

EurSafe News

VOLUME 24 NO. 1 MAY 2022

Dear EurSafe members,



It is my pleasure to send you the spring issue of the EurSafe Newsletter 2022. On the 13 February 2022, the citizens of the canton Basel-Stadt (Switzerland) had the historically unique opportunity to guaran-

tee non-human primates the fundamental (legal) *rights to life* as well as to *maintain their physical and mental integrity*. Although the consequences of the popular initiative, initiated by the NGO Sentient Politics, would have only been binding for public institutions (notably the University of Basel), it would have been a strong sign of determination to stronger protect our close biological relatives.



On the same date, the voting citizens of Switzerland had to decide if they wanted to completely ban animal research in Switzerland and the import of drugs that were previously tested on animals. These demands were part of the popular

initiative 'Yes to the ban on animal and human experiments – Yes to research that brings safety and progress.' Both initiatives were rejected with a majority of over two-thirds of the votes.

Nevertheless, the moral problems and dilemmas of harmful animal research are acknowledged by the public and the sciences, and



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innovative solutions are demanded. The need for new measures to counteract the moral problems in animal research and the progress of biotechnology have caused a revival of the discussion about disenfranchising the ability of animals to experience pain. Our first contributor, Matthias Eggel, reflects genetic pain disenfranchisement in relation to different harm concepts underlying the 3Rs principles and the Directive 2010/63/EU. The second contribution, by Bernice Bovenkerk and Koen Kramer, focuses on the terminology of '(dis)enhancement', which already raises challenging philosophical

questions that lead beyond practical biotechnological hurdles.

With this issue we hope to continue the tradition of presenting up-to-date information on the wide variety of topics that are relevant for the EurSafe community. If you want to contribute to the EurSafe Newsletter, don't hesitate to contact one of the members of the editorial board.

Samuel Camenzind

paper

The harm concept underlying the 3Rs principle and Directive 2010/63/EU

Challenges raised by modern biotechnology

Matthias Eggel



There is a broad consensus among researchers, the public and politics that inflicting pain and suffering on animals for scientific purposes is morally problematic and requires justification. In EU Member States, authorization of animal research

is regulated by Directive 2010/63/EU (Anonymous, 2013). The Directive protects animal welfare and states that animal research, while still necessary, should be fully replaced in the long run.

Recital 10 of the Directive reads as follows: 'While it is desirable to replace the use of live animals in procedures by other methods not entailing the use of live animals, the use of live animals continues to be necessary to protect human and animal health and the environment. However, this Directive represents an important step towards achieving the final goal of full replacement of procedures on live animals for scientific and educational purposes as soon as it is scientifically possible to do so. To that end, it seeks to facilitate and promote the advancement of alternative approaches. It also seeks to ensure a high level of protection for animals that still need to be used in procedures. [...] (Directive, recital 10)'.

However, despite ongoing efforts into the development of non-animal alternatives (e.g. organoids, organs-on-a-chip, computer modelling etc.), the num-

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ber of animals used in research in EU Member States is more or less stagnant. That is, every year approximately 10 million of research animals are still used for scientific purposes in EU Member States alone. This calls for innovative solutions. The advent of modern gene-editing tools such as CRISPR/CAS have opened up unprecedented possibilities to modify research animals. In light of this technological progress, the possibility to genetically reduce or erase research animals' ability to feel pain and pain-related suffering (GPD) presents a potential future way of mitigating animal welfare problems associated with animal research (Devolder and Eggel, 2019; Eggel and Camenzind, 2020). Reducing harm and suffering of millions of research animals every year seems prima facie morally desirable. However, is it really that simple?

According to Directive 2010/63/EU, scientific procedures on animals are only deemed justified if they comply with specific requirements. Three such key requirements are that the research is scientifically *necessary*, *suitable* and *proportional*. The first refers to the 3Rs Principle of replace, reduce and refine, developed by Russel and Burch in 1959 (Russel and Burch, 1959). That is, animal research is only justified if there are no non-animal alternatives available, if an adequate number

of animals is used (not too few or too many) to guarantee sufficient statistical power and only if the strains (e.g. pain, suffering, distress) inflicted on animals is reduced to the scientifically necessary minimum.

Second, animal experiments ought to be able (i.e. suitable) to answer a specific study question with a certain likelihood and to generate valid data. Last, animal research is only deemed acceptable if the inflicted strains are trumped by preponderant interests and are proportional with regards to the expected knowledge gain. This is decided in a so-called Harm-Benefit-Analysis (HBA) where the expected benefits are aggregated and weighted against the inflicted strains on animals. So, what does this mean for genetically disenchanting laboratory animals' ability to feel pain and suffer? Several practical and normative questions require consideration. I will here leave out practical questions of feasibility and will focus on the normative questions.

Current ethical debates on animal research in general and genetic disenchantment often revolve around the moral significance of negative subjective experiences of animals. Ethicists, scientists and the public all agree that pain, suffering and distress of animals are morally problematic. This conceptualization of harm also underlies the EU Directive (which is based on the 3Rs Principle) and requires choosing the species and the methods that are associated with 'the least pain, suffering, distress or lasting harm; and are most likely to provide satisfactory results.' (Directive, Article 13.2.)

GPD has the potential to significantly refine procedures by reducing the amount of pain and suffering. From a 3Rs- and Directive-perspective, this would be desirable as long as the animal's ability to have positive experiences is not impaired. With regards to suitability, it would have to be determined, whether GPD has negative, neutral or positive effects on study validity. If the effects were negative, this would of course defeat the purpose of animal research and thus render GPD useless. If the effects were neutral or even positive, then this would provide an argument in favor of GPD. Last, what weighs more heavily in the HBA? The benefit or the harms? The harm concept

underlying the 3Rs and the Directive is primarily concerned with negative subjective experiences. Hence, interventions such as GPD, which reduce pain and suffering (although not *eo ipso* justified), require relatively little justification. What doesn't hurt, doesn't matter, so to speak.

However, reducing the ethically problematic dimension of animal research to the prevention of negative subjective experiences oversimplifies matters and neglects the complexities of modern animal research. Genetic modifications significantly alter the appearance and physiological properties of laboratory animals (e.g. nude mice). Genetic modifications are used to suppress the immune system, to induce tumor growth and hyper- or hypoactivity of metabolic pathways, and much more. In the case of genetically diminishing laboratory animal's ability to feel pain and suffer, the molecular mechanisms that process pain and suffering are targeted at the genetic level. Also, animal research uses animals primarily for human (and sometimes animal) ends. They are instrumentalized. However, moral consideration requires that they are not only treated as means but also as ends in themselves. Consequently, the moral value of their lives can't be reduced to the prevention of pain and suffering.

The 3Rs principle was developed 60 years ago, in a time before the advent of modern biotechnologies. Hence, it is not surprising that the 3Rs framework can't adequately address such issues, raised by modern research. A 'modern' harm concept, however, should be able to take such non-pathocentric harms into consideration. One such example is the Swiss animal welfare act (Anonymous, 2017) which protects the dignity of animals. Dignity is understood as an inherent value of animals which must be respected. Animal dignity is disregarded if strains such as pain, suffering and distress but also anxiety, humiliation, major interference with appearance or abilities and excessive instrumentalization are not justified by overriding interests. Such a harm concept raises the bar of ethical permissibility of interventions such as GPD and similar approaches. But how much? All things considered, the benefits of GPD would probably still outweigh the non-pathocentric harms. However, by attributing moral significance to non-pathocentric harms, this choice

acquires ethical momentum, for reducing pain and suffering would no longer automatically render animal research morally unproblematic. The fact would remain that current animal research represents an exploitative form of instrumentalization. Hence, in an ideal world, animal research would have already been phased out a long time ago (or would have never ever been necessary in the first place). In an almost-ideal world, animal research would be phased out in the short term. And in the real world, where animal research will probably continue for the foreseeable future, GPD might be a desirable short-term solution. However, we would still have a strong responsibility to work towards a mid- and long-term future where animal research, irrespective of pain and suffering, is, if not completely abolished, at least greatly reduced.

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Dumbing down or smartening up? The ethics of animal (dis)enhancement

Bernice Bovenkerk and Koen Kramer



Sometimes animal ethics discussions seem to enter the realm of science fiction. When reflecting on genetically modified animals, imaginative scenarios have been sketched, ranging from football birds (headless and insentient birds who resemble footballs) to dino-chickens (beakless chickens that have ancient ‘dinosaur-like’ DNA) to painless pigs (for more on these examples see Shriver 2021). What all these futuristic animals have in common is that they have been genetically modified in order to better cope with farming conditions. There has been disagreement among ethicists, however, about the proper classification of these animals: should they be regarded as disenanced or rather as enhanced animals?

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Two articles have been particularly influential in this debate. Firstly, in 2008, Paul Thompson wrote ‘The opposite of human enhancement: nanotechnology and the blind chicken problem’. Thompson argued that ‘dumbing down’ farmed animals by removing or disabling capacities involved in negative welfare states, to relieve distress caused by overcrowded housing conditions, causes a real philosophical conundrum. If we were to create a strain of chickens who were blind we would be able to solve welfare problems caused by feather pecking. In Thompson’s eyes, most animal ethics theories imply that this would be the right thing to do, because the animals would in the end be better off than they are now, and he discusses and rejects several attempts to show otherwise. Yet, most people likely have the intuition that even if the chickens do not suffer from being blind, ‘disenhancing’ them in this way is morally wrong, which raises the question of whether and how this intuition can be defended philosophically. Apart from pointing out that chickens do actually experience welfare problems when they are blind (Sandøe et al. 2014), commentators have argued either that the conundrum is even more intractable than it seems at first sight (Palmer 2011) or that it is not a conundrum at all, as the context in which the chickens are kept is fundamentally morally objectionable in the first place (p.e. Murphy et al. 2018). We should on the latter view be adapting farming conditions to the needs of animals rather than the other way around.

Secondly, in 2009, Adam Shriver published ‘Knocking out pain in livestock: Can technology succeed where morality has stalled?’ in which he argued that under the non-ideal situation that intensive livestock farming will continue for the foreseeable future, we should replace current livestock with livestock whose suffering is diminished by knocking out the genes responsible for the affective dimension of pain. Not surprisingly, this article has met with similar objections against changing the animal to fit the farm rather than changing (or even abolishing) farms. While both creating blind chickens and painless livestock are interventions that have usually been termed ‘disenhancements’, because they involve limiting rather than improving or adding capacities, Shriver (2021) has proposed to call interventions that aim to improve the welfare of animals ‘enhance-

ments’ instead. However, as the interventions are not ultimately performed for the benefit of animals, but for that of humans who have an interest in the continuation of intensive animal farming, some argue that we could never reasonably speak of enhancements in the farming context (Burgat 2015). This is a lively and nuanced debate and we cannot hope to do justice to it in this short contribution, but here we just want to make one particular point: the dissensus on the proper definition of enhancement and disenancement leads to conceptual confusion that is unhelpful if we want to discuss the merits of these types of interventions. In order to explain this, it is helpful to draw parallels to the debate about human enhancement.

Therapy, enhancement or disenancement?

In human bioethics, an enhancement is commonly defined as ‘an intervention that improves some capacity or characteristic that normal human beings ordinarily have or that produces a new one’ (Buchanan 2011, 5). Moreover, this intervention is carried out in the interest of the enhanced human. In the human enhancement debate, ‘enhancement’ has been used in opposition to ‘therapy’ or ‘treatment’ and it has sometimes been argued that interventions that stretch beyond therapies or treatments are morally unacceptable. The latter argument is problematic for two reasons: firstly, in bioethics it is generally agreed that no strict conceptual distinction between treatment and enhancement exists. Think of Oscar – the Blade Runner – Pistorius, the South African former sprinter, whose legs were amputated and who was fitted with special blades which gave him such an advantage that he won several gold medals. On the one hand the blades were supposed to ameliorate Pistorius’ disability, but on the other hand they increased his natural running abilities. Secondly, if we already define enhancements as interventions that are morally unacceptable, we are begging the question. After all, it would imply that the question of whether particular interventions can properly be called ‘enhancements’ can only be settled *after* thorough ethical debate.

We encounter a similar problem with the view that interventions in animals are always *disenhancements*, because they are morally unaccept-



able. Burgat (2015) argues that because human enhancements are intended to benefit the individuals undergoing the enhancement (or their children) and this is the main argument in their favour, it is misleading to call biotechnological interventions in animals that do not benefit those animals 'enhancements'. In other words, such interventions in livestock are never proper enhancements, because they are only in the interest of animals *given* a context that is not in their interest to begin with. We agree that this context is usually not in animals' interest, but disagree that this excludes applying the concept of enhancement. Some proposed human enhancements also serve humans interests given circumstances that are not in the interest of those who would be enhanced. For example, having certain cognitive capacities enhanced may primarily be important in undesirably competitive labour markets (Pustovrh 2018). Even though reflection on the desirability of the context in which an intervention takes place is important to establish whether or not an enhancement is *ultima facie* ethically acceptable, it does not help ethical debate to determine *a priori* that an intervention can never be called an enhancement, because it can never be acceptable. In other words, we should not set strict norma-

tive conditions on the application of the terms 'enhancement' and 'disenhancement'. We need to establish what counts as an enhancement or disenhancement before we debate whether the intervention is morally acceptable. Moreover, we could imagine biotechnological interventions that are actually carried out for the sake of animal rather than in a context of human interests. In particular, we have in mind enhancements that are aimed at enabling animals to cope with anthropogenic threats to their existence, such as climate change or pressures caused by invasive species; there could for example be genuine cases of 'smartening up' animals to enable them to outsmart invasive predators. Again, we are not claiming that this would be the morally right thing to do. This example merely shows that not all animal enhancements in the end serve human interests.

Against a welfarist definition

In our view, then, enhancements consist of adding or improving characteristics for the interest of the enhanced individual, while disenhancements consist of removing or diminishing characteristics in the individual's interest (cf. Thompson 2008). This definition has been challenged, however, by Shriver (2021) who argues that if we focus

on adding or removing particular capacities, we overlook the possibility that an intervention could at the same time result in the improvement of one capacity and the reduction of another, such as a change that results 'in greater strength but less fine motor control' (Shriver 2021, 536). This means that an enhancement could on the one hand be an improvement, but on the other hand actually be bad for an individual. For this reason, Shriver proposes to not focus on the question of whether characteristics are added or removed, but on whether the welfare of the individual is enhanced or limited. He suggests a welfarist definition of enhancement: 'Any change in the biology or psychology of an [animal] which increases the chance of leading a good life in the relevant set of circumstances'. A disenhancement would then be 'any change in the biology or psychology of an animal which decreases the chance of leading a good life in the relevant set of circumstances' (Shriver 2021, 537). Taking away a capacity, such as pain experience, to improve an animal's welfare should therefore not count as a disenhancement but as an enhancement.

However, defining a disenhancement as a change that has a negative impact on the welfare of the organism, as Shriver does, ignores that disenhancement has in the animal ethics literature always been discussed as a specific type of attempt to *improve* animal welfare that raises specific ethical conundrums especially because it involves *removing or diminishing* animals' capacities. In our view, Shriver renders the debate about (dis)enhancement overly confusing by diverging from the way the terms have traditionally been used. Of course, it is true that enhancing one capacity may sometimes limit other capacities, but this simply means that an animal can be subjected to a mix of enhancements and disenhancements. The next step would be to discuss whether these interventions are morally acceptable or not, and this discussion could involve more considerations than only welfare. We have no space left to go into such considerations beyond welfare here, but want to suggest that here it could also be fruitful to draw parallels with the human enhancement debate, where it has been argued, for example, that enhancements violate 'authenticity' or 'the giftedness of life' (Sandel 2007).

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Socially dear, evolutionary near

Exploring the unequal treatment of equals on the basis of unequal human-animal relationships' normativity

Konstantin Deininger



Human-animal relations are complex in a myriad of ways, and they differ in their nature: from being personal, impersonal, free or unfree, to qualifying as causal, accidental, intentional, conflictual or harmonious. But which relationships are addressed by

the term 'human-animal relations?' Is it about the relationship of individuals to their cats or dogs? Or to the cow with which they feed them? What follows from the relationship of humans with great apes, with whom they share biological kinship? What from interactions with cephalopods – if these can even be called relational? Is it about benefits or harms to humans alone? What role does geographical, phylogenetic or emotional distance play?

These questions already indicate that a categorical separation between humans and other animals is impossible. However, philosophers dwelled in animal oblivion for a long time. It was not until the seventies that philosophers, with a few exceptions, seriously addressed the subject of animal ethics. In the dawning of this academic field, Peter Singer advocated *Animal Liberation* and Tom Regan *Empty Cages*. To formulate a radical critique of existing practices such as intense animal husbandry or invasive animal research, they followed a well-known track. In the spirit of an egalitarian tradition in ethics, they argued that particular characteristics of an individual determine their corresponding moral status. Accordingly, it is not the membership of a species that merits moral consideration, especially not being a member of the species *Homo sapi-*

ens, but the function of individual characteristics such as sentience, rationality and self-awareness. Membership of any group or community – in fact, being in any relationship – is morally irrelevant.

These so-called moral individualists aimed at attacking the prejudices that humans hold towards other animals which result in animal exploitation in heavily instrumental relationships. In fact, the animals that are eaten and used in research, and many other animals, such as apes, dolphins or elephants, have higher psychological capacities than some humans. Consider anencephalic neonates, for example. According to this line of reasoning, there are no characteristics that only humans have and that all other animals lack. In nuce, moral individualists claim that equals are to be considered equally and unequals unequally. However, relationships and corresponding emotions like pity, compassion or friendship are excluded from the set of morally relevant characteristics. There is a reason: in relationships, individuals with similar characteristics are regularly treated differently. The obligations towards my dog are different than those to all other dogs—precisely in virtue of our relationship.

Departing from the fact that otherwise equals are treated unequally in particular relationships, I elaborate an approach to animal ethics in my PhD project which is not individualistic but relational. Rather than evaluating individuals' moral status by considering their characteristics, I follow the writings of philosophers who consider the discrepancies in human-animal relationships against the backdrop of their specific relationships. And these relationships are, as the questions I raised at the beginning already indicate, diverse and incoherent. Following this observation, my project is governed by the following research question: Can human-animal relationships provide a normative basis for the unequal treatment of equals?

The aim of my research is to clarify the moral scope of human-animal relationships. But I also want to clarify what it means to be human against the backdrop of factual human-animal relations. And as the example of the human-dog relationship provokes: A relational account to animal ethics must not be purely relativistic, otherwise it is neither convincing nor capable of formulating

(radical) critique or promoting moral change.

My project will be divided into three parts. First, I examine the sources of normativity in morality. Here, I follow so-called ethics in the wake of Wittgenstein, and particularly the philosophy of Cora Diamond. In this part I will show that morality is part of our practices. In these we find many conflicting concepts which are on the scene all the time: many people conceive their companion animals as family members while they eat the meat of cows and pigs on a regular basis. Animals and the corresponding relationships are 'put' in conceptual compartments which seem mutually exclusive. But these compartments are not rigid, and Wittgensteinian ethics help to tackle them and to tear them, at least some of them, down. At the same time, moral thought and action rest on moral certainties. In this part of the project, I will clarify the relation between conceptual compartments in the light of these certainties.

In the second part of my project, I examine the relation between the concepts of being human and being an animal. Here, I draw on different philosophical perspectives. Moral individualists reject the notion of being human and advocate the terms 'human and non-human animal.' These notions highlight the continuity between humans and animals, but at the same time they blur the importance of relationships. I will contrast this perspective with Wittgensteinian, Kantian and ecofeminist conceptions of the term 'fellow creature.' Each paradigm highlights a particular conception of being human, respectively being an animal, without relapsing into moral individualism's atomism.

A definition of 'relationality' in human-animal relationships will be developed in part three of the project. In this part, I draw on philosophers who decidedly reject the idea of atomistic individuals. My most important ally will be Mary Midgley, but posthumanist conceptions and ideas of multi-species ethnography will also be discussed. The aim is to show that individuals do not precede their relationships, and to clarify how competing obligations, in the light of diverse and incoherent relationships, can be addressed.

Abbo de Wit (1936-2022)

With great sadness we learned that on January 29 our former treasurer Mr. Abbo de Wit passed away. Abbo de Wit was the first treasurer of our Society (1999-2003) and one of the driving forces behind the formal establishment of EurSafe in 2000. With his great network and many years of experience he supported EurSafe greatly in its first steps as academic society in a field that in the late 1990s was still in development. We remember him with gratitude and extend our sympathies to his family.

Franck Meijboom

Anne Agerkrog Algers (1961-2022)



The EurSafe community is sad to announce the passing away of our dear friend and colleague Anne Agerkrog Algers (24.04.1961 – 02.03.2022). Many of us will remember her friendly personality and open attitude to all reflections on animal welfare, food ethics and knowledge dissemination. Anne (née Rasmussen) was born in Denmark but had her permanent residence in Skara and later in life on an island close to Gothenburg, Sweden. Anne

completed her PhD in 2015 from Gothenburg University. At that time, her specialization was within Educational Sciences, while she was already well trained in animal husbandry, ethology, and food science. Anne entered the network of the European Society for Agricultural and Food Ethics (EurSafe) already in 2006, when she was co-author of two papers which discussed the computer program 'Animal Ethics Dilemma', a learning program for veterinary students. This also triggered her more general interest in food ethics. She agreed to become Co-Editor-in-Chief when the journal, Food Ethics, was founded in March 2015. Anne terminated her role as Co-Editor-in-Chief of Food Ethics in July 2019. Interactive online learning was the topic of her PhD in 2015. It was also this activity which was the reason why the University of Gothenburg awarded her the title of Excellent teacher in 2021. In an interview on the University website she described her development this way [our translation from Swedish]: *"In recent years, teaching on the basis of social networks and the possibility to build knowledge together, with the teacher as a critical friend, has sprung up. I believe that students experience stronger motivations when they experience that they can contribute with something new – a little piece of the puzzle in the collective knowledge. This is what people think of when talking about open learning."*

Open education, promoting equity and inclusion and advancing openness as a process and resource of academic research, including ethical reflectivity, was the dominating ambition in the last part of her life. Anne will be deeply missed as an excellent teacher, critical and inspiring scientist and a warm friend.

Matthias Kaiser & Helena Röcklinsberg

¹ The journal Food Ethics is also publishing an Obituary for Anne Algers.

EurSafe Executive Committee

Update April 2022

Vulnerability of food systems, food system transformation and Planetary health. These are just three of the topics for the next EurSafe conference. When discussing the general theme and topics for the Edinburgh conference last year with Donald and Ann Bruce, these topics already seemed to be topical. However, in the light of the current developments in our world that is coloured by a war in Ukraine and (post-)Covid challenges, these topics turn out to be even more essential to discuss.



Therefore, it is great to know that many of you submitted interesting papers on these and related topics. I am looking forward to the discussions in Edinburgh encourage you all to register for the conference. All information on registration is available at www.eursafe2022.ed.ac.uk

As the EurSafe Board we will meet on 19 April, which will be the first meeting on location since 2020. On the agenda we are the first steps towards the EurSafe conference in 2024, the financial position of EurSafe and the final steps towards the Five-year strategic plan. Especially on this last topic we hope to update you later this year!

Best regards,

Franck Meijboom
On behalf of the Executive Board, 12 April 2022

Conferences, symposia and workshops

JUNE 22-24

Twenty-Sixth Annual Meeting of the International Association for Environmental Philosophy
Edmonton, Canada
[website](#)

JUNE 28-29

UFAW International Conference, Advancing Animal Welfare Science
Royal College of Physicians of Edinburgh, UK
[website](#)

JULY 22-29

Minding animals International (MAC5): Animals and Climate Emergency Conference
University of Technology Sydney, Australia
[website](#)

AUGUST 7-10

Seventh Oxford Summer School on Animal Ethics: Animals and Public Policy. Embodying, Implementing, and Institutionalising Animal Ethics
Oxford, UK
[website](#)

SEPTEMBER 7-12

EurSafe Conference 2022: Transforming Food Systems
Edinburgh, UK
[website](#)

SEPTEMBER 26-28

The 2022 European Congress on Alternatives to Animal Testing
Linz, Austria
[website](#)

OCTOBER 23-25

Utopia Animalia
Ascona (Monte Verità), Switzerland
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