

Reply to Baylis and Kofler

Dr Rebecca CH Brown, PhD, Oxford Uehiro Centre for Practical Ethics, University of Oxford, Oxford, UK

Prof Julian Savulescu, PhD, Oxford Uehiro Centre for Practical Ethics, University of Oxford, Oxford, UK; Biomedical Ethics Research Group, Murdoch Children's Research Institute, Melbourne, VIC, Australia; Melbourne Law School, Melbourne University, Melbourne, VIC, Australia

Dr Dominic Kelly, PhD, Oxford Vaccine Group, Department of Paediatrics, University of Oxford, Oxford, UK; Department of Paediatrics, Oxford University Hospitals National Health Service Foundation Trust, Oxford, UK; National Institute for Health Research Oxford Biomedical Research Centre, Oxford, UK

Prof Dominic Wilkinson, DPhil, Oxford Uehiro Centre for Practical Ethics, University of Oxford, Oxford, UK

Correspondence to:

Dr Rebecca C H Brown, Oxford Uehiro Centre for Practical Ethics, University of Oxford, Oxford OX1 1PT, UK rebecca.brown@philosophy.ox.ac.uk

In their response to our article on 'The Scientific and Ethical Feasibility of Immunity Passports' [1], Françoise Baylis and Natalie Kofler argue that our position is informed by a misguided emphasis on liberal individualism. In contrast, they argue, their insistence that immunity passports must be fought "tooth and nail" [2] is based on a more justifiable, communitarian approach to public health.

Our concern for individual liberties is not, we think, extreme. We agree that individuals may be required to make sacrifices in order to promote the social good and, indeed, that the current situation demands many such sacrifices. Whilst it is unclear what, precisely, Baylis and Kofler's communitarian public health ethic commits one to, it does not (presumably) require a jettisoning of individual interests altogether. Individuals are, after all, components of those communities whose wellbeing is of ultimate interest to Baylis and Kofler.

Our position with regards to immunity passports is that, *if* people are immune to COVID-19 and no longer a risk to others, their liberties should be restored *precisely because* they are not a threat to the greater good. Indeed, with their liberties restored, individuals are empowered to contribute to the common good. This appears compatible with communitarian

thinking and the assumption that a defence of immunity passports must be motivated by a commitment to liberal individualism is unwarranted.

It is also worth noting that nearly all of Baylis and Kofler's arguments apply equally to vaccine-induced (as opposed to infection-induced) immunity, suggesting they would object to any lightening of restrictions on vaccinated individuals until herd immunity is established, or some other basis on which the risks from COVID-19 become minimal. Whilst we very much hope such a situation will be achieved swiftly, we fear this stance could commit entire populations, including millions of immune people, to prolonged restrictions with little benefit.

Disagreement about appropriate policy responses to COVID-19 is inevitable, and debate valuable. However, imprecise speculation about "increasing risks for discrimination" and "stratifying society across a novel biological divide" is unhelpful. It is insufficient to simply state "there is a risk" whilst offering no indication of how large, likely or damaging that risk is. It also neglects the clear harm done (to both individuals *and* communities) by restricting people's freedoms unnecessarily.

Bibliography

1. Brown, R.C., et al., The scientific and ethical feasibility of immunity passports. *The Lancet Infectious Diseases*, 2020.
2. Baylis, F. and N. Kofler. *Why Canadians should fight tooth and nail against proof-of-immunity cards*. 2020 [cited 2020 5/6/2020]; Available from: <https://www.cbc.ca/news/opinion/opinion-pandemic-coronavirus-immunity-passport-1.5551528>. Accessed 17/11/2020.