

ETHICS AND RISKS: APPROACHES AND ISSUES

INTRODUCTION

Most of our decisions are made under conditions of risk and/or uncertainty about the possible consequences of our actions or omissions. Examples range from mundane choices (e.g. driving or not driving to work, getting an influenza vaccine or not) to far-reaching political decisions (e.g. about climate change, terrorist attacks or new and emerging technologies). Given the inescapability and significance of risk and uncertainty, it is little wonder that ethicists' concern with these topics has been increasing at a steady pace.

The first challenge when engaging with the philosophy of risk and uncertainty is terminological. Depending on context, the term 'risk' admits of many uses and definitions (e.g. risk may denote an unwanted event, the probability of an unwanted event or the cause of an unwanted event). Nevertheless, commonalities exist. What most usages of the term have in common is that they regard risks as something undesirable that involves a lack of knowledge about what will happen.

A widespread, albeit contentious, starting point in the current philosophical debate is to conceptualize risk as a combination of the severity and the probability of occurrence of an unwanted event. Such cases of action under risk are distinguished from cases of action under uncertainty, in which we lack probability information for the unwanted events, and cases of deep uncertainty, in which even the possible consequences of an action are unknown.

Many of the risks we face today result from technological and societal advances, and are imposed on us by other agents and/or collectives. As such, not only is risk imposition itself an appropriate subject of normative evaluation, but also its management, (re)distribution, and reparation. Furthermore, additional questions loom in the background, such as what a

justifiable overall level of risk consists in and how to handle existential risk.

Classical ethical theories rarely address risk explicitly, and inquiry tends to focus disproportionately on actions with determined outcomes. There may be two reasons for this oversight. First, the need to keep discussion and examples tidy and free from complicating factors. Second, the assumption of a division of labour between ethics and decision theory, in which ethics tells us what to do and decision theory tells us how to implement these answers when faced with risk and uncertainty. Problems are exacerbated by the fact that even if theoretical or ideal-level responses to normative questions raised by risk were to be found, these would have to be translated into action-guiding recommendations in a non-ideal world. Needless to say, such a task would not be an easy one.

However, burying our heads in the sand is not the solution. Risk imposition is ubiquitous and introduces genuine ethical dilemmas. This special issue not only demonstrates this fact, but it goes a considerable distance in tackling problems like those mentioned above, as well as other risk-related difficulties. It brings together authors with divergent theoretical commitments and different perspectives around a multi-faceted problem: squaring ethics with risks. The contributions collected here reflect the complexity of the subject matter and its wide-ranging importance.

Friedemann Bieber argues that philosophers have not devoted enough energy to the development of a conceptual framework for distinguishing different types of risks. He first illustrates the need for a more nuanced conceptual framework. This is based on the thesis that ethicists need to distinguish between different types of risks because of the great variety in risk-related normative considerations. Subsequently, the author develops two ideas. First, he proposes that we understand ‘risk’ as a multi-dimensional concept – a concept that can always be evaluated in different dimensions (e.g. a qualitative, a quantitative and an epistemic dimension). Second, he introduces an original account of ‘systemic risk’. Criticising current accounts, Bieber suggests we conceptualize ‘systemic

risk' as a risk that endangers the functioning of a system and originates in the system or its background noise. Further, the author identifies a number of structural features shared by systemic risks and evaluates the distinctive normative considerations to which these give rise. In a final step, Bieber argues that the notion of 'systemic risk' is particularly apt for characterising some of the most pressing risks we face in our interconnected world.

Sven Ove Hansson takes the fact that risk-related decisions are often hindered by conflicts and uncertainties at the science-policy interface as his starting point. The author shows that there is ample room for improving decision-making processes and their employment of science. Hansson argues that philosophical tools and distinctions can have a vital role in eliminating or mitigating risk-related uncertainties. The author advances the position that part of the reason why philosophy (in particular, philosophy of science, decision theory, and ethics) can have such a role is because many of the so-called scientific controversies are not conflicts within science, but between science and science denial or forms of pseudoscience. In such cases, alleged uncertainties can be overcome by doing away with pseudoscientific claims and fabricated controversies. The author argues that a significant part of any remaining uncertainty will not be relevant to decisions, which he demonstrates *via* two simple symmetry tests: the test of alternative causes and the test of opposite effects. In a further step, Hansson argues that decision theory and ethics offer ways of handling remaining decision-relevant scientific uncertainties, such as hypothetical retrospection. The latter consists in a systematic deliberation on how we will evaluate present decisions in different potential future situations. The purpose of this process is to approach the ideal of making ethically defensible decisions regardless of what happens.

Madeleine Hayenhjelm starts by presenting a host of puzzling questions. What kind of moral principle could strike the right balance between being sufficiently restrictive to avoid the kind of large-scale risks that have resulted in catastrophe in the past, but not stifle desirable progress?

Is there such a principle that is not merely a precautionary principle, but one that could be based on firm moral grounds? Hayenhjelm sets out to explore a deceptively simple thought, namely that *reparability* serves as a moral constraint against risky policy decisions. Her idea comes in two forms. First, it is morally wrong to impose a risk of harm that is, in principle, irreparable, such that it would bring about a permanent loss of a kind *qua* kind. Second, it is morally wrong to impose a risk of reparable (but not compensable) harm that exceeds what could be repaired in actuality. She aims to achieve two things. First, she sets out to describe the moral problem to be addressed for any principle-guiding decisions about risk. This involves acknowledging that risk decisions are epistemically impaired decisions, and that both epistemic and moral uncertainty must be taken into account alongside outcome uncertainty. Second, Hayenhjelm introduces the idea of reparability as a moral constraint in the form of two versions of the Reparability Principle. In conclusion, the author argues that the Reparability Principle is both a morally intuitive and valuable guide to decision-making.

Lukas H. Meyer and Harald Stelzer argue that climate change-induced uncertainties raise significant challenges to normative theory. One such challenge arises because currently living people's actions do not necessarily harm future people, but they do impose risks of rights-violations onto them. This gives rise to important questions. How should we weigh the climate change induced impositions of risks on future people? How can we comparatively assess the imposition of these risks to the interests of people currently living and the costs, harms and forgone benefits by climate change policies? The authors advance a framework for answering some of these questions by outlining a risk-averse interpretation of inter-generational sufficientarianism. They argue in favour of this position and reveal its implications for climate change responses.

Klaus Steigleder addresses the oft-made complaint that rights-based moral theories cannot adequately or convincingly deal with risks. Broadly speaking, rights-based moral theories prohibit the imposition of risks that

cannot be adequately controlled and that involve the possibility of basic harms (e.g. death). Nonetheless, circumstances exist in which the imposition of such risks is permitted or even required. Steigleder attempts to show when this is the case by advancing a non-exhaustive list of five criteria. First, the imposition of a mere risk of a basic harm may be preferable to its secure infliction when certain conditions obtain. Second, the imposition of the risk of a basic harm on one person may be justified when this is the only way in which a risk of an even greater harm to another person can be prevented. Third, when the imposition of a small-probability risk of grave harm on one person is the only way in which a high-probability risk of grave harm to another person can be prevented, then this may be situationally justified. Fourth, if the normative inescapability of basic harm risks pertains to risks that are typically connected to certain technologies, technological systems and forms of social organization, then such risks can be justified if a technology or form of organization helps to avert even greater risks to all affected. Fifth and finally, the imposition of risks of basic harm can be justified through the consent of those affected.

Jeffrey Haines advances three arguments. First, political libertarians should hold that it is wrong to create a risk of non-negligible harm for non-consenting others. Second, compensatory payments have to be made to those put at risk in order to secure their consent to such risk imposition. Third, given that such a system of payments would be highly impractical and would require a massively invasive bureaucracy to enforce, libertarians should prefer a generalized system of redistribution as an alternative. Such a system would base receipt of payments not on need but on exposure to risk. The system would require larger payments from those who create more risk for other people and not, necessarily, from those who are wealthier. Nevertheless, to the extent that wealthier people create more risk for the poor than vice versa (e.g. the driver of the car creates a bigger risk for the pedestrian than the pedestrian does for the driver of the car), the pattern of redistributive payments will resemble that

of conventional theories of distributive justice. Provided the correctness of his account, Haines concludes that considerations of risk imply that libertarians should support a fairly robust redistributive state.

Nimrod Z. Kovner argues that putting others at risk can establish morally corrupt relations between individuals. Kovner's argument tracks and advances the legal and moral philosophy literature on the moral significance of risk in normative thinking. The author claims that understanding why imposing risk bears moral significance is vital for answering questions regarding the meaning of liability or redress in the context of risk-imposition. Scholars have tended to focus on the impact of risk impositions on individuals' mental state, resources, interests or autonomy. Kovner's primary contribution lies in his emphasis on the relational aspects of risk-imposition. The author claims that putting others at higher risk may form a morally defective relation. He advances this view by way of an analysis of two potentially defective relations: one of domination, which is based on Pettit's work on Republican freedom and one of exploitation, which occurs when an agent takes unfair advantage of another agent's vulnerability.

Aviezer Tucker argues that justice in the distribution of risks, risk assessments, and trust in expertise, technocratic and political elites are closely linked. Distributive justice is not solely a normative theory that should regulate the distributions of risks and rewards, but also a political force that affects policies. Tucker begins by outlining David Schmidtz' theory of justice, as well as the social theories of risk of Beck, Luhmann and Giddens. In a subsequent step, he describes the risks that accompany new technologies of extracting unconventional energy resources. Tucker also outlines policy responses to the implementation of these technologies in Europe and applies the theories expounded at the outset to explain the political reactions and policy results in Europe. The author highlights a feedback causal loop between unaccountable technocratic and political elites and distrust. He asserts that geopolitical risk may balance technological risk assessment when assuming technological risks reduce geopolitical

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risks. In a final step, Tucker's account is buttressed by a comparison of regulatory policies for the extraction of unconventional energy resources in the US, as well as an analysis of a case in England where the government attempted to decrease injustice in the distribution of risks.

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