

Exchange on Holbrook and Briggle’s “Knowing and Acting”¹

Adam Briggle, Steve Fuller, Britt Holbrook, Veronika Lipinska

Lipinska (20 March): You make a strong case for similarities between the proactionary and precautionary principle with regards to deployment of risk assessment strategies and avoidance of recklessness and try to give the precautionary principle a proactionary spin. In a way, what you are saying is that unless precautionaries go completely ballistic and push every proposal to undergo extensive and time consuming risk evaluations, the precautionary principle can well be proactionary in practice. However, I think it strongly undermines the precautionary principle as a principle and reshapes it into merely a tool for inquiry. It is one thing to say that we should evaluate risks before we proceed with action (which is what both proactionaries and precautionaries agree on and which I call ‘risk assessment’) and quite another thing to engage in active decision making, which should be understood as risk management.

Even though the European Commission and René von Schomberg both divorce themselves from conflating precautionary principle and policy making, I would say that this is a flawed logic. You seem prone to the same pitfall by reducing the role of the precautionary principle in risk management. The principle comes about only when risks are evaluated, risk assessment carried out and the policy maker has to decide on the basis of scientific inquiry whether to push the green or the red button.

It is true to say that in some cases proactionaries would accept less deep and thorough scientific risk inquiry before they go ahead with a decision but in the vast majority of cases they don’t call into question the need for scientific inquiry. Precautionary principle includes the word “precautionary” for a reason. It contains a moral element, the philosophical underpinning of which cannot be boiled down to what you call — a “matter of degree rather than of kind” (23). As a principle, it also entails a value judgement about what risk is and how of it is acceptable. I understand the attempt to try to reconcile the two and not lose innovation in the course of scientifically informed inquiry but the precautionary principle extends beyond “what is reasonable to do” and “what is the minimum standard of knowledge about risk before we go ahead with a decision”. If this is what it was it would be called a “bioethics panel”...

Holbrook (20 March): I agree with you that our reading undermines the precautionary principle as a principle. This is the point. We do not feel that principles should be reified or treated as more than orientating ideas. I don’t quite accept the tool metaphor. But I do believe that principles in general ought, at most, to be used to orient enquiry. The real danger arises when they are treated as decision procedures. (Steve, this also refers to your comment on bad versions of Kant — I hate the reading that treats the Categorical Imperative as a decision procedure.)

¹ *Editor’s Note:* The following e-mail exchange on Holbrook and Briggle’s “Knowing and Acting” (published on the SERRC, <http://wp.me/p1Bfg0-KQ>, as a pre-print on 16 April 2013) took place from 20 to 22 March 2013. The participants are J. Britt Holbrook, Adam Briggle, Veronika Lipinska and Steve Fuller.

Similarly, perhaps, I wouldn’t reduce decision making to risk management. That’s too technocratic for my taste. Decision-making is about judgment, which can be oriented (but not determined) by principles, science, citizen participation, and so forth.

I could definitely be wrong about my reading of the EC’s [European Commission] use of the precautionary principle. But I do interpret it differently from the way you seem to be suggesting. On my interpretation, neither “risk assessment” nor “risk management” as you mean them, below, is part of the decision to invoke the precautionary principle. What is necessary, though not sufficient, for the EC to invoke the precautionary principle is that there be the possibility of harm resulting from an action (that is, risk) AND scientific uncertainty about the extent of that risk. Under such circumstances, the EC has the power to invoke the precautionary principle and place the burden of proof on the proponent of an action. That’s when risk assessment and risk management really come into play – once the decision has been made to invoke the precautionary principle and to place the burden of reducing that uncertainty to risk on the proponent of an action.

Another possibility is that you agree that this is the correct reading of EC policy, but you think the policy incorporates flawed logic.

As to your point that the precautionary principle about what risk is and how much of it is acceptable, I agree, in a way. But I also think that taking such a principle and “applying” it to policy runs the risk of reducing decision making to a decision procedure — which is what we are arguing against.

Briggle (20 March): Veronika, Thank you for the thought-provoking reply. As you might imagine, I really like Britt's response!

I wonder if our disagreement can be put this way: I see two ways of talking about precaution and proaction.

1. (policy) Precautionary and proactionary **principles**. Here you seem to think they are quite distinct, where I think they are fuzzy zones on a spectrum of tactics and strategies for making decisions.

2. (politics) Precautionaries and Proactionaries as labels for world-views. I know Steve uses the terms this way to signify deep ideological and psychological commitments or outlooks. I am, frankly, sympathetic to this — it makes sense. But I don't know what this means for the **principles**. Should we say that the principles are logical outgrowths of these deeply held worldviews? If so, then they must be as distinct and opposed as the world-views are. That would support your position. But that relies on there really being something principled about these principles (that is, some static substance). I don't concede that kind of reality to the principles. I don't think there is such a thing as “the” precautionary principle, at least. These are public, dynamic, fuzzy, living practices always dependent on context-sensitive judgments — thus, they admit of degrees of overlap and shift about.

Thus, I think it makes sense to talk about someone as “A proactionary” but that does not mean it makes sense to talk about “THE proactionary principle” as if there were some formula or decision procedure that translated (in a one to one fashion) that basic world-view into a policy or a process (or method) for making policy. I think Britt and I give more weight, perhaps, than you do to the surprises that come about from particular contexts — this or that characteristic of a situation will inevitably skew things one way or the other. The fuzziness we see with these principles is the residue of this unavoidable situatedness of knowing-acting. Reminds me of Kuhn’s intro to *Structure* — there is always an element of the arbitrary at work ...

Holbrook (21 March): Yes, Adam — I think this gets at something important about our differences in interpreting the principles. I’m tempted to say that we have an idiographic interpretation, while Veronika and Steve are pushing a nomothetic interpretation of principles.

Fuller (21 March): I hate to bring up philosophy but I think this precautionary/proactionary distinction is a principled one because it’s about axiology. What is a human being for? The precautionary says we’re a part of a larger whole called “nature” and the meaningfulness of our lives (not to mention our sheer survival) is based on our appreciating that deep metaphysical point. In contrast, the proactionary says that we’re no mere part of nature; rather our existence gives meaning to an otherwise meaningless nature by serving as means to our ends. The precautionary wishes to return us to our biological origins, the proactionary to take us as far away from them as possible through endless acts of self-transcendence.

This is why replacing the natural with the artificial is so key to its strategy, and why some proactionaries speak nowadays of ‘black skies’ research that would have us concede the long-term environmental degradation of the Earth and begin to focus on space colonisation. (We may be seeing here a Green v. Black ideological divide replacing the Blue v. Red associated with the post-1789 Right-Left.) This difference is ultimately grounded in the value of being human: Are we animals suffering from too big brains (precautionary) or deities in need of more resources (proactionaries)? I don’t see how you can avoid this point, even at the level of politics.

I also don’t buy this business that a study of particular contexts undermines the value of principles — since it seems that you’re making a general point that goes beyond the precautionary/proactionary distinction and would basically call in doubt the value of any binary divide in politics, including the conventional Right-Left divide. And here it is worth recalling that political parties were designed specifically as collective vehicles within a representative democracy to advance long-term visions of society that go beyond the specific needs of specific individuals. We don’t happen to think that this late 18th century political innovation was such a bad idea — and it might make sense for self-avowed precautionaries and proactionaries to organize accordingly and sharpen their differences, so that vast majority of non-ideological people get to see clearly what is stake in the alternative world-views.

From a principle-based standpoint, the fact that people are influenced by the contexts in which they take decisions is easily understood: Contexts are sites for trade-offs because trade-offs are required for practical action. The interesting question then is how people make the trade-offs: Not everyone is completely precautionary or proactionary but they start from one or the other position: What is your existential response to uncertainty: threat (precautionary) or opportunity (proactionary)? Then you start haggling about differences until common ground is reached.

Holbrook (21 March): There’s much to discuss here. But let’s assume, for the sake of this discussion, your point about binary divides being helpful; and let’s apply it to our own discussion. Our own little binary divide doesn’t fall neatly along precautionary/proactionary lines. Ours is about the status and role of principles. I grant that it’s tempting to see Adam and me as precautionary about the role of principles, while you and Veronika are proactionary (with all of us on some sort of meta-level). But I don’t think that’s the best way to talk about our little divide at the moment, since it confuses things.

So, how would I characterize our little binary divide? Adam and I think principles should play a limited role in decision-making at a policy level. Veronika, at least, would like principles to play an even larger role (perhaps) than they now do in policy decision making, and certainly is moving in a direction opposite from Adam and me — and so, Veronika is divided from Adam and me in something like a logically binary fashion. She thinks P and we think \sim P, so to speak. You, Steve, on the other hand, are making a subtly but importantly different move, because you want to raise the discussion to the level of politics, rather than policy. But politics and policy are different games, with different rules. A simple illustration of this is the current state of US politics, where we have a stark ideological divide politically between the Democrats and Republicans, but both are fairly clearly aligned, overall, in the direction of Neoliberal policies.

To return to our little binary divide, I am suggesting that, for the moment at least, we stick to the issue of the role of principles in policy making. Part of the reason Adam and I want to limit the role principles play in policy making is that principlist decision-making removes judgment from the process. That’s not quite right, of course. It prejudges, so that “decision making” becomes “decision made”. We favor emphasizing differences on the level of the particular case, rather than removing differences to the level of binary political oppositions. What this means is that principles ought not to serve as decision procedures, which we use in order to force particular cases into some sort of black box so that our decisions all come out looking the same – and objective, which is always good! Of course, it would be possible to substitute a different principle, in which case, our decisions would all come out looking the same (except different): every decision either precautionary or proactionary. I take it this is the alternative that Veronika is pushing. She wants to substitute one principle for another, but to maintain principlism in policy decision making. Adam and I, on the other hand, would prefer not to take a principlist approach to policy making (P and \sim P).

There is a lot of sense to be made of Veronika’s position, especially from a strategic point of view, if your goal is to shift the question from “what should we do in this case?” to “what is the essence of humanity?”. You want — and I take it this is what unites Steve and Veronika — the discussion to be focused around which principle is best suited to achieve a certain vision of the human, precisely because you think the most important question is that larger, philosophical one. As Adam and I point out in our paper, principles can be manipulated to serve as cover for sneaking politics into policy decision making. They can also be manipulated to serve as cover for sneaking philosophy into policy decision making. On the face of it, that sounds great: what philosopher could be opposed to sneaking philosophy into policy? The trouble, however, is that it is not really philosophy that’s being snuck in – it’s a particular philosophy, with an already-determined view of the future of humanity (we are gods, and all that).

So, where Adam and I are idiographic (in that we want to emphasize the use of judgment to address the “caseness” of the case), you and Veronika are ideographic (in that you want to replace the need for judgment with a principled ideal according to which all our ‘decisions’ will be shaped).

Lipinska (21 March): To be honest I am completely ideologically divorced from “principlism” and favour sound rational judgement instead. I am not calling for principles as cookie-cutters, but rather as umbrella concepts that deliver a range of different solutions. By employing a principle in policy-making we give it direction, certain attitude that is grounded in our understanding of humanity, role of humans in this universe, sense of purpose etc. But they cannot be boiled down to procedures — even though René von Schomberg would want them to — they are rather aids to interpretation, decision tools.

I cannot agree with you more that often principles are used as evil agents to disguise what is really a pre-determined outcome or used in a political struggle. And I am not denying the importance of judging every case by its own merits but at the end of the day policies realise our visions about the future and therefore we cannot divorce policies from values encapsulated in principles.

Maybe I am too hooked on legal approach to principles. They play a role in every single case that goes to the court even though it is an ever-disputed question about how much can judges and lawyers rely on principles as sources of law. Precautionary principle became a source of law in the EU [European Union] and as René has confessed himself last time we talked, it is contaminating other areas of law that environmental law which it originally pertained to. This might be, I agree, because of principlism, or, as Steve and I see it, as a result of a wider risk-averse orientation. I believe the precautionary principle spreads specifically because people want certain policy outcomes; namely, preservation. Proactionary on the other hand, as a policy instrument, would allow the whole range of policy options to flourish (sometimes even including precautionary options!) but no-one had it their principle yet to bring about proactionary principle to the higher level.

In short — I see precautionary principle as a cookie-cutter where outcomes are pre-determined and degree of judgement involved is nil. Proactionary entertains more outcomes and more dimensions. They both have a vision of humanity behind them.

Fuller (21 March): Let me respond to the business about “principles vs. judgement”, which I find strange in the Holbrook and Briggle position. One thing that Kant and Hegel get from the law (which in turn comes from certain ideas about how God created the world, which we need not talk about — but see Leibniz’s *Theodicy*) is the idea that principles are infinite but judgements are finite. (Dialectics is needed to make some sense of “infinite judgement” — but we don’t need to go there either.) I don’t think anyone of us disagree on this basic point. However, it doesn’t follow that principles are useless; rather, principles need to be set against (i.e., mutually limit) each other in order to decide a case. Thus, in practice, the interesting difference between judges comes in terms of how they prioritise the principles (“lexicographic ordering” as Rawls would say): Does an overriding precautionary sensibility limit the scope for proactionary judgement, or vice versa? There’s a big difference here: Do I presume that fracking is bad until the frack-heads can demonstrate a case for minimal damage, or do I presume that fracking is good until its opponents can demonstrate a case for probable damage?

In a sense, it does boil down to a burden of proof issue, but “burden of proof” can’t be understood in a narrowly epistemic way. Instead it also includes presumptions about where society is supposed to be going. Ronald Dworkin was very good on these matters, which led him to conclude — and Veronika and I would agree with him — that when a judge decides a case, s/he is not only deciding what’s best for the immediate parties now but for the society at large in the long-term. Yes, judges are in the business of using case law to advance political agendas. This applies just as much to Dworkin — who gleefully admits it — as to the Robert Borks of this world who find it a perversion of the “original intention” of the founding fathers ...

When we had Schomberg here [at Warwick University, February 2013] recently (and this is what Veronika is referring to), we really got the impression that the precautionary principle has become the anchor for EC-based legislation for two reasons: (1) It’s got some legal standing through international environmental law. So that provides grounds for presumption. (2) It also fits a certain conventional way of envisaging welfare-state action, i.e., as protecting people — not promoting them. So, combining (1) and (2) means that the precautionary principle takes de facto precedence not because of any deep commitment to the principle but because it is expedient for policy purposes, given the recent history of policy making, at least in the Western world. Maybe this is your position too. But in that case, you are really avoiding the larger ideological issues that are behind the promotion of the precautionary principle, which may also why so many precautionaries always feel betrayed by politicians. (By the way, the idiographic v. ideographic distinction is a good one — to contrast our positions!)

Holbrook (21 March): Here’s my expansion on rule-seeking:
<http://csid.unt.edu/field/npp2011/Holbrook.pdf>

Briggle, Adam, Steve Fuller, Britt Holbrook and Veronika Lipinska. 2013.
“Exchange on Holbrook and Briggle’s ‘Knowing and Acting’”.
Social Epistemology Review and Reply Collective 2 (5) 38-44.
<http://wp.me/p1Bfg0-Li>

Briggle (22 March): Thanks for the great back and forth. I think of Callahan who wrote in “Bioethics as a Discipline” in 1973 that bioethicists are going to need some form of moral discourse that can operate like Roman Catholicism but for a pluralist society — they need to be able to **presuppose** lots about fundamental issues (e.g., what it means to be human) in order to be helpful to society. Without this, we will forever be nattering on about the fundamentals while the decisions are made without us.

I read principlism via Beuchamp and Childress ([*Principles of biomedical ethics*,] 1979) as the answer to this call — principles allow us to presuppose lots and get along with policy making. I agree with Britt (and [Leon] Kass!) that this turns decision making into decisions made as fundamentals are smuggled in without the benefit of explicit discussion. What I like about Kass’ bioethics is that he makes the human condition once again an open question - but in so doing he invites the criticism that he is engaging in policy irrelevant navel gazing. And that he too is smuggling in ideology (but he is only accused of this by folks who fail to see principles as the policy sheepskin of metaphysical wolves). You just can’t win!

So, I am happy to talk about principles just as long as we make sure this prods us to consider the deeper questions about who we are and where we should go. Steve does this consistently. But others use principles as conversation stoppers about fundamentals — the way Callahan and Beuchamp/Childress seem to have designed them. And what this means for the role of the public intellectual (or philosopher) is that we walk around pulling people out of their little gopher holes and show them the horizon, or a mountain, or a lake. We can be rest assured they will misunderstand us — but maybe they will be amused for a while.

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