Towards more enlightened environmental policymaking

Environmental risk is currently characterised as a zero-infinity problem approached through market principles and values.

Philosopher John Martin Gillroy, a professor at Lehigh University, USA, argues that policies shaped around this thinking are catastrophically inadequate.

They fail to protect and empower essential human and natural values, which should be the foundation of policy creation, planning, and implementation.

Gillroy draws on the thinking of Enlightenment philosophers.

He offers a new approach that he calls PPLD—Philosophical-Policy and Legal Design—for addressing environmental risk policy and law.

When considering the environment’s future, it’s tempting to see it in terms of evolving technology solving all our problems. However, while technology may change, human nature does not. As long as humans impact the environment, considerations of regulating environmental risk need to factor in the complexity and character of human nature. To protect the future, we need to draw from the past, specifically the thinking of those committed to understanding humankind’s fractious relationship with the world.

Enlightenment thinking significantly influenced the development of modern Western political and philosophical ideas, including the evolving concepts of equality, freedom, democracy, and justice. It therefore makes sense that philosophers of that time can provide a solid foundation for shaping modern policy, in their various conceptualisations of human practical reason and how these define moral agency, applied through policy and law, for example to the environment. While scientific method considers humanity simply within the casual context of nature, in Gillroy’s words, we must consider premises based on a fuller idea of human complexity to empower effective change in human law and policy.

The problem with zero-infinity problems

According to Gillroy, environmental risk is characterised as a zero-infinity problem, an almost zero probability of an infinitely catastrophic event. He argues that current scientific methodology alone cannot trace, let alone predict, the physical and chemical processes by which risk agents make their way through the environment and integrate into what could be called a ‘risk soup’, with potential adverse health effects for human beings and nature. He also notes that the use of market principles or values do not take the zero-infinity problem seriously or place humanity at the core of choice. Instead, he suggests we need a new set of signals that provide for an anticipatory state rather than the responsive market if the ‘external’ risk costs/harm are to be appreciated in policy choice.
Such a shift towards a values-based policy foundation would lead to more ethical and sustainable decision-making, reducing the likelihood of environmental catastrophes by considering the long-term impacts on both human wellbeing and the environment.

For Gillroy, economic prioritised policies that primarily focus on ex post regulation of environmental harm are catastrophically inadequate because they fail to protect and empower essential human and natural values, which should be the foundation of planning and policy implementation. He argues that such policies only address a problem after the harm has been done, and prioritise economic efficiency over an ecosystem’s protection of essential human and natural values.

Essentially, Gillroy argues for a shift in the approach to environmental risk and regulation away from a reliance on science and positivism alone to incorporate Enlightenment philosophical arguments. Such an approach adds core philosophical principles to the comprehension of environmental policy, thereby enabling more effective arguments for what is essentially at stake in a policy/legal issue.

Gillroy specifies calls for a new approach to evaluating legal/policy issues called PPLD – Philosophical Policy and Legal Design – for policy/legal decision-making. PPLD is a methodology that derives paradigms from philosophical arguments, applying Philosophical Method. The philosophical arguments chosen depend on what principles a specific paradigm highlights. In his research on environmental risk, Gillroy focused on the paradigm derived from Immanuel Kant’s philosophical principles, particularly his emphasis on human autonomy, intrinsic value, and moral agency; what Kant calls ‘humanity-in-the-person’.

Gillroy’s PPLD framework can guide policy and law in a way that prioritises protecting essential human and ecosystem values, anticipates and regulates environmental risks, and empowers individuals to make ethical and sustainable choices. A Kantian Paradigm shifts the focus from reactive regulation to proactive measures that consider the moral integrity of humanity and the functional integrity of nature as the foundation of decision-making processes.

Anticipating and preventing future environmental catastrophes

By adopting a philosophical method of analysis, Gillroy suggests such a new level of investigation would illuminate the essential traits, principles, and dialectics involved in making policy and law, steering towards a more just, beneficial outcome.

While such a shift may be new and challenging, it is philosophically sound and better for long-term policymaking. Gillroy argues that a shift towards a policy foundation based on essential human and natural values can help prevent future environmental catastrophes by prioritising the intrinsic functional values of natural systems and the intrinsic moral value of humanity. He suggests a baseline function that provides other alternative but interdependent variables for consideration in policy decision-making: ecosystem integrity (in terms of collective goods), property, and opportunity.

The baseline represents Kant’s argument that justice in collective policy choices requires government to consider, not an equal measure of each, but the basic protection of freedom, distribution and use of property, and provision of opportunity for independence. By illuminating a baseline function that defines justice, policymakers can balance intrinsic and instrumental values; such an approach emphasises the protection of essential human and natural values.

Furthermore, by focusing on empowering components that ensure each person’s freedom in terms of their essential capacity to choose, policy choices can be evaluated based on their power to protect the intrinsic value of humanity and nature. Gillroy says a shift towards a values-based policy foundation would lead to more ethical and sustainable decision-making, reducing the likelihood of environmental catastrophes by considering the long-term interdependent impacts on both human wellbeing and the environment.

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John Martin Gillroy

Bio

John Martin Gillroy is professor of philosophy, law and public policy at Lehigh University, Bethlehem Pennsylvania. His interests lie in using philosophical arguments, especially from Enlightenment philosophers, to illuminate a more essential and evolutionary understanding of politics, law, and public policy – both domestic and international.

Further reading


