Waves of Reason

*Transatlantic Trade and Regulatory Futures*

Sheila Jasanoff
Harvard University

EU Trade Policy at the Crossroads
Center for International Development, Vienna
February 5, 2016
Power/Knowledge

• Taking things out of politics: move across the boundary from *politics* to *knowledge*

• Boundary work as a site of politics

• Numbers as short-cut for knowledge

• Not “postmodern” to recognize this – nor a denial of “reality”

• Impetus for building more robust arguments
### Linear Model of Depoliticization

<table>
<thead>
<tr>
<th>Science</th>
<th>Science policy</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facts</td>
<td>Judgments</td>
<td>Values</td>
</tr>
</tbody>
</table>

#### Research
- Laboratory and field observations of adverse health effects and exposures to particular agents
- Information on extrapolation methods for high to low dose and animal to human
- Field measurements, estimated exposures, characterization of populations

#### Risk assessment
- Hazard identification (Does the agent cause the adverse effects?)
- Dose-response assessment (What is the relationship between dose and incidence in humans?)
- Exposure assessments (What exposures are currently experienced or anticipated under different conditions?)

#### Risk management
- Development of regulatory options
- Evaluation of public health, economic, social, and political consequences of regulatory options
- Agency decisions and activities

<table>
<thead>
<tr>
<th>Research</th>
<th>Risk assessment</th>
<th>Risk management</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Value-free facts</td>
<td>• Facts used to estimate risks</td>
<td>• Risk management policy: integration of risk assessment with economic, social, political, legal, and control feasibility considerations</td>
</tr>
<tr>
<td></td>
<td>• Risk assessment policy: scientific judgments and policy choices necessary to infer risk from available data</td>
<td></td>
</tr>
</tbody>
</table>
Is the linear model indispensable?
What would take its place?
Many ideas, one prescription: restore politics
Not merely hypothetical:
US National Research Council 1996
Analytic-Deliberative Model

Epistemic Cultures

• Same data lead to different policy foci, priorities, and outcomes
  — E.g., asbestos, Bisphenol A, GM crops
• Hazard categories seen as salient in one nation are considered irrelevant or even “bad policy” in others
  — E.g., carcinogen
• Ontologies are not the same
  • E.g., IARC and EFSA evaluations of glyphosate
• Basis for policy differs, resulting in different standards
  — E.g., DDT, lead (toxicity or persistence?)
Sources of Difference

• Nations differ in strategies for
  – Producing public knowledge (claims)
  – Establishing the reliability of expert judgment
  – Resolving policy-relevant knowledge disputes
  – Involving lay publics in assessment science
  – Choosing technological trajectories

• National differences are not random but institutionalized
  – Practices for relying on private sector science and assessment
  – Administrative law and rules of participation
  – Role of courts
  – Technological preferences in agriculture, industrial production, packaging, labeling
Civic Epistemologies: Cultural Ways of Knowing

<table>
<thead>
<tr>
<th>Ways of public knowledge-making</th>
<th><strong>US</strong></th>
<th><strong>Britain</strong></th>
<th><strong>Germany</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pluralist, interest-based</td>
<td></td>
<td>Embodied, service-based</td>
<td>Corporatist, institution-based</td>
</tr>
<tr>
<td>Public Accountability</td>
<td>Assumptions of distrust Legal</td>
<td>Assumptions of trust Relational</td>
<td>Assumptions of trust Role-based</td>
</tr>
<tr>
<td>Demonstration (practices)</td>
<td>Socio-technical experiments</td>
<td>Empirical science</td>
<td>Expert rationality</td>
</tr>
<tr>
<td>Objectivity (styles)</td>
<td>Numerical; reasoned</td>
<td>Negotiated</td>
<td>Negotiated; reasoned</td>
</tr>
<tr>
<td>Expertise (preferred modes)</td>
<td>Formal methods</td>
<td>Experience</td>
<td>Training, skills, experience</td>
</tr>
</tbody>
</table>
Hegemonies of Reason

But science does not support the ‘Frankenfood’ fears of some, particularly outside the United States, that biotech foods or other products will harm human health.”

Secretary of State Madeline Albright, February 2000
Instrumental Role of Law

• SEC. 263. INTERNATIONAL EDUCATIONAL PROGRAMS

Of the funds appropriated to carry out sections 103 through 106, and Chapter 10 of part I of the Foreign Assistance Act of 1961 for fiscal year 2001, $6,000,000 is authorized to be appropriated to the President for programs and projects designed to educate government officials in developing countries regarding the use of biotechnology in the agricultural sector and ... [to] encourage acceptance ... of products approved under the United States regulatory system or ... to encourage adoption of domestic approval processes based on objective scientific principles.
Epistemic Subsidiarity

• “A polity’s commitment to particular policy styles reflects complex judgments about how to authorize rulership when of necessity many governmental decisions are highly technical and hence not accessible to the public as a whole. There are strong reasons to respect these historical settlements in administrative law and practice, and not to supersede them through homogenized procedural routines founded on mistaken beliefs about ... scientific purity.”

  • Jasanoff, EJRR, 2|2013
Three Models of Epistemic Subsidiarity

• **Coexistence**
  – Interstate contradictions allowed
  – Challenge: border management

• **Cosmopolitanism**
  – A degree of assured mutual recognition
  – Challenge: harmonization

• **Constitutionalism**
  – Norms to guide interstate duties and obligations
  – Challenge: producing binding norms
GMOs and Coexistence in Europe

• Differences in national politics of resistance
  – UK case: focus on epistemic uncertainties
    • GM Nation?
    • Politics of public engagement
  – German case: focus on legal gaps and clarity
    • Historical skepticism about risk regulation
    • Emphasis on rules of containment and separation
  – Austrian case: focus on political independence
    • “Just say no” responses to hazardous technology
    • Preserving GM-free spaces
What has been well called the long conversation of mankind may be growing so cacophonous that ordered thought of any sort, much less the turning of local forms of legal sensibility into reciprocal commentaries, mutually deepening, may become impossible.

Clifford Geertz, *Local Knowledge*
Thank you!
“What has been well called the long conversation of mankind may be growing so cacophonous that ordered thought of any sort, much less the turning of local forms of legal sensibility into reciprocal commentaries, mutually deepening, may become impossible.”

- Clifford Geertz, *Local Knowledge*