

Public Participation, Legitimate Political Decisions, and Controversial Technologies

Introduction

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DOSSIER

PUBLIC PARTICIPATION, LEGITIMATE POLITICAL DECISIONS, AND CONTROVERSIAL TECHNOLOGIES

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INTRODUCTION

How should a diversity of public opinions and perceptions of controversial policies or technologies regarding, for example, food, health, and medicine should be accommodated or respected in the overall legal, administrative, and political frameworks? What is required to enhance or preserve the democratic legitimacy of such a range of decisions? What sort of public participation should we want or require in designing the legal, administrative, and political frameworks? In particular, what weight should public participation have compared to other requirements of justice and legitimacy?

This special issue concerns the above questions, and is one of the outcomes of a multidisciplinary research project undertaken at the University of Copenhagen titled “Plants for Changing World.” The project involved researchers in plant and environmental sciences, pharmacology, law, food and resources economics, and philosophy. This project aimed at underlining the scientific and social challenges raised by a variety of agricultural developments, in particular in plant design. These developments included genetically modified organisms (GMOs) and rewilding of crops (e.g., Marchman et al. 2015, Palmgren et al. 2015). As is familiar, GMOs create a lot of public resistance, often despite contrary scientific evidence that they may be beneficial and involve no significant risk to health or the environment.

At least in the European context, what we might call the public-participation paradigm has been influential in the regulation of GMOs. This is the idea that public participation—as well as some degree of public acceptance—is a precon-

dition for legitimate decision making in the domain of novel plant technologies. Numerous surveys have found a considerable public resistance in all European countries regarding GMOs and their development (European Commission 2010, p. 18), and in part this may explain the costly regulatory system and the lack of will among producers to engage in the development of GMOs.

Yet the suspicion is often voiced that this resistance is illegitimate because it is not sufficiently scientifically informed, or because it is not based on sufficiently cohesive and justified moral values. An additional concern is that one major potential of novel plant technology touches climate change and food supply, issues that mainly affect humans in developing countries and future generations. But it is unclear how benefits to people other than those who are involved in the political decision-making process should be reflected in the public-participation paradigm. So, there is considerable reason to rethink and refine the public-participation paradigm as it applies to novel plant technology.

This special issue relates to current discussions in political theory about legitimacy, deliberative democracy, epistemic conceptions of democracy, deliberative failures, public understanding of science, and collective decisions in contexts of uncertainty. Moreover, its main focus is the public-participation paradigm (i.e., the idea that public decision making needs citizens' involvement in order to be legitimate). According to the public-participation paradigm, affected individuals should give their qualified consent to a given policy in some sort of deliberative process.

The public-participation paradigm raises all sorts of questions that are central for political theory—for example:

- 1) What counts as being affected by a given policy? Are you affected by a change in the production system in another country? Are you affected in the relevant sense merely by a product being available on the market? Are you affected if your moral views or religious views are not followed by others? Are you affected only if you could be harmed in a specific way?
- 2) What counts as a reasonable level of factually correct information upon which views should be based? What about cases in which part of the public debate is about what information is factually correct? Which level of understanding of probabilities should be expected/required from participants in order to count opinions as properly informed? What sort of idealized version of the actual expressed views should be permitted, or required?
- 3) What sort of consent is required? Actual consent might seem clearly too demanding. A commonly mentioned possibility for defining consent as legitimate in political theory is to consider decisions as being legitimate

when they are supported by reasons that no one can reasonably reject. How should that be interpreted? Is the possibility of contesting or the possibility of being heard enough?

- 4) How should the views of populations of the developing world and future generations be accommodated in the public-participation paradigm?

This special issue is obviously too short to deal with all these questions. Nonetheless, these questions indicate the richness and the depth of the issues related to the participation of citizens in public decision making, issues that need to be tackled by political theory.

The task undertaken by the authors of this special issue of *Les Ateliers de l'Éthique/The Ethics Forum* is double pronged. On the one hand, it is to discuss the implications of the public-participation paradigm for decision making that bears on scientific activities and advances that are perceived as risky by citizens. On the other hand, it is to question the very role played by consensus and deliberation in contemporary theories of legitimacy.

The first dimension is covered by Andreas Christiansen, Karin Joench-Clausen, and Klemens Kappel's article "Does Controversial Science Call for Public Participation? The Case of GMO Skepticism" and Andreas Christiansen and Björn Gunnar Hallsson's article "Democratic Decision Making and the Psychology of Risk."

In "Does Controversial Science Call for Public Participation? The Case of GMO Skepticism," Christiansen, Joench-Clausen, and Kappel challenge the assumption widely shared in public policy and science communication that public participation could overcome citizens' suspicion towards controversial technological advances. The main justification for what the authors label as the "Public Participation Paradigm" in a narrow sense (i.e., the view positing that controversial science and technology require public participation in the policy-making process) would be to bridge the gap between citizens and experts. However, despite the desirability of such ambition, the authors claim that theories of political legitimacy do not firmly support the paradigm. So, while widely endorsed, the Public Participation Paradigm is actually not well supported in the case of GMOs.

In "Democratic Decision Making and the Psychology of Risk," Christiansen and Hallsson expose the tensions between people's preferences and beliefs, on the one hand, and, on the other, scientific expertise on activities that are perceived by the public as risky. To do so, the authors undertake two tasks. First, they mobilize the resources drawn from psychological studies in order to better understand the reasons why citizens sometimes oppose activities that scientists do not judge particularly risky. Second, they reflect on the lessons that psychology can teach in relation to democratic decision making, in particular with regards to how public policy should answer to citizens' perceptions of risk.

As they explain in detail in the paper,

for a substantial number of risks, lay opinion is divided along cultural lines. In these cases, agreement with experts is not correlated with scientific literacy or deliberate, careful reasoning—rather the opposite is true. Instead, an individual's beliefs about the riskiness of some phenomenon largely depends on whether that phenomenon is good or bad according to her basic cultural worldview—her basic values. Furthermore, cases where risk debates have become culturally charged are overrepresented among the risks that exhibit the conflict between experts and (some) citizens

A main question of the paper, then, is in what way liberal-democratic decision making should be responsive to values and preferences of citizens that in this way are subject to cultural cognition.

In “Consensus and Liberal Legitimacy: From First to Second Best?,” Xavier Landes claims that public participation plays a prominent role in part of the liberal theory of political legitimacy through consensus. Consensus acts as what economists call the “first best”—that is, a set of conditions that, if they cannot be fulfilled, should be nonetheless approximated because they lead to welfare improvement. This centrality of consensus as a first best would be present in the liberal theory as well as in democratic practices. Landes's paper offers a review of the reasons why factual and epistemological disagreements may create second-best issues. He points to the importance of stability in liberal thought. However, the conclusion is that more work is required for “importing” the theorem of the second best into political theory, especially considering the apparent contextualism embodied in the original, economic, formulation of the theorem.

The special issue closes on a contribution titled “New Trouble for Deliberative Democracy,” where Robert Talisse takes a critical stance on the deliberative turn experienced by political theory and practices for the last two decades. Deliberative conceptions of democracy explicitly value exchange of reasons among citizens during the elaboration of public policies. According to Talisse, the same factors that facilitate the deliberative turn nurture deliberative pathologies such as group polarization, dialectical fallacies, and deliberativization of democracy.

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