolff, Jonathan, *Ethics and Public Policy: A Philosophical Inquiry*. 2nd ed. (London: Routledge, 2019), https://doi.org/10.4324/9781351128667

Wolff, Jonathan, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, https://doi.org/10.4324/9781315461731

PART II: ORIENTING PUBLIC REASONING TOWARDS A DEMOCRATIC ETHOS

This part presents the second step in developing orientational ethics as a philosophical theory on the role of morality in a pluralist open democracy. It consists of two chapters (6–7).

Chapter 6 seeks an antidote to political antagonism, arguing that this can be found in expanding the basis that allows a modus vivendi for democratically handling disagreements into a democratic ethos. This ethos assists citizens in living together not despite, but through, their deepest differences.

Chapter 7 completes the picture with a perspective on moral reflexivity and moral theory that aims to counteract normative antagonism. Moral theorising is understood as a reflective practice aimed at sustaining dialogue, enabling self-examination, and fostering mutual intelligibility. This makes orientational ethics a philosophical instrument for supporting reflective commonality in a pluralist world.

6. Preserving democratic public reasoning

This chapter addresses the preservation and development of democratic public reasoning itself. As the cartography of the four ideal-typical roles discussed in Part I illustrates, meaningful professional engagement by ethicists in policy debates depends on a context in which argument, mutual reflection, and critical engagement are genuinely possible. This is similar to other academic contributions to public decision-making: scientific advice, for example, cannot function in a fact-free environment where rigorous argumentation is disregarded. Yet the ethos of open, reasoned exchange is fragile. Open democracies remain vulnerable to political antagonism, where debates give way to zero-sum struggles between irreconcilable identities and pluralism is replaced by the pursuit of majoritarian unity. Because of this, orientational ethics aims for an anti-antagonistic foundation in democratic reasoning: committed to reaching agreement where possible and to enabling peaceful coexistence where disagreement remains. This calls for cultivating a democratic ethos, one that makes living together through profound differences possible.

Section 6.1 examines how this democratic ethos can be understood as a form of public morality, the public morality of an open democratic society. This framing enables both ethical analysis and critical reflection on the normative structure of democratic reasoning. Section 6.2 shows how this normative structure is oriented toward socially embedded democratic ideals: equality, which emphasis the anti-inegalitarian root of democracy; dignity, which focusses the attention on human agency and to the rights that are necessary to protect it; and rule of law, which underscores the importance of legal and institutional safeguards to ensure openness and accommodate diversity. Such ideals do not eliminate disagreement but provide a shared normative foundation that enables democratic

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reasoning, not despite but through the deepest differences. Section 6.3 concludes with a summary, before the next chapter turns to the resources that moral theory can offer to support such reflective public reasoning.

6.1. Democratic ethos as public morality

A pluralist society needs some shared values and ideas on which disagreeing citizens can build practical agreements as a basis for practical policies. Public reasoning through which policy-makers claim legitimacy needs some shared ground. Politics is not just a way of handling conflicts between disagreeing citizens; it is also the search for a shared ground in identity, values and ideas that societies need in order not to disintegrate.[1] The sociologist Tariq Modood defends in an analysis of the multiculturalism debate that '(l)iberal states may aspire to be culturally neutral but this is impossible as all societies must have a symbolic-normative core which acts as an integrative mechanism, and liberal states are no exception.'[2] A democratic pluralist society needs a shared democratic frame of reference: a democratic ethos. This democratic ethos needs a positive perspective on pluralism, in which all citizens are accepted as equal in their differences. This aligns with the continuation of the argument of Modood. He sees equality as part of the symbolic-normative core of modern open societies, arguing that the 'fact that a polity cannot be culturally contentless or neutral between all cultures does not mean that the concept of equality becomes secondary to majority precedence.'[3]

The challenge for modern open democracies is to reconcile pluralism with the necessity of a symbolic-normative core. Public reasoning relies on such a core. Without some shared basis, reasoning together becomes impossible, as there is no shared space where common reasoning can

1 Compare: 'It is true, of course, that given the existence of moral disagreements we have no choice, but search for a modus vivendi if political institutions are to be capable of doing what they are for. Yet, at the same time, we would fall drastically short of the demands of morality if we were to restrict ourselves to managing disagreements.' Marcus Düwell, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), p. 268, https://doi.org/10.4324/9780203084205

2 Tariq Modood, 'Majoritarian Interculturalism and Multicultural Nationalism', in: *Civic Virtue, Citizenship and Multiculturalism*, ed. by David Tabachnick and Leah Bradshaw (Lanham, MD: Rowman & Littlefield, 2017), p. 95.

3 Ibid.

take place. A discussion without a shared basis is like a battle between an elephant and a whale: such a battle is not possible because there is no shared medium in which they can fight.[4] A shared conceptual-normative space is essential to ensure that a society does not revert to sheer force as the sole means of resolving problems.

Whether people de facto share enough to have such a shared basis is not a philosophical-ethical, but a social-empirical question; however, how to conceptualize such a basis is philosophical-ethical. In this section I argue that we can conceptualize such a shared basis as public morality, and that doing so helps us to understand this as social, discursive and dynamic. Such an understanding clarifies how ethicists can orientate public reasoning in a pluralist democratic society.

6.1.1. The notion of public morality

The first step in developing the idea of public morality starts with morality. Morality can be considered a set of norms, values and ideals that guides the way in which people act and live. People act, however, in different contexts and these different contexts call for distinctive guidance.[5] One could say that morality has different aspects for different contexts. There is, for instance, an aspect of morality that governs one's interaction with one's parents, partner or children. The norms, values and ideals that guide behaviour in these family relations are somewhat different from those that guide the way people behave towards their colleagues. There is also an aspect of morality that consists of ideas about how to interact with non-specific members of the communities in which people live. 'Non-specific', here, refers to those people with whom there is no immediate relation as a specific person or as a member of a group of specific persons. This aspect of our morality is the morality of the public sphere.[6]

4 This metaphor is derived from diagnosis by Leonardus of Arezzo of the Western Schism (based upon Wim C. M. Klijn, *Het Beleid in een Katholiek Ziekenhuis inzake een Eventuele Zwangerschapsafbreking* (Nijmegen: KVZ, 1982), p. 129).

5 A more detailed analysis of the concept of morality is provided in section 7.1, 'Assimilation in morality'.

6 'Public' in this sense has been coined in 1832 by Sir George Cornewall Lewis: 'Public, as opposed to private, is that which has no immediate relation to any specified person or persons, but may directly concern any member or members of the community without distinction.' George Cornewall Lewis, *Remarks on the Use and Abuse of Some Political Terms* (London: John Murray, 1832) quoted in: Brian Barry, *Political Argument* (Hemel Hempstead: Harvester Wheatsheaf, 1965; repr. 1990).

In this way, one could say that all (or at least most) moralities have a specific 'public morality'. Public morality consists of the norms, values and ideals that guide general interaction between citizens, as citizens, with whom people happen to share the same piece of land, institutional arrangements and government. These public moralities are in a certain sense 'contextual' because they aim to regulate the way we interact with the people with whom we share the same context.

6.1.2. A shared public morality?

The next step is from these 'public moralities' towards a shared public morality. How can one make such a step? In a homogeneous (non-pluralistic) society, this is self-evident: people share important elements of their morality and thus of their public morality. They have a common morality for the public sphere. This public morality provides the basis for societal peace and societal cooperation. In an open democracy, however, diversity emerges. In such a pluralistic society there are social groups and communities that (can) have different moralities. In open, democratic and pluralistic societies, these different moralities are in a certain way distinct from each other. Some authors, in the line of Alasdair MacIntyre,[7] even defend the claim that these different moralities arise from radically distinct moral traditions and that they are thus fundamentally different: each of the different moralities is based within a different moral tradition which implies that they each have their own distinct moral language and a distinct moral rationality. This excludes genuine moral communication between different moral communities. According to this perspective, it is impossible to develop a shared public morality in a pluralist society. There may be some overlapping agreement in practical judgments and there may be pragmatic compromises in conflicts, but these agreements

7 This is the core thesis of Alisdair C. MacIntyre in *After Virtue* and as consequence he defends the claim that society cannot have shared moral first principles and that modern politics is a civil war carried out by other means: 'The Supreme Court in Bakke, as on occasion in other cases, played the role of peacemaking or truce-keeping body by negotiating its way through an impasse of conflict, not by invoking our shared moral first principles. For society as a whole has none. What this brings out is that modern politics cannot be a matter of genuine moral consensus. And it is not. Modern politics is civil war carried on by other means'. Alasdair C. MacIntyre, *After Virtue* (Notre Dame, IN: University of Notre Dame Press, 1984; orig. publ. 1981), p. 253.

and compromises cannot create a shared public morality. Modern pluralistic and democratic societies are—according to this perspective—composed of distinct social groups and communities with their own separate moral frameworks. This MacIntyrian perspective presupposes distinct competing traditions, each of which has sufficient internal coherence so that it can be considered to be one moral tradition, while between these traditions there is enough difference so that they can be regarded as distinct moral traditions.

In my view, this idea of the segregation of the morality of modern society into distinct moralities with their own traditions is too radical for three reasons: its perspective on traditions is too monolithic; its idea of identity is too one-dimensional; and it neglects the implicit normativity of the existing practice of peaceful cooperation.

It is too radical, because it is too monolithic regarding a tradition. This idea of segregation in distinct traditions ignores the heretics within each moral tradition. The internal coherency of moral traditions has often, at least in the past, been built upon the exclusion of deviating voices. Historical analysis sometimes gives reasons, as for instance feminist thinking shows, to re-evaluate a tradition's coherence.[8] Heretical voices present positions within a certain tradition that are eventually elaborated in rival traditions. Re-evaluating the exclusion of these heretical voices can start communication with the traditions that arose from these voices. Traditions are not monolithic and a deeper analysis of traditions show (heretical) voices that give rise to a richer and more communicative view.

It is too radical, because it is too one-dimensional regarding identity. This idea of segregation in distinct identities neglects the complexity of social reality in modern pluralist democracies. In open pluralist democracies, only very few people live a segregated life; most people participate at the same time in various practices and traditions. An individual can be politically progressive (and a member of a left-wing political party), conservative as regards technological developments (and a member of an anti-technology ecological movement), and religiously liberal (and a member of a liberal church). In their identity people can combine different traditions.

8 See for example for the Catholic Tradition: Elisabeth Schüssler Fiorenza, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* (New York: The Crossroad Publishing Company, 1983).

Finally, it is too radical, without an eye for practical cooperation. This idea of segregated and separate communities ignores the fact that there is a tradition of searching for peaceful cooperation and social life. Although not everybody participates in this quest, it is dominant in open pluralist democracies. In a review of the work of Alasdair MacIntyre, Brian Barry called this the 'liberal tradition' in modern society. According to him, the main elements of this tradition 'were originally adopted for reasons that made sense to people in terms of existing outlooks. Religious toleration seemed better than religious warfare, constitutionalism arose from the desire of various interests to protect themselves, and so on. Later, people like Kant and Mill came along and offered general theories from which, they claimed, the characteristic liberal prescriptions could be derived.'[9] The practice of social life creates practical agreement on points of departure and reflective theorists seek to systematize and expand these points. One might doubt whether this practical agreement is a substantial (or genuine) moral consensus. However, it seems to me substantial enough to function as a point of departure for common deliberation. This leads to the notion of a shared public morality. Modern pluralist democracies can possess a form of shared public morality that emerges from an overlapping discourse.

Given the dominance of the Rawlsian framework in political philosophy, it seems helpful to clarify the differences between this idea of overlapping discourse and the Rawlsian idea of public reason (with its idea of 'overlapping consensus').[10] There are three differences:

- Firstly, the overlapping discourse is not necessarily an overlap between reasonable comprehensive doctrines (as it is in Rawls). It is a deliberation based in the tradition of peaceful cooperation;
- Secondly, the content of this overlapping discourse is not necessarily limited to 'fundamentals' such as 'constitutional essentials' and questions of basic justice (as it is in Rawls). It seeks the expansion and refinement of the tradition of peaceful cooperation to practical political and policy discussions; and

9 Brian Barry, 'The Light that Failed? A Review of Alasdair MacIntyre, Whose Justice? Which Rationality?', *Ethics*, 100.1 (October 1989), 160–68, p. 164, https://doi.org/10.1086/293153

10 Compare: John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 1993), pp. 144f.

- Thirdly, the rationality of an overlapping discourse is not necessarily limited to public reason, which consists of only those arguments that reasonably could be expected to be endorsed by others as consistent with their freedom and equality (as it is in Rawls). It might include all arguments that fit within the framework of the tradition of peaceful cooperation, including those that build upon shared historic experiences and overlapping worldviews.

We can characterise this discourse as a deliberative interaction that stems from de facto agreement and that involves the reflective proposals for amending and refining these agreements. While not everyone in modern society may be included in this process, if it is embraced by a sufficient number of individuals, it can be regarded as the shared public morality of a modern society.

6.1.3. Dynamics in public morality

An important reason to understand public morality as an overlapping discourse, is that it emphasises the social, discursive and dynamic character of public morality. If the tradition of peaceful co-operation is seen as only an overlapping agreement in practical judgments that consists of pragmatic compromises in conflicts, and not as genuine moral conversation, then public reasoning loses its social character as a deliberative process. Without some form of moral conversation, the critical scrutiny and the reasonability of peaceful cooperation as a social enterprise are entirely left to separate individual moral traditions. A social deliberative process as a joint search by different individuals is only possible on the basis of 'something' that these different individuals share. The core claim that I make is that this 'something' can best be characterized as a form of public morality. This public morality is a necessary condition to reach this shared goal through joint critical reflection; one cannot have a form of joint normative reflection, without some form of shared morality. Shared public reasoning on moral issues thus presupposes some form of shared public morality. In this sense, 'public morality' not only provides the context for actions, but it also shapes the sense of meaning and values of actions about which people deliberate. In this way, it provides the social context of deliberations as

well as the norms, values and ideals that are at stake in that deliberation.[11]

Public morality, when understood as social, discursive, and dynamic, cannot be limited to coincidental present-day agreement. It contains an internal dynamic, expressed in the ideals intrinsic to democratic public reasoning. But what precisely are 'ideals'? Wibren van der Burg's theory of moral ideals offers a framework for understanding public morality as inherently dynamic.[12] On this account, public morality involves agreement not only on specific values that should be respected or promoted, but also on values whose meaning or implications transcend current understanding. Such ideals, as van der Burg explains, are 'values that are usually implicit or latent in the law or the public or moral culture of a society or group, which usually cannot be fully realized and which partly transcend contingent, historical formulations and implementations in terms of rules and principles.'[13] These ideals extend democratic public reasoning beyond current boundaries and keep it open to new moral horizons.

Ideals are dynamic and open, but they are not empty. Even stronger, ideals are essential to understand and guide normative practices, because they structure the deliberation about the desirable future states of affairs that these practices strive for. Ideals give direction and a perspective beyond the boundaries of our current agreement. They provide orientation to public reasoning. Ideals orientate in three ways:

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11 'A community's moral life is a typically complex matrix of social forms (activities, practices and relationships), widely practiced and values in the community (…). This matrix not only provides the environment within which members act, but it directly shapes their sense of meaning and value of the actions about which they deliberate. It provides content, not just context.' Gerald Postema, 'Public Faces – Private Places: Liberalism and the Enforcement of Morality', in: *Morality, Worldview and Law: The Idea of a Universal Morality and Its Critics*, ed. by A. W. Musschenga and others (Assen: Van Gorcum, 1992), pp. 153–75, p. 15.

12 Among others: Wibren van der Burg, 'The Importance of Ideals', *Journal of Value Inquiry*, 31(1997) 23–37, https://doi.org/10.1023/A:1004267831040; Wibren van der Burg, 'Dynamic ethics', *Journal of Value Inquiry*, 37 (2003) 13–34, https://doi.org/10.1023/A:1024009125065; Wibren van der Burg, 'The Role of Ideals in Legal Dynamics', in: *Pluralism and Law: Proceedings of the 20th IVR World Congress*, ed. by Arend Soeteman, Archiv für Rechts- und Sozialphilosophie, Beiheft 91 (Stuttgart: Franz Steiner, 2004), pp. 28–33; Wibren van der Burg, *The Dynamics of Law and Morality: A Pluralist Account of Legal Interactionism* (London: Routledge, 2014), https://doi.org/10.4324/9781315615769; translated to public morality: Frans W.A. Brom, 'Developing Public Morality: Between Practical Agreement and Intersubjective Reflective Equilibrium', in: *Reflective Equilibrium*, ed. by Wibren van der Burg and Theo van Willigenburg (Dordrecht: Kluwer, 1998), pp. 191–202, https://doi.org/10.1007/978-94-011-4972-3_15

13 Van der Burg, 'The Role of Ideals', p. 29.

- Firstly, ideals explicate the dynamic component in ongoing democratic public reasoning, especially when they go beyond mainly technical and factual terms. Explicating the ideals that are implicit in apparently technical reasoning helps us to understand the dynamics of the normative component in this reasoning. By formulating ideals, we highlight the future states of affairs that are worthwhile striving for. Such an ideal does not directly lead to a discussion in terms of moral duties or principles, but it opens reflection about which states of affairs are worthwhile striving for and for what reasons they are worthwhile. They give content to public policy discussions beyond technical states of affairs.
- Secondly, ideals help us to deal with the problem of the lack of univocal definitions. Often, crucial terms in public reasoning invite ongoing conceptual discussion. A focus on ideals will not solve these conceptual problems, but it will help us to distinguish between specific conceptions that are directly relevant for practical orientation and that are often more consensual, on the one hand, and the more future-oriented aspects that transcend the attempts to formulate specific conceptions, on the other. In this way, ideals help us to distinguish between a shared idea of specific unwanted practices that need more technical, solution-focused discussions, and more orientational ideas that invite a discussion on the morally preferred directions of development.
- Finally, ideals help to open up fundamental critical reflection without hampering existing agreement as guide for practice. As mentioned above, ideals are open but not empty. They are more than mere utopian ideas, because they build upon existing dynamics and form a source of critical reflection and orientation. Thus, specific solutions to an ethical question or practical principles guiding these solutions can be questioned and discussed from the perspective of the underlying moral ideal. In this sense moral ideals can be both a guide to and a source for critical reflection.

Nonetheless, the notion of moral ideals has its limits, as ideals are not directly morally binding.[14] Ideals rather function as a perspective, a compass that gives direction to deliberation. However, recognising an ideal implies a commitment to live up to it, and this carries obligations that, in a certain sense, guide one's actions: an ideal cannot genuinely be upheld if it is absent from one's conduct. Box 6.1 illustrates the concept of ideals through a brief description of sustainable agriculture as an example.

Box 6.1 Sustainable agriculture as an ideal[15]

The notion of sustainable agriculture can function as an example for these three elements. Seeking sustainability in farming invites a technical perspective on efforts to preserve natural resources, reduce pollution, and protect ecosystems and biodiversity. Emphasizing the ideal character of sustainable agriculture helps to formulate reasons why we need to make these efforts. In seeking sustainability there are many different definitions and approaches. These different definitions and approaches invite scientific and political discussion. Considering sustainability as an ideal helps to distinguish between fighting clearly unsustainable practices and more open questions: fighting pollution through minimising the most problematic crop protection products is a clear goal, while the question of whether GMO-technology fits in sustainable agriculture is more contested. Finally, sustainability as an ideal helps us to make progress: every concrete step invites further scrutiny. Fewer crop protection products (or less toxic ones) are a step in the right direction for sustainable agriculture; but after such a step 'sustainability' remains an inviting ideal. In a public policy discussion on the future of agriculture, sustainability gives direction, but it does not dictate specific steps. But for those who accept the ideal, it is clear that something ought to be done.

14 Frans W.A. Brom, Tatjana Visak, and Franck Meijboom, 'Food, Citizens, and Market: The Quest for Responsible Consuming', in: *Understanding Consumers of Food Products*, ed. by Lynn Frewer and Hans van Trijp (Cambridge: Woodhead, 2007), pp. 610–23, https://doi.org/10.1533/9781845692506.5.610

15 See: Franck Meijboom and Frans W.A. Brom, 'Ethics and Sustainability: Guest or Guide? On Sustainability as a Moral Ideal', *Journal of Agricultural and Environmental Ethics*, 25 (2012), 117–21, https://doi.org/10.1007/s10806-011-9322-6

6.1.4. Democratic ethos: social, discursive and dynamic

To conclude, public morality takes shape through the practice and discussion of practical agreements that constitute the institutional contexts of an open society. These agreements are discursively expanded, amended, and refined, demonstrating inherent dynamism. Public morality is not limited to existing societal consensus but contains a critical impulse that begins from agreement and seeks to scrutinise and develop it. To consider the democratic ethos of a pluralist society as public morality implies that it is social, discursive, and evolving. Ethicists can build on this foundation, drawing on an engaged understanding of the ideals embedded in this self-understanding, to facilitate meaningful moral reflexivity through reflection and communication.

6.2. The internal dynamic of a democratic ethos

The self-understanding of modern pluralist states is that they consider themselves as democracies under the rule of law. Open pluralist societies aim to meet the challenge of developing coordinated collective action by means of democratic institutions, the rule of law, and democratic decision-making processes. How does 'democracy under the rule of law' function as an ideal for public reasoning?[16]

16 As clarified in note 19 in the Introduction, I use rule of law as a translation of the continental European concept of 'rechtsstaat', and democracy under rule of law as translation for 'democratische rechtsstaat'. In doing so, I follow the language used by the European Union: English versions of the EU treaties use the term 'rule of law' where the Dutch and German versions use the term 'Rechtsstaat'. As the Netherlands Advisory Council on International Affairs (AIV), notes: 'The importance of the common law concept "rule of law" has increased rapidly in recent years and is equated increasingly often with the German/Dutch doctrine of Rechtsstaat. However, treating them as the same can cause confusion. This is because the common law concept of the rule of law is more limited and focuses above all on aspects of legality (e.g. government bodies bound by the law, legal certainty, equality before the law and prevention of arbitrariness) and a certain degree of legal protection and access to the courts. Rechtsstaat is broader and also comprises principles such as the separation of powers, respect for human rights (both civil and political rights and fundamental social and economic rights) and rights for minorities (in the sense both that their interests are taken into account in decision-making and that their own specific rights are protected).' AIV [Netherlands Advisory Council on International Affairs], *The Will of the People: The Erosion of Democracy under the Rule of Law in Europe*. Report 104, June 2017, https://www.adviesraadinternationalevraagstukken.nl/documenten/2017/06/02/de-wil-van-het-volk, p.17.

6.2.1. Essentially contested democracy

It is not always clear what being democratic entails. There is intense political and philosophical debate surrounding the ideal of democracy, even though it has ancient roots and has been experimented with across the world for decades and, in some cases, centuries.[17] To date, no singular and widely accepted normative theory of democracy has been developed, and the development of such a theory is certainly impossible within the limits of this book. We also lack a shared understanding of a single superior democratic practice. Democracy, as a concept, remains essentially contested. But being essentially contested does not imply that it cannot function as an ideal that orients our public reasoning.

When we revisit the work of Walter Gallie, who coined the notion of essentially contested concepts, we learn that being essentially contested does not imply that a concept is empty or meaningless.[18] Discussions on essentially contested concepts 'are perfectly genuine: which, although not resolvable by argument of any kind, are nevertheless sustained by perfectly respectable arguments and evidence.'[19] It might not be possible to achieve intellectual closure in these discussions, but that does not imply that they are endless and futile. These discussions are not about one (right) meaning of the concept that leaves the other ideas aside as irrelevant (or wrong). Even though these discussions may not (at least not in the near future) result in a universally shared normative concept or shared theory of democracy, there is value in engaging in them. They open up the possibility of learning from the conceptual and theoretical diversity.[20]

17 For a first overview of the broadness of the idea of democracy and of the different (normative) philosophical theories regarding democracy: Tom Christiano and Sameer Bajaj, 'Democracy', in *The Stanford Encyclopedia of Philosophy*, Spring 2022, ed. by Edward N. Zalta, https://plato.stanford.edu/archives/spr2022/entries/democracy/

18 When Walter Bryce Gallie introduced in 1956 the notion of essentially contested concepts 'democracy' was one of his examples: W.B. Gallie, 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, 56 (1956), 167–198. For an analysis of the Wirkungsgeschichte of the idea of essentially contested concepts in political theory: David Collier, Fernando Daniel Hidalgo and Andra Olivia Maciuceanu. 'Essentially Contested Concepts: Debates and Applications', *Journal of Political Ideologies*, 11 (2006), 211–246.

19 Gallie, 'Essentially Contested Concepts', p. 169.

20 Gallie, 'Essentially Contested Concepts', p. 193: 'Recognition of a given concept as essentially contested implies recognition of rival uses of it (such as oneself repudiates) as not only logically possible and humanly "likely", but as of permanent

Ongoing discussions on the notion of democracy have a permanent potential critical value that helps to develop the democratic practice.

Mutual learning and developing more pluralistic concepts of democracy, however, only seems possible if there is some deeper sense of unity in the use of the concept. Without this idea of unity, we cannot discuss a concept: some resemblance is needed in order to be able to know that we are discussing the same (or at least a similar) ideal. Gallie searches for this deeper sense of unity in history, and he argues that it is rooted in different, but comparable historical experiences. This idea of historicity gives an additional reason to continue discussion about the practice of democracy. Only when we compare and discuss experiences can we learn from each other.

6.2.2. The anti-inegalitarian root of democracy

Understanding through historical comparison—that is, comparing historical experiences—might help us to gain a better understanding of what is at stake in discussions on democracy.[21] Thus, looking into the 'historical experience' of democracy helps us to find a kind of root that creates some unity in the concept.[22] For democracy, Gallie suggests that this unity exists in 'a long tradition (perhaps a number of historically independent but sufficiently similar traditions) of demands, aspirations, revolts and reforms of a common *anti-in*egalitarian character'.[23]

According to Gallie, democracy has an anti-inegalitarian root. The core ideal of democracy is not a philosophical search for equality.

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potential critical value to one's own use or interpretation of the concept in question; whereas to regard any rival use as anathema, perverse, bestial or lunatic means, in many cases, to submit oneself to the chronic human peril of underestimating the value of one's opponents' position'.

21 Gallie, 'Essentially Contested Concepts', p. 198: 'For, if we want to see just what we are doing, when we apply a given appraisive concept, then one way of learning this is by asking from what vaguer or more confused or more restricted version (or ancestor) our currently accepted version of the concept in question has been derived.' Collier, Hidalgo, and Maciuceanu 'Essentially Contested Concepts', p. 220: '(T)he common core is centred on multiple, paradigmatic examples that do, in fact, anchor the concept. Correspondingly, as noted earlier, "exemplars" is used in the present article to label this component of Gallie's argument.'

22 Compare: John Keane, *The Life and Death of Democracy* (New York: W. W. Norton and Company, 2009).

23 Gallie 'Essentially Contested Concepts', p. 186.

Democracy is rooted in action against inequality: this gives democracy its anti-inegalitarian character. This action is paradigmatic for democracy. This is in line with the action-orientated analysis of equality by Anne Phillips. In her analysis, democracy is about people asserting, rather than conceptually proving, their claim to be regarded as equals. She claims:

> People assert, rather than prove, their claim to be regarded as equals, and most often assert it from a position where that equality has been denied. It is in this enactment of equality by people previously denied it that we see most vividly what it is to be an equal. I do not mean by this that people only demonstrate their status as equals when they stand up and claim it—we are equals whether we say it not—but I do want to insist on the *activity* that makes us equals, an activity that sometimes takes the form of committing oneself to the equality of others and sometimes of claiming it for oneself.[24]

One could say that although democracy is a contested concept, its root lies in a tradition of fighting suppression in the name of equality.[25] The philosophical elaboration of this anti-inegalitarian struggle, however, is not a simple success story of advancement in thought and historical progress.[26]

6.2.3. Human dignity in a democracy under the rule of law

Placing the struggle for equality at the heart of democracy helps us to link human dignity, democracy, and the rule of law. To fight for equality, people must have agency; the capacity to act, reflect, and take

24 Anne Phillips, *Unconditional Equals*I (Princeton, NJ: Princeton University Press, 2021), p. 112, https://doi.org/10.23943/princeton/9780691210353.001.0001

25 Gallie 'Essentially Contested Concepts', pp. 183–184: Democracy is 'a more elementary use in which it can be said to express (and usually to-day to express approval of) certain political aspirations which have been embodied in countless slave, peasant, national and middle-class revolts and revolutions, as well as in scores of national constitutions and party records and programmes. These aspirations are evidently centred in a demand for increased equality: or, to put it negatively, they are advanced against governments and social orders whose aim is to prolong gross forms of inequality'.

26 As Phillips makes clear, the philosophical elaboration of this struggle is not a 'success story': 'From its inception, the modern idea of equality came with conditions regards character, temperament, rationality, and intelligence; and these conditions make a mockery of much of the language. This history casts a long shadow over the idea of equality, challenging assumptions abouts its birthplace as well as optimistic stories of its progress.' Phillips, *Unconditional Equals*, p. 15.

responsibility. This is the normative core of democracy, often captured by the idea of human dignity.[27] In an open democracy, dignity lies in citizens' capacity for autonomous reasoning. Recognising this dignity means acknowledging each person's intrinsic worth, grounded in their ability to act on self-given principles.[28] This moral autonomy underpins democracy: citizens are not just subjects of law but authors of their shared norms. Respect for dignity requires treating people as ends in themselves, capable of contributing to collective reasoning about the good and the just.[29] Human dignity, in this sense, protects human agency through human rights and affirms that individuals are not merely passive recipients of justice but also participants in shaping it.[30]

Secondly, fighting for equality is not only directed at having an equal voice in decision-making structures, but also at being accepted as equal under the rule of law. The protections of the rule of law (legality and legal certainty; legal equality and fundamental rights; and judicial independence and access to justice) alone are not sufficient to make a state democratic, but a state that does not observe these protections cannot be a healthy democracy.[31] In European and national constitutions, democracy and the rule of law are given as a precondition for the development of public policies. Public policy must respect the human dignity of individuals and their human rights, including their autonomy. Democracy, the rule of law, and human dignity form an important conceptual context for practical deliberations about public policies.

27 Petra Kleindienst and Matevž Tomšič, 'Human Dignity as the Foundation of Democratic Political Culture: Legal and Philosophical Perspective', *Law, Culture and the Humanities*, 18.2 (2022), 385–404, https://doi.org/10.1177/1743872117738229

28 Marcus Düwell, 'Human Rights and the Kantian Tradition', in: *The Routledge Handbook of the Philosophy of Human Rights*, ed. by Jason Tomalty and Kate Woods (London: Routledge, 2025), pp. 172–85, https://doi.org/10.4324/9781003644828

29 Philippe-André Rodriguez analyses 'human dignity as an essentially contested concept and suggests that we can find its "common core" in the less controversial notion that 'the state exists for the benefit of the human being, and not the human being for the benefit of the state'. Philippe-André Rodriguez, 'Human Dignity as an Essentially Contested Concept', *Cambridge Review of International Affairs*, 28.4 (2015), 743–56, p. 753, https://doi.org/10.1080/09557571.2015.1021297

30 Marcus Düwell, 'Kantian Human Dignity and a "Community of Rights"', in *Human Dignity and the Kingdom of Ends: Kantian Perspectives and Practical Applications*, ed. by Jan-Willem van der Rijt and Adam Cureton (London: Routledge, 2021), pp. 190–205, https://doi.org/10.4324/9781003027874-12; Kleindienst and Tomšič, 'Human Dignity as the Foundation'.

31 I thank Corien Prins for our conversations on this point.

This leads to what I call the dialectical dynamic of an open democracy. If ethicists want to give ethics advice to citizens directed at cooperative actions in the midst of fundamental normative differences, they cannot evade these core ideas of human dignity and democracy under the rule of law. This implies that when addressing societal differences of opinion on how the government should organize communal life, no citizen can assume from the outset that their own perspective is considered as 'correct' nor that it should be imposed through government policy. Since all citizens are fundamentally equal, they contribute to collective decisions through a democratic process. At the same time, this means that, in democratic decisions, majorities should not simply override minorities. A democracy under the rule of law also recognizes that minorities have the right to the space necessary to live their lives 'from within.' Equality requires openness and openness leads inevitably to pluralism, a pluralism that cannot be solved with an authoritative majoritarian 'we'.

One can say that public morality embodies the symbolic and normative core of open pluralist democracies, with the notion of an 'open democracy' serving as a reference point for its development. The dynamics of such a democracy call for what Chantal Mouffe terms an ethics of democracy, an 'ethics of dis-harmony' that abandons 'the very idea of complete reabsorption of alterity into oneness and harmony.' Such an ethics, she writes, 'would strive to create among us a new bond, a bond that recognizes us as divided subjects and does not dream of an impossible reconciliation.'[32] An open democracy requires a dialectic of harmony and disharmony, with openness and democracy as its necessary preconditions. Ethicists are challenged to make this dialectic productive by facilitating meaningful moral reflexivity through reflection and communication. Ethicists and ethics committees should not avoid controversy, but bring it into discussion.[33]

32 Chantal Mouffe, 'Which Ethics for Democracy?', in: *The Turn to Ethics*, ed. by Marjorie Garber, Beatrice Hanssen, and Rebecca L. Walkowitz (London: Routledge, 2000), pp. 85–94, p. 94.

33 Lonneke Poort, Tora Holmberg, and Malin Ideland, 'Bringing in the Controversy: Re-politicizing the De-politicized Strategy of Ethics Committees', *Life Sciences, Society and Policy*, 9.1 (2013), 11, https://doi.org/10.1186/2195-7819-9-11

6.3. Democratic public reasoning

This chapter has outlined the character and structure of democratic public reasoning as a reasoned exchange that fosters meaningful moral reflexivity through reflection and communication. Such reasoning is grounded in a democratic ethos that emerges from lived experience and the ongoing negotiation of practical agreements, agreements that form the normative and institutional foundations of an open society. At its core, this ethos is anti-antagonistic: it seeks cooperation amid pluralism and treats arguments and values as open to critical reflection and deliberation. An open democracy depends on the productive interplay of harmony and disharmony, where unity is balanced with the acknowledgement of enduring differences, and where the tension between them fuels ongoing moral and political learning.

Reflecting on the landscape of ethical engagement with public reasoning explored in Part I, it becomes clear that ethicists who aim to contribute meaningfully must engage with shared perspectives that serve as necessary preconditions for collective deliberation. This includes providing a shared language by articulating the implicit normativity embedded in policy discussions, and expanding the space of acceptable, or at least tolerable, policy options. Ethics, in this way, supports the conditions for dialogue grounded in mutual recognition, seeking not consensus at all costs but the possibility of peaceful coexistence among fundamentally disagreeing citizens. This has implications for the tone and structure of ethical argumentation: it must foster openness, recognition, and reflection, rather than division or dominance. In this way, ethics strengthens the democratic ethos on which public reasoning depends.

In strengthening this ethos, ethical reflexivity can build on its inherent normative structure, which is oriented toward socially embedded democratic ideals: equality, dignity, and the rule of law. These ideals do not eliminate disagreement but provide a shared normative foundation that enables democratic reasoning—not despite, but through our deepest differences.

Literature

AIV [Netherlands Advisory Council on International Affairs], *The Will of the People: The Erosion of Democracy under the Rule of Law in Europe*. Report 104, June 2017, https://www.adviesraadinternationalevraagstukken.nl/documenten/2017/06/02/de-wil-van-het-volk

Barry, Brian, *Political Argument* (Hemel Hempstead: Harvester Wheatsheaf, 1965; repr. 1990).

Barry, Brian, 'The Light that Failed? A Review of Alasdair MacIntyre, Whose Justice? Which Rationality?', *Ethics*, 100.1 (October 1989), 160–68, https://doi.org/10.1086/293153

Brom, Frans W.A., 'Developing Public Morality: Between Practical Agreement and Intersubjective Reflective Equilibrium', in: *Reflective Equilibrium*, ed. by Wibren van der Burg and Theo van Willigenburg (Dordrecht: Kluwer, 1998), pp. 191–202, https://doi.org/10.1007/978-94-011-4972-3_15

Brom, Frans W.A., Tatjana Visak, and Franck Meijboom, 'Food, Citizens, and Market: The Quest for Responsible Consuming', in: *Understanding Consumers of Food Products*, ed. by Lynn Frewer and Hans van Trijp (Cambridge: Woodhead, 2007), pp. 610–23, https://doi.org/10.1533/9781845692506.5.610

Christiano, Tom and Sameer Bajaj, 'Democracy', in: *The Stanford Encyclopedia of Philosophy*, Spring 2022, ed. by Edward N. Zalta, https://plato.stanford.edu/archives/spr2022/entries/democracy/

Collier, David, Fernando Daniel Hidalgo, and Andra Olivia Maciuceanu, 'Essentially Contested Concepts: Debates and Applications', *Journal of Political Ideologies*, 11 (2006), 211–246.

Cornewall Lewis, George, *Remarks on the Use and Abuse of Some Political Terms* (London: John Murray, 1832).

Düwell, Marcus, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), https://doi.org/10.4324/9780203084205

Düwell, Marcus, 'Kantian Human Dignity and a "Community of Rights"', in: *Human Dignity and the Kingdom of Ends: Kantian Perspectives and Practical Applications*, ed. by Jan-Willem van der Rijt and Adam Cureton (London: Routledge, 2021), pp. 190–205 https://doi.org/10.4324/9781003027874-12

Düwell, Marcus, 'Human Rights and the Kantian Tradition', in: *The Routledge Handbook of the Philosophy of Human Rights*, ed. by Jason Tomalty and Kate Woods (London: Routledge, 2025), pp. 172–85, https://doi.org/10.4324/9781003644828

Gallie, W.B., 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, 56 (1956), 167–198.

Keane, John, *The Life and Death of Democracy* (New York: W.W. Norton and Company, 2009).

Kleindienst, Petra and Matevž Tomšič, 'Human Dignity as the Foundation of Democratic Political Culture: Legal and Philosophical Perspective', *Law, Culture and the Humanities*, 18.2 (2022), 385–404, https://doi.org/10.1177/1743872117738229

Klijn, Wim C.M., *Het Beleid in een Katholiek Ziekenhuis inzake een Eventuele Zwangerschapsafbreking* (Nijmegen: KVZ, 1982).

MacIntyre, Alasdair C., *After Virtue* (Notre Dame, IN: University of Notre Dame Press, 1984; orig. publ. 1981).

Meijboom, Franck and Frans W.A. Brom, 'Ethics and Sustainability: Guest or Guide? On Sustainability as a Moral Ideal', *Journal of Agricultural and Environmental Ethics*, 25 (2012), 117–21, https://doi.org/10.1007/s10806-011-9322-6

Modood, Tariq, 'Majoritarian Interculturalism and Multicultural Nationalism', in: *Civic Virtue, Citizenship and Multiculturalism*, ed. by David Tabachnick and Leah Bradshaw (Lanham, MD: Rowman & Littlefield, 2017).

Mouffe, Chantal, 'Which Ethics for Democracy?', in: *The Turn to Ethics*, ed. by Marjorie Garber, Beatrice Hanssen, and Rebecca L. Walkowitz (London: Routledge, 2000), pp. 85–94.

Phillips, Anne, *Unconditional Equals* (Princeton, NJ: Princeton University Press, 2021), https://doi.org/10.23943/princeton/9780691210353.001.0001

Poort, Lonneke, Tora Holmberg, and Malin Ideland, 'Bringing in the Controversy: Re-politicizing the De-politicized Strategy of Ethics Committees', *Life Sciences, Society and Policy*, 9.1 (2013), 11, https://doi.org/10.1186/2195-7819-9-11

Postema, Gerald, 'Public Faces – Private Places: Liberalism and the Enforcement of Morality', in: *Morality, Worldview and Law: The Idea of a Universal Morality and Its Critics*, ed. by A.W. Musschenga and others (Assen: Van Gorcum, 1992), pp. 153–75.

Rawls, John, *Political Liberalism* (New York, NY: Columbia University Press, 1993).

Rodriguez, Philippe-André, 'Human Dignity as an Essentially Contested Concept', *Cambridge Review of International Affairs*, 28.4 (2015), 743–56, https://doi.org/10.1080/09557571.2015.1021297

Schüssler Fiorenza, Elizabeth, *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* (New York: The Crossroad Publishing Company, 1983).

van der Burg, Wibren, 'The Importance of Ideals.' *Journal of Value Inquiry*, 31 (1997), 23–37, https://doi.org/10.1023/A:1004267831040

van der Burg, Wibren, 'Dynamic ethics', *Journal of Value Inquiry*, 37 (2003), 13–34, https://doi.org/10.1023/A:1024009125065

van der Burg, Wibren, 'The Role of Ideals in Legal Dynamics', in: *Pluralism and Law: Proceedings of the 20th IVR World Congress*, ed. by Arend Soeteman, Archiv für Rechts- und Sozialphilosophie, Beiheft 91 (Stuttgart: Franz Steiner, 2004), 28–33.

van der Burg, Wibren, *The Dynamics of Law and Morality: A Pluralist Account of Legal Interactionism* (London: Routledge, 2014), https://doi.org/10.4324/9781315615769

7. Philosophical reflection in orientational ethics

This chapter concentrates on the role of philosophical reflection as a way to support reflective communality in a pluralist world. It develops a philosophical perspective on morality that acknowledges ethical pluralism (the ongoing debate between competing ethical theories) and that is able to counter normative antagonism. Normative antagonism denies that moral convictions are accessible to reasoned reflection and treats them as fixed, non-negotiable, and inherently immune to critique. It considers normative disagreement inaccessible for reflexivity and dialogue, but also treats it as a demarcation line between positions that fight for dominance. Normative antagonism opposes ethics as a foundational discipline, as well as contextual pluralism. It rejects the common premise of both perspectives, namely that philosophical reflection on moral disagreement matters and that it can support examination, interpretation, and dialogue.

From this perspective, moral philosophy does not seek proposals for final answers but it is a reflective practice aimed at sustaining dialogue, enabling self-examination, and fostering mutual intelligibility. In this way, it becomes a central pillar of orientational ethics, cultivating the reflective and institutional conditions for shared moral deliberation in a world marked by deep plurality. Developing such a perspective on moral philosophy requires an anti-antagonistic conception of normative convictions, one that treats normativity not as a fixed given but as open to serious self-reflection. Such a conception enables moral philosophising to serve as a support for reflectivity. To give substance to this idea, the following analysis develops three steps of hermeneutical

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understanding: assimilation, acquisition, and appropriation.[1] Together, these steps form the basis for elaborating the notion of a reflective stance as the core element of orientational ethics as a philosophical theory.

These steps begin with assimilation (section 7.1), the process through which morality is first encountered within the formative habitats of human life. Assimilation is receptive rather than passive: individuals filter experiences, impose order, and thereby embed reflectivity into the very structure of moral formation. Then comes acquisition (section 7.2), the stage at which assimilated morality is transposed into a domain governed by lawful relations and structured by regulative principles. These principles form ethical theories. This acquisitive process inevitably produces ethical pluralism, as differing patterns of assimilation and acquisition give rise to distinct, competing, theories. Such plurality poses a dual challenge: how to take seriously the ethical theories of others, and how to respond when multiple, divergent theories exert their own appeal. Addressing this challenge requires moving beyond the contrasts between systematic approaches toward a reflective stance that sustains dialogue on the orientation of morality. Pluralism can be transcended only by cultivating a horizon of communal understanding. This horizon is open and future-oriented, and it is pursued through the final step, appropriation (section 7.3), whereby a shared moral outlook is integrated into philosophical theorising. Moral philosophizing remains open-ended, oriented toward fostering collective moral reflexivity even in the absence of consensus. Section 7.4 offers a brief conclusion.

7.1. Assimilation in morality

The development of a reflective normative stance begins with a conception of morality in which reflectivity is embedded from the

1 Rudolf A. Makkreel, *Dilthey, Philosopher of the Human Studies* (Princeton: Princeton University Press, 1975; expanded with a new afterword, 1992); Rudolf A. Makkreel, *Imagination and Interpretation in Kant: The Hermeneutical Import of the 'Critique of Judgement'* (Chicago: The University of Chicago Press, 1990; revised 1994); Rudolf A. Makkreel, *Orientation and Judgement in Hermeneutics* (Chicago: The University of Chicago Press, 2015), https://doi.org/10.7208/chicago/9780226249452.001.0001; Rudolf A. Makkreel, *Kant's Worldview: How Judgement Shapes Human Comprehension* (Evanston Ill.: Northwestern University Press, 2022), https://doi.org/10.2307/j.ctv20zbkx5

outset. Such a conception emerges when morality is understood as a habitat into which individuals assimilate, shaping and being shaped by its patterns, practices, and expectations.

The first step in understanding assimilation into morality as habitat draws on C.H. Whiteley's classical conceptual analysis of morality.[2] In 1959, Whiteley distinguished between two fundamentally distinct concepts: the morality of convention and the morality of conscience. Convention denotes the shared moral expectations of a community, the behaviours that individuals are taught, encouraged, or expected to adopt. Conscience, by contrast, reflects an individual's personal moral commitments, the actions one believes ought to be taken regardless of external pressure, personal preference or self-interest. While these two forms of morality often coincide, their alignment is not assured. In formal conceptual analysis, no systematic relationship can be constructed between communal norms and personal conscience; their connection is contingent rather than necessary. From an external or formal perspective, morality can thus be understood as comprising two distinct concepts, convention and conscience, that are only contingently related.[3]

The second step of understanding 'assimilation in morality as habitat' follows from establishing a meaningful connection between these two concepts of morality. In order to establish this connection, the perspective shifts to the content of moral duties. The formal gap between convention (community morality) and conscience (individual morality) can be bridged by examining the content of both concepts. When the content of moral obligations is incorporated into our analysis of morality, the underlying arguments and reasons behind moral duties become apparent. This lens shows that moral obligations exist both for ourselves and for others on the basis of moral reasoning. Moral arguments serve as the bridge between community-imposed moral obligations and those we recognize individually. It is on the basis of moral argumentation that people assimilate the obligations of the community into their own individual moral framework.

2 C.H. Whiteley, 'On Defining "Moral"', Analysis', 14 (1959), 141–44; repr. in *The Definition of Morality*, ed. by G. Wallace and A.D.M. Walker (London: Methuen, 1970), pp. 21–25.

3 Whiteley, 'On Defining "Moral"', p. 142.

The role of argumentation[4] in understanding the concept of morality can be clarified by the distinction between positive and critical morality.[5] In a community or social group, a certain morality is actually accepted and shared. This morality is called the positive, common or social morality. The simple fact that certain dominant patterns of behaviour exist does not, however, make these patterns moral. Only if these patterns are (tacitly) accepted as the right social patterns can they be regarded as social morality. The (tacitly accepted) idea that social morality consists of social patterns that aim at being the right social patterns makes it possible to criticise positive morality. Positive morality and other actual social institutions are often criticised in the light of more general moral principles. These moral principles together form a critical morality. The next section shows that critical moralities, elaborated as ethical theories, help to make sense of moralities and help to develop them. Critical morality exists in this way as a hermeneutical construct, meaning that the process of formulating critical moralities never ends; it exists in a repeating process in which a part of morality is criticised in the light of the whole of morality in order to amend this part (and thus morality as a whole).

A third step is necessary in order to understand 'assimilation in morality as habitat': people assimilate their morality actively and creatively in a process from positive towards critical morality and back. Morality is not developed as a creation ex nihilo, but as a creation out of the morality inherited from one's predecessors. In this creative process, social conventions are assimilated into people's morals, and in acting upon their morals people develop conventions further. This shows that morality is not an individual enterprise but a dynamic phenomenon that existed before any specific individual came into being and will continue after that individual has ceased to exist. As long as there are 'people', there will be morality. Morality, in this sense, starts always as

4 The relation is even more complicated, because we need language to develop these arguments; the assimilation into language, and development of critical and reflective perspectives on our (moral) language is at least as complicated as the assimilation and development of our moral convictions.

5 The idea of critical morality is derived from: H.L.A. Hart: see H.L.A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961); H.L.A. Hart, 'Immorality and Treason', in: *The Philosophy of Law*, ed. by Ronald Dworkin (Oxford: Oxford University Press, 1977), pp. 83–88; Wibren van der Burg, 'The Slippery Slope Argument', *Ethics*, 102.1 (1991), 42–65, https://doi.org/10.1086/293369

something specific and local, functioning as the habitat into which a person assimilates in order to become who they are. Human beings maintain an interactive relationship with each other in developing their morality. In theories on the development of individual morality, critical moral thinking is only possible after one has learned the moral rules of the environment in which one grows up.[6] After I have learned the social morality of my parents and my community, I am able to start, on the basis of this assimilation, to criticize this morality and develop my own moral convictions. Moral convictions from this perspective have a deeply ingrained sense of reflectivity, because their assimilation is receptive and not passive. In developing them, people filter and create order.[7]

7.2. Acquisition: Developing ethical theories

This reflectivity is further developed in acquisition. After assimilating into the moral worlds in which life actually unfolds, acquisition involves forming a systematic perspective on these worlds. In this step, the assimilated morality is transposed into a domain governed by lawful relations and structured by regulative principles. In acquisition, people seek to reduce inconsistencies within and between the different moral contexts one inhabits, culminating in the development of a form of a systematic ethical theory.[8] However, from different perspectives, different theories are developed, hence there is ethical pluralism.

The relation between assimilation and acquisition can be compared to the way people are shaped by the legal orders within which they live: such systems impose practical constraints, yet individuals are not irrevocably bound by them.[9] The same applies, even more strongly, to

6 See, for instance: Lawrence Kohlberg, *Essays on Moral Development. Volume I: The Philosophy of Moral Development* (San Francisco: Harper & Row, 1981).

7 The notion of authentic interpretation functions in the background. Makkreel, *Imagination and Interpretation*, p. 5: 'The notion of authentic interpretation, derived from Kant's discussions of religious hermeneutics, points to a reflective moral interpretation of culture and history.'; Makkreel, *Imagination and Interpretation*, p. 142: 'An authentic interpretation might be called a morally warranted reflective interpretation.'

8 A theory as result of the acquisition of morality into a domain governed by lawful relations and structured by regulative principles is called 'ethical theory'.

9 Makkreel, *Orientation and Judgement*, p. 127: 'Individual decision makers are thus limited by the normative constraints of relevant juridical systems, but they are not fully bound by them because they can also appeal to general regulative principles

assimilated moral systems: individuals have the capacity to critique and develop their morality using regulative principles that they themselves formulate. Reflective individuals, in this process, transform their moral convictions into elements of a critical morality, such as principles. These principles form elements of comprehensive ethical theories. And these pieces of theory serve as the foundation for determinant judgments, where practical situations are subsumed under guiding principles. The purpose of such a theory is to prescribe what needs to be done.[10]

The acquisition of assimilated morality into lawlike structures leads to ethical theories. The ultimate aim of these theories is 'to settle all moral questions and make all moral decisions, as far as possible, by a rigorous derivation from precisely stated principles.'[11] Systematic ethical theories strive for completeness: 'Where there is unclarity or indeterminacy in our principles, or threat of conflict between them, or any uncertainty about how to apply [them] to particular cases, we should try to remove these deficiencies by formulating the principles more precisely, testing these formulations against overall coherence with our moral intuitions.'[12]

From this perspective, theories develop hermeneutically, or, as it is often called, in search of coherence or a reflective equilibrium.[13] Principles are developed by systematising appropriated morality, aiming for a structure that aligns as coherently as possible with one's strongest appropriated convictions.[14] In developing such an ethical theory, there are different, incommensurable points of departure[15] and there is no established and philosophically uncontroversial way of developing an ethical theory. Hence, the outcome of this process is not a single, universally accepted

about what is "right".'

10 Chapter 3, 'The ethics advocate' illustrates the discussions in the application of an ethical theory.

11 Allan W. Wood, *Kantian Ethics* (Cambridge: Cambridge University Press, 2008), p. 47.

12 Ibid.

13 *Reflective Equilibrium: Essays in Honour of Robert Heeger*, ed. by Wibren van der Burg and Theo van Willigenburg (Dordrecht: Springer, 1998), https://doi.org/10.1007/978-94-011-4972-3; Michael R. DePaul, *Balance and Refinement: Beyond Coherence Methods of Moral Inquiry* (London: Routledge, 2006), https://doi.org/10.4324/9780203004180

14 Brad Hooker, 'What Makes a Judgement a Moral Judgement', *Journal of Political Theory and Philosophy*, 1 (2017), 97–112, p. 98: 'When trying to decide which of the rival moral theories seems most plausible best to us, we should ascertain, among other things, how well these rivals cohere with our most confident moral convictions about moral principles and about more or less specific kinds of case.'

15 This is illustrated in Chapter 1, 'Ethics and public policy' in Box 1.1.

system but a diversity of ethical theories. Ethical pluralism, the existence of a plurality of coherent yet competing frameworks (ethical theories) cannot be avoided in a morally pluralistic world.

Ethical pluralism would be a limited problem if ethical theories were to function solely as reflective devices for the self-legislation of autonomous individuals. If that was the case, ethical theories would be primarily reflective instruments that help individuals to reflect on appropriated morality with questions like: Am I consistent? Should I change certain normative positions in light of my overall positions? Am I capable of granting others what I demand for myself? Confined to individual morality, ethical theories are valuable in developing a reflective position towards one's own moral convictions. From this perspective, theorising is not closed and every ethical theory is work in progress.

But morality is about more than the self-legislation of autonomous individuals. It is also about communal life, common goods and concerted action. Here, ethical theories have limited value as mechanisms for resolving moral disagreements. There is no universal ethical theory that can serve as a neutral starting point, nor are there shared criteria for selecting a specific theory on which reflective philosophers, let alone society as a whole, can agree. Ethical theories are overstretched when they are expected to provide a common ground that transcends moral disagreements. They reproduce moral disagreements on a theoretical level and their policy analysis is only as convincing as the theories themselves.[16] In political decision-making, the plurality of ethical theories can even reinforce agonistic confrontation. They do so as theoretical instruments that strengthen particular perspectives within the dynamics of political contestation. However, such a use of ethical theory in public debate is not unreflective. Rather, theory-based interventions function as carefully developed moral invitations, urging people with competing viewpoints to reconsider their positions through the lens of structured ethical reasoning. Whether this call to reconsider is accepted, however, does not follow from the theory itself.

The acquisitive formation of ethical theory is not the end of the story;

16 Jonathan Wolff, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), pp. 13–24, p. 14, https://doi.org/10.4324/9781315461731

acquisitive attempts lead to ethical plurality. How can the perspectives of others be taken seriously when they have developed their own ethical theories through assimilation and acquisition? 'The very attempt to perfect a universally valid form of morality produces historically distinct ethical systems, each claiming to possess its own inner worth.'[17] Confronting this problem requires going beyond the lawful domains of the different theories and adopting a reflective stance toward their development. Such a reflective stance strengthens awareness of what is morally shared and enables reflective dialogue with others about the direction of some common morality.

7.3. Appropriation: Constituting philosophical reflectivity

What are the results of the first two steps of a hermeneutical understanding of morality? Moral convictions arise from the assimilation into the given communality of particular habitats (first step), while ethical theories emerge from the acquisition of these convictions into a domain governed by lawful relations and structured by regulative principles (second step). The result is ethical pluralism, marked by the coexistence of multiple ethical theories and the absence of a decisive method for choosing among them. This pluralism cannot be evaded; even adopting a contextual and pluralist approach constitutes one theoretical stance among others. Every ethical approach draws on contested assumptions.[18]

The purpose of appropriation, as the third step in a hermeneutical understanding of morality, is to constitute a reflective practice aimed

17 Makkreel, *Kant's Worldview*, p. 98. Makkreel calls this an 'ethical paradox' that he derives from Dilthey. According to Makkreel this is 'an ethical paradox that Kant never confronted'.

18 Marcus Düwell, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), p. 268, https://doi.org/10.4324/9780203084205: 'It is a matter of controversy how morality ought to be understood and there is no agreement on the way in which the accuracy of moral judgements and moral conduct should be measured. The fact of theoretical pluralism leads many philosophers to conclude that no practical answers can be expected from an engagement with normative theories. Instead, they propose we look for ways in which the plurality can be evaded. However, if one acknowledges the existence of pluralism such an evasion strategy is impossible from the start. Any normative bioethical proposal draws on assumptions that are not themselves indisputable.'

at sustaining dialogue, enabling self-examination, and fostering mutual intelligibility that is necessary to live together in the face of deep disagreements. In order to do so, I develop a philosophical-moral theory of orientation that goes beyond the search for "final answers." To arrive at such a theory, philosophy must transcend the lawful domain and its ethical pluralism. It must move beyond determinate judgments, where theories are merely applied, to constitute an open, future-oriented space for reflective judgment. In this space, dialogue about the content and direction of morality becomes possible among those who disagree.[19] The challenge of pluralism must be addressed by transforming competition between theories into communicative interaction between perspectives.[20] Moral-philosophical theory thus orients without dictating outcomes: it acknowledges alternatives and treats ethical theories from the lawful domain as value-oriented frameworks for collective deliberation.

To elaborate appropriation as the third step of hermeneutical interpretation, two elements are central: firstly, the idea of theory is broadened beyond the domain governed by lawful relations and regulative principles; secondly, this broader conception is linked to the core notion of orientation as locatedness.

7.3.1. An idea of a moral theory

The first element of the appropriation of morality into a reflective practice is to develop an idea of theory beyond the lawful domain. Such a theory I call moral theory.[21] As an inspiration I use the idea of a moral theory sketched by Allan Wood in his *Kantian Ethics*.[22] He develops a

19 Makkreel, *Kant's Worldview*, p. 95: 'When we turn to the third formulation of the categorical imperative, we will find it to be appropriative in that it leads us to think of ourselves as participating members of a moral community.'

20 Marcel Verweij, *Praktijk in Ethiek: Spel | Praktijk | Theorie*. Inaugurele rede, Universiteit Utrecht, 2024, p. 20, www.uu.nl/sites/default/files/Oratie-Marcel-Verweij-2024.pdf: 'But if we accept that our moral reality is inherently a complex phenomenon, where the complexity is caused by various types of values, all of which are meaningful, then there is much less reason to view these different fundamental theoretical insights as competitors.' (My translation).

21 A theory as a result of the appropriation of morality into a reflective practice I call "moral theory"; this in contrast with a theory resulting from acquisition into a domain governed by lawful relations and structured by regulative principles, which I call "ethical theory".

22 Wood, *Kantian Ethics*.

Kantian normative theory aimed at steering philosophical reflectivity and fostering moral deliberation. Without (fully) committing to his Kantianism, I do think that his idea of a more philosophical theory is helpful in understanding what it is to appropriate the systematized ethical theories of the legislative domain into moral theories constituting a reflective practice aimed at sustaining dialogue, enabling self-examination, and fostering mutual intelligibility.

Wood develops a moral theory that operates on three interrelated levels. The first is the basic level, which consists of a fundamental moral principle or core perspective that defines what morality is about. Such a principle does not directly tell us what to do, but instead offers a value-oriented framework for justifying, modifying, and applying more specific moral rules or precepts.[23] This level of the theory allows deliberation on the core of morality: what is it about?

The second level involves translating this fundamental principle into a practical moral framework that guides action. This stage is more directly concerned with identifying moral duties or obligations in the real world.[24] Importantly, the connection between the basic level and this action-guiding framework is not deductive or mechanical. Rather, it is interpretive or hermeneutical: duties emerge through a process of interpreting the basic value in light of general empirical facts about human nature and the human condition, including cultural and historical contexts.[25] This level allows the comparison between different approaches to the basic level (the ethical pluralism) and the way different concepts of morality denote moral obligations, duties, rights and virtues.

23 Alan Wood claims that 'the function of a fundamental principle of morality is not to tell us what to do, but instead to provide a basic framework, or value-oriented background, for justifying, modifying and applying the more particular rules or precepts of morality that do tell us – in the way they think moral principles or precepts can do this.' Wood, *Kantian Ethics*, p. 57.

24 Alan Wood translates this principle into a moral framework for the real world. This is a second 'quite distinct stage of moral theory, grounded on this fundamental level but nevertheless connected only loosely to it, which is charged with directly guiding our actions and in particular with specifying our moral duties or obligations.' Wood, *Kantian Ethics*, p. 60.

25 According to Alan Wood 'we should think of the relation between the two more as interpretive or hermeneutical in character. Rules or duties result when the basic value and fundamental principle are interpreted in the light of a set of general empirical facts about the human condition and human nature, perhaps also as modified by cultural or historical conditions.' Wood, *Kantian Ethics*, p. 60.

The third level is the level of application. Here, general duties are applied to specific circumstances in which an agent must act. This, too, is not a matter of deduction, but of judgment—an evaluative process that cannot be fully captured by general rules or formal reasoning.[26] This level structures the deliberation on the practical implications of morality. Here the observation of Marcel Verweij regarding the 'practical moral issues in everyday life' is relevant. He points out that "it is not at all self-evident that these different theories would imply different moral judgments.'[27]

On the basis of this theory, three distinct yet interconnected levels of discussion in moral philosophy can be distinguished:

- First level: the discussions about the fundamental questions.
- Second level: the discussions about the practical directions.
- Third level: the discussions about the judgements necessary in the circumstances in which an agent must act.

A key strength of this three-tiered model is that it allows for the inherent indeterminacy of morality. It acknowledges that moral reasoning is not rigid or algorithmic but requires interpretation, context sensitivity, and practical judgment.[28]

Such a structure of moral theory requires particular attention to be paid to the pluralist context of the historically distinct ethical systems that have developed. At all three levels, and most urgently at the level of practical action, there is a need for reflective dialogue with others who are participating members of an anticipated moral community in which

26 Ibid.: 'Finally, there is the application of these rules or duties to a set of particular circumstances in which a given agent must act. This too is not a deductive procedure; it involves an act of judgement that cannot be spelled out in terms of general rules and formally valid inferences.'

27 Verweij, *Praktijk in Ethiek*, p. 19. (My translation).

28 Compare Onora O'Neill: 'Normativity requires indeterminacy because it requires relevance to situations that are still open and unresolved. There is no way of building so much into principles that indeterminacy is eliminated – and going in that direction by incorporating unending distinctions, restrictions and exceptions, thereby formulating more and more specific principles, is likely to have diminishing practical point. Any account of practical judgement needs to accept that normative principles are ineliminable indeterminate.' Onora O'Neill, 'Applied Ethics: Naturalism, Normativity and Public Policy', *Journal of Applied Philosophy*, 26.3 (2009), 219–30, p.226, https://doi.org/10.1111/j.1468-5930.2009.00446.x

each member prescribes the laws to which they must also be subject. To fulfil the appropriative function, the idea of a philosophical moral theory must therefore be developed further into an orientational theory.

7.3.2. Moral theory as philosophical reflectivity

The second element of the appropriation of morality into a reflective practice develops this idea of moral theory into philosophical-moral theory of orientation: orientational ethics. When we take orientation seriously, we must invert the core structure of the idea of moral theory as derived from Allan Wood's formulation in the previous section. Orientation begins with locatedness.[29] Therefore, a moral-philosophical theory that aims to orient (orientational ethics) must begin by being located, that is, at the level of practical moral challenges.

Crucial in Wood's proposal for the structure of a philosophical moral theory is his characterisation of the relationship between the three levels as interpretive or hermeneutical. The translation from the fundamental principle of morality (level one) to a framework or value-oriented background that supports the justification, modification, and application of morality (level two) is described as having an 'interpretive or hermeneutical character that has room for the human condition.' [30] Likewise, the move from the value-oriented background (level two) to application (level three) is characterised as non-deductive. This is not a deductive procedure either; it involves 'an act of judgement that cannot be spelled out in terms of general rules and formally valid inferences.'[31] While this reflective or hermeneutical relationship is acknowledged, a more radical recognition of it is needed. In Wood's proposal, there remains a 'top-down' structure from fundamental principle to practical judgements, but this seems at odds with the idea of a hermeneutical structure between the three levels.

This idea of hermeneutical relations can be explored by linking Wood's proposal for a moral theory to the analysis of orientation. This places locatedness at the centre. According to Wood, a theory should provide moral orientation and therefore begin with the direction set by

29 See also: Introduction and Chapter 6 Preserving democratic public reasoning
30 Wood, *Kantian Ethics*, p. 60.
31 Ibid.

the fundamental principle. If, however, orientation is understood not as an abstract direction derived from an external fundamental principle, but as beginning from locatedness, then the starting point shifts. Locatedness is not a limitation to a given place but the position from which reflective beings can take a reflective stance toward their specific place in the world.[32] This turns the idea of the three levels upside down: instead of starting at the level of the fundamental principle of morality, which is then translated into a moral framework for the real world and used to guide practical moral judgments, the starting point is placed in the real world of practical moral judgments. A moral conversation among people with different fundamental outlooks starts in medias res; by recognizing that they are located and that they inevitably have a specific perspective. The historical embeddedness of human experience is essential to understand perspective. Without recognising the locatedness of that perspective, there is no foundation for the reflective judgments that guide orientation.

An orientational theory takes the ethical pluralism of acquisition seriously and seeks to appropriate this pluralism in a search for common reflectivity. Different systematic ethical theories are, 'together', our philosophical moral thinking. They form together a crucial part of the 'inherited intellectual stock of values and arguments.'[33] This inherited intellectual stock of values and arguments can provide valuable resources for opening up moral reflectivity. That is why different ethical theories can reflectively orient public reasoning in pluralist societies in their overlap and interaction. Philosophical-ethical analysis, inclusive and non-partisan, aims to support the reflectivity of democratic public reasoning; ethicists propose direction and invite those engaged in public reasoning to participate in dialogue when they take a well-reasoned stance. The broader the philosophical-ethical base, the stronger the orientational power.

32 As Makkreel claims, the 'original sense of orientation refers to the capacity of the subject to locate itself spatially and to navigate through its territory. Spatial orientation involves more than a visual relation to my earthly surroundings; it is rooted in the way I feel my locatedness in the world.' Makkreel, *Orientation and Judgement*, p. 78.

33 Wolff, 'Method', p. 23: 'First, and most obviously, these theories form part of the inherited intellectual stock of values and arguments. From the perspective of policy, the common mistake made by philosophers is to think they have the whole of the truth when they have just part of it.'

A philosophical analysis of the refugee crisis might here function as an example. In a systematic overview of ethical positions in the philosophical ethical literature, Mathew Gibney concludes: 'In the face of refugees' desperate plight, virtually all moral and political philosophers, regardless of their general position on immigration controls, argue that states have a duty to offer asylum: people cannot be forced back to countries where they would face persecution or severe human rights violations.'[34] In the 'refugee case', philosophical analysis converges on the position that, in the face of persecution or severe human rights violations, states have a duty to offer asylum. Such a convergence provides orientation.

Moral philosophy as a reflective practice offers insights that propose direction to democratic public reasoning. In this way, orientational ethics clarifies how rigorous philosophical analysis can serve democratic public reasoning as a reflective way to cope with pluralism in an open democracy.

7.4. Moral philosophy in orientational ethics

This chapter has developed a philosophical perspective on moral philosophizing as an essential element of orientational ethics, an approach that seeks to sustain reflective communality in a pluralist world. By analysing morality through the stages of assimilation, acquisition, and appropriation, it has outlined a view in which moral convictions are neither fixed nor immune to reflection, but are instead accessible to critical engagement, reflexivity and mutual interpretation. Moral philosophy, from this perspective, is not a repository of final answers but a dynamic, open-ended practice aimed at enabling self-examination and fostering shared moral deliberation. In confronting both ethical pluralism and normative antagonism, orientational ethics reclaims moral philosophy as a reflective resource that cultivates the ethos and conditions needed for democratic reasoning across deep moral divides.

34 Mathew J. Gibney, 'The Ethics of Refugees', *Philosophy Compass*, 13.10 (2018), e12521, p. 2, https://doi.org/10.1111/phc3.12521 Compare: Frans W.A. Brom, 'Ethiek voor beleid. Over het expliciteren en oriënteren van ethische overwegingen in beleidsdebatten', in *Ethiek in Praktijk*, ed. by Naomi Steenbergen and Carla Kessler (Assen: Van Gorcum, 2025), pp. 175–98.

Literature

Brom, Frans W.A., 'Ethiek voor beleid. Over het expliciteren en oriënteren van ethische overwegingen in beleidsdebatten', in *Ethiek in Praktijk*, ed. by Naomi Steenbergen and Carla Kessler (Assen: Van Gorcum, 2025), pp. 175–98.

DePaul, Michael R., *Balance and Refinement: Beyond Coherence Methods of Moral Inquiry* (London: Routledge, 2006), https://doi.org/10.4324/9780203004180

Düwell, Marcus, *Bioethics: Methods, Theories, Domains* (London: Routledge, 2012), https://doi.org/10.4324/9780203084205

Gibney, Mathew J., 'The Ethics of Refugees', *Philosophy Compass*, 13.10 (2018), e12521, p. 2, https://doi.org/10.1111/phc3.12521

Hart, H.L.A., *The Concept of Law* (Oxford: Clarendon Press, 1961).

Hart, H.L.A., 'Immorality and Treason', in: *The Philosophy of Law*, ed. by Ronald Dworkin (Oxford: Oxford University Press, 1977), pp. 83–88.

Hooker, Brad, 'What Makes a Judgement a Moral Judgement', *Journal of Political Theory and Philosophy*, 1 (2017), 97–112.

Kohlberg, Lawrence, *Essays on Moral Development. Volume I: The Philosophy of Moral Development* (San Francisco: Harper & Row, 1981).

Makkreel, Rudolf A., *Dilthey, Philosopher of the Human Studies* (Princeton: Princeton University Press, 1975; expanded with a new afterword, 1992).

Makkreel, Rudolf A., *Imagination and Interpretation in Kant: The Hermeneutical Import of the 'Critique of Judgement'* (Chicago: The University of Chicago Press, 1990; revised 1994).

Makkreel, Rudolf A., *Orientation and Judgement in Hermeneutics* (Chicago: The University of Chicago Press, 2015), https://doi.org/10.7208/chicago/9780226249452.001.0001

Makkreel, Rudolf A., *Kant's Worldview: How Judgement Shapes Human Comprehension* (Evanston Ill.: Northwestern University Press, 2022), https://doi.org/10.2307/j.ctv20zbkx5

O'Neill, Onora, 'Applied Ethics: Naturalism, Normativity and Public Policy', *Journal of Applied Philosophy*, 26.3 (2009), 219–30, p. 226, https://doi.org/10.1111/j.1468-5930.2009.00446.x

Whiteley, C.H., 'On Defining "Moral"', *Analysis*, 14 (1959), 141–44; repr. in *The Definition of Morality*, ed. by G. Wallace and A.D.M. Walker (London: Methuen, 1970), pp. 21–25.

van der Burg, Wibren, 'The Slippery Slope Argument', *Ethics*, 102.1 (1991), 42–65, https://doi.org/10.1086/293369

van der Burg, Wibren and Theo van Willigenburg, eds., *Reflective Equilibrium: Essays in Honour of Robert Heeger* (Dordrecht: Springer, 1998), https://doi.org/10.1007/978-94-011-4972-3;

Verweij, Marcel, *Praktijk in Ethiek: Spel | Praktijk | Theorie*. Inaugurele rede, Universiteit Utrecht, 2024, p. 20, www.uu.nl/sites/default/files/Oratie-Marcel-Verweij-2024.pdf

Wolff, Jonathan, 'Method in Philosophy and Public Policy: Applied Philosophy versus Engaged Philosophy', in: *The Routledge Handbook of Ethics and Public Policy*, ed. by Annabelle Lever and Andrei Poama (London: Routledge, 2019), 13–24, https://doi.org/10.4324/9781315461731

Wood, Allan W., *Kantian Ethics* (Cambridge: Cambridge University Press, 2008).

PART III: A ROADMAP FOR ETHICS ADVICE

This final part brings together the insights from the preceding chapters into a practical roadmap for ethics advice. It consists of a single chapter (8).

Chapter 8 translates the three primary modes of professional engagement for ethicists in democratic public reasoning (explicating, engaging and orienting) into a set of guiding questions for structuring ethical reflection and dialogue in public policy. The roadmap offers academic philosophers, philosophy students, policy advisors and policy-makers a clearer view of what can and cannot reasonably be expected from professional academic ethicists in their scholarly and advisory capacity.

8. A roadmap for ethics advice for public policy

This chapter brings together the insights from the preceding chapters into a practical roadmap for ethics advice. The roadmap offers academic philosophers, philosophy students, policy advisors, and policy-makers a clearer understanding of what can and cannot reasonably be expected from professional academic ethicists.

Ethics advice in the context of policy issues aims to support democratic public reasoning in determining how to proceed. It follows a democracy-first approach to policy-making, in which professional ethical engagement with practical moral problems does not seek to take over democratic reasoning but to support its execution. It provides guidance on what to deliberate about, how to deliberate, and what to do. Ethics advice commits ethicists to reasoning in the service of the public. This is a demanding task because the public is not an individual but society as a whole, and modern open democratic societies are inherently pluralistic. They are themselves divided over the very issues on which advice is given. This pluralism complicates the ethicist's normative role: ethics advice must address a diversity of perspectives while remaining committed to reasoning in the service of the whole and to sustaining a democratic ethos of argumentation.

As outlined in the introduction, ethics advice can be offered through three forms of professional ethics engagement: explicating, engaging, and orienting. For each of these forms of engagement, the roadmap provides a set of guiding questions to help structure ethical reflection and dialogue. These questions are neither exhaustive nor prescriptive. They serve as practical starting points and as pragmatic expressions of the broader conceptual framework of orientational ethics.

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8.1. Ethics advice explicates normativity in public reasoning

This first form of philosophical engagement supports understanding the normative locatedness of policy issues. Its aim is to uncover the ethical dimensions of a policy debate. Policy discussions are not just technical or political in nature; they are also shaped by normative assumptions and value judgments. Ethicists contribute by making these assumptions explicit, helping all participants, including policy-makers, to better understand the ethical issues at stake. This means placing policy questions in their broader social and historical context and exploring how values are embedded in different ways of problem-framing and different proposals for solutions Seven guiding questions help to structure this form of engagement.

1. What is at stake in the policy debate?

Policy debates often involve more than the specific question formally posed. The way an issue is framed already reflects certain normative choices, and alternative framings may bring different ethical concerns into view. Asking what other questions could have been asked helps to clarify what is ethically at stake.

2. What is the background of the policy?

No policy exists in a vacuum; it is shaped by broader social and political contexts. Understanding the complexities of a policy debate requires situating it within a wider historical and social framework. Interpreting the historical, cultural, and social influences that shape and colour the debate, and tracing the evolution of the policies themselves, provide insight into the underlying forces and power structures at play, the motivations driving the various stakeholders involved, and the inclusiveness of the current policy discussions.

3. What are the relevant juridico-political contexts?

It is crucial to understand the juridico-political frameworks that shape a policy discussion. Existing laws and policies structure and constrain policy options and the language in which policies are discussed. It is

necessary to interpret these in order to understand what is perceived as possible, reasonable and effective and what the room for criticism is.

4. Who are the relevant societal actors?

Understanding a policy discussion requires understanding who is involved. For an ethical analysis, this goes beyond the description of those who are involved de facto; it includes also those who should be involved. And if they are not actually involved, the ethics advice needs to highlight why this is the case and what can be done to involve them.

5. Which value perspectives are relevant?

In policy discussions, participants bring different 'value perspectives' forward. People value certain elements at stake in policy-making. Understanding a policy discussion implies interpreting the values that people bring forward in policy discussions and asking whether there are relevant value perspectives that are not yet part of the discussion.

6. What are the relevant facts?

In policy-making, competing problem descriptions fight for dominance. Facts are not just a 'given'. Factual and normative uncertainty are interlinked (wickedness); there is an abundance of competing scientific descriptions of the world and the translation of these scientific descriptions to practical policy issues demands difficult choices. A 'factual' description of a policy issue needs a reflective interpretation that understands the interlinkage between facts and values.

7. What ethical reflection is already available?

Many policy issues are embedded in reflexive practices in which practitioners engage in ongoing moral reflection. Examples include healthcare, education, technology, and environmental policy. This internal dynamic should inform ethics advice and, by extension, democratic public reasoning. Gathering and synthesising these insights, for instance through a systematic analysis of the ongoing discussion, can provide ethics advice with valuable input for public reasoning.

8.2. Ethics advice engages with democratic dynamics

The second form of philosophical engagement fosters an understanding of the dynamics of policy issues. It builds on shared understanding and overlapping normative positions in policy discussions. Ethicists engage with public reasoning and aim to develop shared deliberative spaces for public reasoning amidst societal pluralism. In democratic pluralist societies, ethical reasoning is not solely about eliminating disagreement; it is also about enabling meaningful public deliberation across diverse worldviews. Ethicists can contribute by supporting dialogue, helping participants better understand each other's positions and creating space for democratic reflection. Where deep disagreement makes agreement on substantive content unlikely, ethics advice can help to shift the discussion to a meta-level, focusing on mutual recognition, fairness, and the conditions for peaceful coexistence: common policies that might be accepted or at least be tolerated. Five practical questions guide this form of democratic engagement.

1. Are there clear normative directions?

Explicating the moral dimensions of a policy issue activates shared pre-theoretical moral knowledge. Some normative assumptions are so widely accepted that the challenge lies less in justifying them than in applying them or finding the motivation to do so. Though still open to critique, their neglected implications often demand attention. In such cases, applying clear moral frameworks to real-world problems can yield valuable insights without extensive reflective elaboration.

2. Can disagreement be reframed productively?

Is it possible to understand and reconstruct this conflict in a way that opens an avenue for developing common ground? To do so, a deep understanding of the different positions involved is necessary. On the basis of that understanding, ethics advice can reformulate a policy issue in terms that respect the perspectives of all participants in the debate.

3. To what extent is substantive agreement possible?

The search for common ground in ethics advice occurs at two interconnected levels: the substantive level, where the content of the issue is discussed, and the governance level, where the need for coexistence is addressed. Although these levels are linked, it is important to distinguish them. At the substantive level, the key question is to what extent the advice can construct or propose agreement, and where this is not possible, whether it can structure the issue in a way that enables respectful agonistic confrontation among adversaries.

4. What could function as a tolerable solution?

When substantive agreement is unattainable, ethics advice may propose a compromise that can serve as a foundation for public policy. Even if such a compromise is not accepted by all, it can aim at one that is at least tolerable to a broad segment of society. To achieve this, the advice should identify elements that might enable opponents to accept or tolerate the compromise as a step forward. Before resorting to majority rule to settle an issue, even temporarily, ethics advice can, at the governance level, promote an informed exchange of perspectives aimed at identifying such a compromise.

5. Does ethics keep enough critical distance?

Engagement with public reasoning requires proximity to the positions in the debate and to policy-makers. At the same time, ethics advice aims to support democratic reasoning in the service of society as a whole, which calls for the maintenance of a degree of critical distance. Excessive involvement risks enmeshment, leading to overidentification with specific positions or actors and compromising professional autonomy. Ethics advice should not aim to persuade particular groups but should foster the development of democratic public reasoning itself. A key question for ethicists is whether they are too closely aligned with a certain position to function as an advisor to democratic public reasoning as such.

8.3. Ethics advice orients democratic public reasoning

The third form of philosophical engagement concerns the search for direction. Orientational ethics is not only about helping society navigate specific policy questions; it also seeks to support and strengthen the democratic ethos required for reaching agreements or finding tolerable solutions. In this context, ethicists assist public reasoning by helping to establish and deepen its normative foundations. In an open democracy, there is an inherent tension between the openness that fosters pluralism and the democratic need for shared perspectives. Orientation might first emerge from reflection on the public structures necessary for human flourishing. It can also be drawn from socially embedded ideals that are part of the democratic ethos: equality, as expressed in the anti-inegalitarian core of democracy; dignity, as embodied in the respect for and protection of human agency through human rights; and the rule of law, understood as an institutional safeguard for sustaining open and inclusive democratic processes. These ideals and institutional commitments are further developed through reflective moral thinking, not through the application of isolated ethical theories but through the interpretive and critical engagement with the broader tradition of moral philosophy. Six orientational questions help to give concrete shape to this dimension of ethical advice.

1. Which notion of 'public' orients public reasoning?

In contemporary societies, the quality of life depends on the collective maintenance of public goods such as safety, infrastructure, and public institutions. The notion of 'public' can serve as a source of ethical orientation when it helps us to assess whether a policy contributes to the institutional and material conditions that sustain shared life. Which concept of public responsibility and collective interest guides the policy at stake, and how does it reflect a commitment to social cohesion in the context of pluralism?

2. Does equality orient public reasoning?

Equality between citizens is a necessary condition for democratic public reasoning. Ethics advice that supports such reasoning must not only avoid undermining this principle but actively work to strengthen it. Equality is not merely a theoretical premise of democratic reasoning;

it is something that citizens assert rather than prove. Does the advice support the enactment of equality by those who have previously been denied it, and can it make the anti-inegalitarian root of democracy a guiding orientation for public reasoning?

3. Does dignity orient public reasoning?

In an open democracy, political and social conditions give rise to a diversity of conflicting and irreconcilable perspectives. Recognising the agency of citizens requires acknowledging their freedom to form their own perspectives as a core premise of democratic public reasoning. The aim is not to coerce but to support the formation of a reflective standpoint. Does the advice help orient public reasoning toward respect for the dignity of citizens as agents who must be enabled to live their lives from within, even when this runs counter to majority opinion? Does it further orient public reasoning toward a shared normative foundation for coexistence, not despite but through profound differences?

4. Does the democratic rule of law orient public reasoning?

Public reasoning presupposes an institutional context in which democratic dialogue is meaningful and citizens can participate freely. The protections of the rule of law are necessary conditions for democratic public reasoning. Does ethics advice strengthen the institutional safeguards that sustain open and inclusive democratic processes, thereby reinforcing the normative and institutional frameworks essential for an open and pluralist democracy?

5. Does philosophical-ethical analysis provide orientation to public reasoning?

Moral philosophy as a reflective practice offers insights that help orient democratic public reasoning. It draws on diverse philosophical traditions, each emphasising different moral considerations and reflecting the pluralism of modern societies. Inclusive and rigorous ethical analysis can lead to ethics advice on specific topics. A specific elaborated stance can orient public reasoning because it invites critical examination of current policies while deepening reflection. Does philosophical-ethical analysis help to develop policies that are able to navigate pluralism responsibly?

6. Does reflective communality provide orientation to public reasoning?

Ethics advice is not only directed at a specific issue nor only at strengthening democratic public reasoning. It also aims to support mutual understanding even when people live in fundamentally different symbolic orders, which might entail divergent and fundamentally opposing moral principles. In a globalising world, reflective understanding as a step towards reflective communality is needed as a basis for peaceful co-existence. Does this advice touch upon such issues and does it orient public reasoning towards understanding and communality?

POST SCRIPT: A FUTURE FOR ETHICS ADVICE?

I end this book with a question that presses ever more urgently: is the environment in which I work as an ethicist still sufficiently responsive for ethical advice to remain possible? When democratic debate turns into an antagonistic struggle for dominance that seeks to erase pluralism in the name of majoritarian unity, the discursive space for ethical advice disappears. If normative commitments are treated as fixed and beyond reflection, the pursuit of a reflective stance becomes futile.

These tendencies are increasingly visible, and the dynamics of social media only amplify them. I do not believe we have yet reached the point at which ethics advice does more harm than good, but the danger is real. For that reason, ethical advising today must give renewed attention to orienting democratic public reasoning. It must seek to preserve the democratic ethos required for a pluralist and open society.

The danger that deliberative space may shrink beyond viability is real. It is from this conviction that I have written this book, not as a farewell to ethics advice, but as a defence of the space it requires to survive. The time to protect that space is now, before it closes beyond repair.

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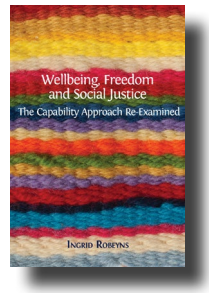
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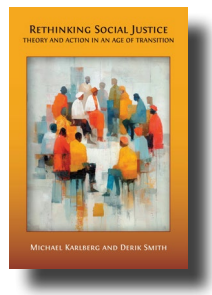


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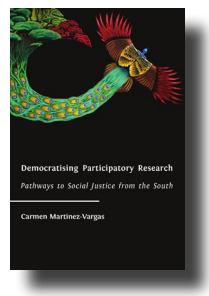


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Orienting Public Policy

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Moral philosophers and academic ethicists contribute to society in several ways: as members of advisory committees, authors of policy reports, and public intellectuals engaged in policy debates. They do so not merely as citizens, but in their professional capacity as academics participating in democratic public reasoning. But on what grounds? This book develops a philosophical framework to clarify the nature of that role.

In pluralist democracies, deep moral disagreement is not a problem to be eliminated but a condition to be navigated. Rather than aiming for consensus or imposing definitive moral conclusions, the book argues that ethicists can best contribute by strengthening the conditions under which disagreement becomes productive, reflective, and mutually intelligible, thereby supporting democratic legitimacy.

Drawing on moral and political philosophy, the book presents ethics as a reflective practice and understands professional engagement as a form of ethics advice. While often addressing concrete issues, such advice ultimately serves to cultivate the democratic ethos necessary for open societies under pluralism. The framework highlights three core activities—explicating, engaging, and orienting—through which ethicists can support democratic deliberation. Case studies on climate justice, animal experimentation, and food policy illustrate how ethical analysis can clarify normative assumptions, foster dialogue across differences, and help navigate contested issues without erasing pluralism.

In an era of increasing polarization, the book calls for a renewed understanding of ethics as a reflective public practice. It offers guidance for philosophers, policymakers, and advisors seeking to sustain a democratic ethos grounded in equality, dignity, and the rule of law.

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