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On: 19 June 2014, At: 17:43

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal of Risk Research

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rjrr20>

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Published online: 02 May 2014.

To cite this article: Chris Hesselbein (2014): Finding the middle of the road: report on the International Conference on Risk and Responsibility, Journal of Risk Research, DOI: [10.1080/13669877.2014.911200](https://doi.org/10.1080/13669877.2014.911200)

To link to this article: <http://dx.doi.org/10.1080/13669877.2014.911200>

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Finding the middle of the road: report on the International Conference on Risk and Responsibility

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For two days in June 2012 the centre of The Hague was the venue of a high-level exchange between influential people from the realms of politics, academia and civil service. The conference was held in the monumental Sociëteit de Witte, a private club on the Plein: a historic square which has been the focal point of political demonstrations throughout Dutch history. On 21–22 June, however, the square was filled only with sunlight and the usual curious tourists.

The overarching objective of the conference was to discuss the role and responsibility of government in dealing with physical risks and to focus particularly on the so-called ‘regulatory reflex’, i.e. the tendency of government agencies to introduce new risk regulation in the wake of a specific incident. One objective of this meeting was to discuss the position statement drafted by the Dutch Cabinet regarding government responsibility and risk regulation (after the September 2012 election, the Cabinet that issued this statement was replaced). The conference also aimed to investigate the similarities and differences of risk regulation from an international perspective – hence the international guests in attendance. The largest delegation of foreign visitors came from the United Kingdom, but there were also contributors from the United States and Germany. To inspire a frank and open exchange of ideas, the conference followed the Chatham House Rule, which means that the identities and affiliations of the participants may not be revealed.

The following account highlights the principal themes of the conference and attempts to link the distinct yet complementary elements of the discussions that took place. These themes have been tentatively divided into three general subchapters, although this analytical division is superficial, since the topics often overlap. This report does not offer conclusive answers (for these one should consult the articles in this special issue of the *Journal of Risk Research*); instead, it aims to comment on the conference itself and suggest possible directions for future debate.

Public policy and scientific knowledge

One of the main themes of this international conference was the relationship between scientific knowledge and public policy in the context of epistemic and normative uncertainty. In other words, how are robust public policies informed by scientific estimates of a particular risk, or lack thereof, at a time of acute crisis? The

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tension between these two elements re-emerged in two specific discussions of recent crises: the Q-fever epidemic in the Netherlands and the disruption of global air traffic during the eruptions of Icelandic volcanoes in 2010 and 2011. During the Q-fever crisis it became clear to a broad public that veterinary science cannot provide a simple answer to the complex question of which measures might prevent the further spread of the Q-fever bacterium. Viewed in retrospect, the Q-fever crisis shows that it is nearly impossible to know in the throes of the crisis which regulatory measures are most appropriate, because future developments can only be guessed at. Indeed, these problems highlight the difficulty of separating a scientific issue from a policy issue, and show that public policy cannot be informed solely by scientific knowledge. Obviously, the scientific question is part of a wider story.

Something similar can be said about the crises caused by clouds of volcanic ash. Here, scientific assessment took place under enormous commercial pressure, and was exacerbated not only by the media and the complex transnational characteristic of European air traffic regulation, but also by the extremely complicated division of responsibility between national governments, air traffic controllers, commercial airlines and engine manufacturers. The question at hand – Under what conditions of risk can it be considered safe to fly? – cannot be answered simply by relying on scientific assessment of the ash cloud itself. To describe risk in purely quantitative terms is extremely difficult, if not impossible. Again, the technical aspects, such as the distinction between hazards and risks, play just one part in the larger story. In short, we need to think realistically about the role of science in evaluating risk.

Natural scientists cannot be expected to have answers to all the questions, and their respective scientific disciplines can contribute only when addressing the right kinds of questions. The behavioural sciences, such as cognitive science, are crucial in understanding the perception of risk and how trust is gained and lost. Determining which questions belong to the realm of either scientific research or policy-making and – if such an analytical separation is even possible – deciding which scientific disciplines should feed into the decision-making process remain salient problems. Taking into consideration the evidence from the field of risk research, however, will help regulators make better decisions. The independent reviews of risk regulation in Great Britain by prominent scholars in risk studies are an example of how this can be done in practice.

An issue that emerged during the conference was the degree to which governments should be held responsible for dealing with calamities and to what extent they should be expected to act on risks at an individual level. A small number of participants pointed out that contemporary governments seem to be under increasing pressure from the public to implement more stringent safety measures; in the present-day ‘climate of never enough’, citizens expect government to provide them with ‘absolute safety’. It was observed that in reaction to this, governments now seem to overreact to calamities by introducing unnecessary safety regulations after the fact. Indeed, many catastrophes appear to be the result of a failure to apply common sense and a disregard of established and well-known rules. In short, public demand for government action to prevent the recurrence of particular incidents has led to a convoluted regulatory system. This brings us to the next point, namely the reality of politics in which decisions are not based purely on rational arguments but are influenced – often to a large extent – by emotional reasons as well.

Finding a balance between the under- and overregulation of risk is clearly a difficult task. A starting point for the problem of knee-jerk regulatory action is to realise

that many incidents that lead to overregulation are very unlikely to recur. It is, therefore, not unreasonable to refuse to invest in risk prevention that might be of only marginal benefit. More importantly, many risks can be anticipated. Promoting the discussion of risk before a calamity occurs can promote societal acceptance once disaster has struck. Anticipation can help prevent overly emotional reactions, thus increasing the possibility of a reasonable solution.

The existence of a regulatory infrastructure, which includes a range of different views on risk regulation before disaster occurs, will prevent the government from being isolated once disaster has struck. This regulatory infrastructure may mark the positions of various stakeholders and thus serve as a vehicle of proportionate regulatory action. Indeed, there are many ways in which professional organisations, interest groups and different sectors of government can deal with risks. An awareness of these different approaches reduces the possibility of unpleasant surprises later on. Furthermore, having a system of crisis management in place will enable the government to take an active part in the public representation of the incident, rather than leaving this to the media and thus losing control of the public discourse. Even if the planned infrastructure is not fully equipped to cope with the crisis at hand, at least it will give a sense of control and improve the government's capability to handle the crisis. It is important, however, for governments to remain flexible, despite their precautionary measures. It is crucial to maintain the ability to differentiate between the risks and the regulatory options. This leads us to a final point on the role of government in risk regulation, namely the lack of political and institutional incentive to review and improve existing risk regulations. Well-informed risk regulation relies on responsible political leadership, and this has fallen short in the past.

Risk governance

Another key theme to emerge from the conference is the importance of participatory politics. The call for participatory action comes as no surprise, considering its popularity in the academic literature of the past two decades. Risk governance and stakeholder involvement are currently considered important ways of finding a balance between under- and overregulation. The concept of 'risk governance' differs from the traditional approach to risk management in that it strives to incorporate both actual and perceived dimensions of risk. This means that risk governance takes into consideration both the scientific assessment of risk and the perception of that risk, since the popular perception of risk can run counter to scientific observation. In contemporary societies in which public attitudes and opinions play an important role, both the reality and the perceived reality of a risk must be considered.

The risk governance model also emphasises the importance of framing. It acknowledges that different types of rhetorical frames can have a different impact on how a particular issue is perceived and acted upon. The various social, economic and cultural frames applied by the different actors are at the root of most debates about risk. Stakeholders may be talking about the same issue, but their respective frames result in radically different interpretations of the same risk and how it should be tackled. The acknowledgement of multiple rhetorical frames and the inappropriateness of a linear decision-making process underline the necessity of seeking a compromise. A trade-off between stakeholders is always a political process fraught with subjectivity. The fair distribution of both benefits and drawbacks among stakeholders needs to be taken into account, as do the value judgements on which fair

distribution may be based. In other words, the risk governance model ideally offers a place both for the scientific assessment of risks and for the political debate on values.

A key element of the risk governance model is its emphasis on the manifold nature of risk and how this affects the choice of stakeholders involved in the decision-making process and the decision to adopt certain strategies of risk management and communication. There are four important distinctions to be made between risks according to the risk governance model. First, the most common risks are mundane and best left to standard risk assessments, which will find the most cost-effective way of making a risk acceptable to both policy-makers and the public. Second, *complex* risks have complicated causal and temporal relationships. In the case of complexity, the risk assessment must include all relevant scientific expertise, and an expert consensus should be sought on which to base solid regulatory advice. Third, *uncertain* risks are characterised by a high degree of second-order uncertainty, that is to say, there is no expert agreement on the nature of the risk at hand. In this case, the degree of participation should be expanded beyond regulators and scientific experts to include any stakeholders that might be affected by a regulatory decision or lack thereof. Stakeholders should negotiate to determine an acceptable safety level for all participants, despite widespread uncertainty. Finally, there are the *ambiguous* risks, which are characterised by scientific or technological controversy. Controversial risks are open to expert and public dispute at all possible epistemic levels; there is no agreement on the application of scientific or normative models, nor is there consensus on the interpretation of results. In this case, participation should be as broad as possible to include the general public. The goal of this approach is to seek a value-based discussion to expose, discuss and accept or reject the normative similarities and differences, with a view to finding a practical resolution.

The risk governance model is an ambitious theoretical model but it has obvious practical difficulties. For one thing, stakeholders may be unwilling or unable to participate adequately. Moreover, there are obvious imbalances in power among stakeholders, and this becomes especially apparent when the government and the public are at odds. Indeed, some participants in The Hague conference pointed out that people have grown sceptical of governments that claim to listen to public opinion. More often than not, it seems as though governments have already made up their minds, and that no matter what the public says, the outcome is a foregone conclusion. Another problem of stakeholder participation is the danger that issue advocates or interest groups will hijack the discourse, leading all too often to a situation where those who negotiate on behalf of the public represent a marginal position, rather than a broadly shared public sentiment. Public officials find it hard to stand up to such people because safety and risk are such highly persuasive arguments in public discourse. Moreover, it is politically dangerous to argue in favour of risk acceptance and toleration instead of proposing new – though perhaps unhelpful – risk regulations.

To the extent that the Dutch government's responsibility for risk regulation was discussed at the conference, it was noted that the Cabinet's position statement lacked a mechanism for dispute resolution in crisis situations. Without such a mechanism in place, it is hard to envision what practical impact its principles and guidelines might have. In other words, without a locus for debate and a process of enforcement, even well-intended regulations are bound to be ineffective. Therefore, a structured

mechanism is needed to create a space for stakeholder involvement in the decision-making process. This mechanism, however, should not impair the ability of public servants to reach a tentative position on the matter at hand before the debate is opened up. In other words, a space is needed where stakeholders can make their case and possibly influence the regulatory process in progress. As mentioned above, it was suggested that an independent academic review with a clear deregulatory objective might streamline the regulatory process. Past experiences with regulatory reviews in the UK have shown that these can be completed in a satisfactory manner for ministries, interest groups and citizens alike.

This last point highlights the relevance of an international perspective on current risk issues. Regulatory successes and failures in other countries can be helpful in determining the appropriateness of new risk regulations. An important caveat is, of course, that each country operates within its own unique national context. Nonetheless, for European countries in particular, risk regulation is increasingly determined at the pan-European level, namely in Brussels and Strasbourg. Occupational health and safety regulations in particular are subject to requirements set by EU directives. Therefore, those in favour of risk- and evidence-based public policy should make their arguments heard not only in their own countries but also in the European Commission. The volcanic ash crisis in particular clearly shows that certain risks cannot be regulated on the national level alone.

Irrational public(s)

The discussion on stakeholder involvement outlined above serves as a transition to another recurring theme of the conference, namely the perception of the public by both academics and regulators. As mentioned above, a few of the participants saw the public as demanding ever more regulatory action and absolute safety. Public pressure has in fact led to a host of excessive safety regulations. The majority of the participants vehemently disputed, for a number of reasons, the government's view of the public. It was argued that the public simply wants the government to enforce existing policies, so public pressure cannot be the primary reason for excessive safety regulation. It was suggested that instead of adopting more regulations, the Dutch government should invest in more effective enforcement of existing regulations.

Some conference participants pointed out that ordinary citizens are much more rational and capable of meaningful participation than previously thought. Discussions of risk policy, therefore, should not be limited to policy-makers and scientists but should allow lay people to participate in negotiations on policy issues in some cases. Their inclusion in such processes not only ensures a better regulatory outcome, but also saves the government from taking responsibility for more and more instances of risk. Again, additional research is needed to understand how cognitive factors inform our perception and acceptance of risk on both the individual and the collective level.

Another point brought up at the conference was public expectation; people expect the government to be open and honest about risks, even minimal ones. Evidence presented at the conference suggests that most people are indeed capable of making realistic estimates of risk, and are quite willing to accept risks as long as they are 'accidental', and not structurally imposed on them by the government. The public is especially intolerant of imposed risks, but when the imposition of risk is

preceded by an open and honest debate on what might be a tolerable level of risk, the chance of public rejection declines dramatically. In fact, several academics attending the conference argued that the ‘myth’ of the risk-averse citizen is a self-serving narrative perpetuated by governments to absolve themselves of regulatory responsibilities and disguise their unwillingness to take citizens’ concerns seriously.

An additional problem is that government policies are often presented in purely factual terms. Thus, questions from the public about particular techno-scientific risks are often countered with reassurances that the risk is very small or even non-existent. The refusal to take citizens’ concerns seriously incites even more risk-intolerant opposition. The carbon-storage debacle in the Dutch town of Barendrecht – mentioned frequently during the conference – is a prime example of this phenomenon. However, it was argued that what is really at stake in such controversies, is the question of when risk is acceptable and who should be responsible for declaring it acceptable. The key point is that this essentially moral question cannot be given a factual answer. In short, the government presents as a factual claim what is actually a moral argument. This rhetorical trick leads to a distorted debate in which genuine public concerns are disingenuously silenced. In the vicious circle that results, both factual and moral arguments are lost in the cacophony of a public controversy. The badly structured process is ultimately detrimental to government policy and spoils an ideal opportunity to engage meaningfully with public concerns. By encouraging politicians and civil servants to talk about risk in a broader manner, namely by including both technical and moral arguments, controversies may be able to move beyond a tit-for-tat exchange towards a more productive conversation about fairness and self-determination.

Conclusion

The International Conference on Risk and Responsibility was a fruitful high-level exchange between scholars in risk studies, politicians and civil servants. Regrettably, scientists were largely conspicuous by their absence. This is a great pity, for if regulatory progress is to be made, all disciplines involved must be adequately represented. If our goal is more risk policies based on science, we must invoke ‘science’ in more explicit terms and clearly define our vision of how ‘science’ should fuel policy. Sharpening the language we use is a prerequisite to the success of the valuable message that risk studies have to offer.

Calls for increased ‘transparency’ were often heard during the conference. Apart from a few people who raised questions about transparency, many participants seemed to use the term as an unequivocal good. The argument for more transparency – i.e. for more open and honest communication – was frequently heard in a variety of contexts. Frank communication is clearly necessary in fostering trust. Yet, despite the popularity of the word, remarkably little was said about on how and transparency might work to the benefit – or indeed the detriment – of public policy and public trust in government. Judging by the variety of contexts in which it was used, transparency seems to have multiple meanings and applications. A case in point: during one session two participants used transparency, one when talking about how scientific experts contribute to public policy and the other to describe how the public may be witness to the inner workings of public policy. Even though these issues are clearly related, transparency might have a very different meaning in these two contexts. In fact, transparency might actually reduce – rather than increase – public trust in government policies, not to

mention the possibility that it might stifle frank conversation among scientific experts. Moreover, being transparent about risks might reduce, rather than increase, trust in technologies, as evidenced by the distress caused by medical information leaflets. Scientific councils often hold their deliberations behind closed doors for exactly this reason.

Two fields of tension characterised this conference. On the one hand, there were calls for more robust scientific evidence, which is by definition an exclusive form of knowledge governed by scientific experts. On the other hand, arguments were advanced in favour of more stakeholder participation and transparency. How can these two seemingly contradictory goals be resolved? Scientific expertise is crucial for well-informed public policy, whereas robust public policies are informed by public participation. Several problems must be resolved before these two elements can be reconciled. How do science and public policy influence each other? How can models of public participation be designed to have a more practical application? How does knowledge of science and technology inform trust? How does transparency benefit or disadvantage both public policy and scientific knowledge production? How should regulators proceed in the face of uncertainty? How can we arrive at a consensus on acceptable levels of risk? These ever-present – though not always obvious – questions underlie much of what happens in the field of risk studies. Rather than making the usual, clichéd calls for further research, we should put our findings into practice, for only in its practical application can academic research have an impact. The expertise of risk studies can be applied to public policy to find the middle road between science and politics, expertise and participation and the (un)certainities of living with risk. As always much work remains to be done. Despite the plethora of uncertainties, conferences such as this show us where we can best place our academic efforts.