Affirmative Case: Liberty

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Resolved: In the context of innovation, the proactionary principle ought to be valued above the precautionary principle.

This case runs the same value of liberty as one previously released, but the arguments are changed. Hope this helps prepare you to defend liberty on the affirmative side to this resolution.

In the movie *The Minority Report,* America has no crime because of a fortune-telling group of individuals who predict who will commit crime. But we soon learn that they are sometimes wrong, and there is a possibility that we could be locking up innocent people. This concept scares us because we recognize that we should never restrict the liberty of someone who hasn’t committed the crime, but sadly, the precautionary principle does just that. So, **resolved: in the context of innovation, the proactionary principle ought to be valued above the precautionary principle.**

Definitions

Proactionary Principle

Holbrook, J. B., & Briggle, A*. (2014). Knowledge kills action – why principles should play a limited role in policy-making. Journal of Responsible Innovation,* *1*(1), 51–66. https://doi.org/10.1080/23299460.2014.882554

“The proactionary principle states: **People's freedom to innovate technologically is highly valuable, even critical, to humanity.** This implies a range of responsibilities for those considering whether and how to develop, deploy, or restrict new technologies**. Assess risks and opportunities using an objective, open, and comprehensive, yet simple decision process based on science rather than collective emotional reactions.** Account for the costs of restrictions and lost opportunities as fully as direct effects. Favor measures that are proportionate to the probability and magnitude of impacts, and that have the highest payoff relative to their costs. **Give a high priority to people's freedom to learn, innovate, and advance.”**

Precautionary Principle

Oxford Dictionary, “Precautionary Principle” https://www.lexico.com/en/definition/precautionary\_principle *Accessed 10/4/2021*

“the principle that the introduction of a new product or process whose ultimate effects are disputed or unknown should be resisted. It has mainly been used to prohibit the importation of genetically modified organisms and food.”

Ought :

Collins Dictionary, “Ought” [https://www.collinsdictionary.com/us/dictionary/english/ought *Accessed 10/4/2021*](https://www.collinsdictionary.com/us/dictionary/english/ought%20Accessed%2010/4/2021)

“You use ought to to mean that it is morally right to do a particular thing or that it is morally right for a particular situation to exist, especially when giving or asking for advice or opinions.”

Resolutional Analysis

Conflict: Unknown Effects

The Precautionary Principle makes the “situation statement,” it says the ultimate effects (of an innovation) are disputed or unknown. So, we then ask if should resist that unknown under precaution or support the freedom to continue innovating.

Value: Liberty

Liberty is different than freedom, and this distinction is made clear by the French Declaration of the Rights of Man and Citizen in 1789. Approved by the National Assembly of France*, “Declaration of the Rights of Man and Citizen” August 26th, 1789*. [*http://www.wright.edu/~christopher.oldstone-moore/rights.pdf*](http://www.wright.edu/~christopher.oldstone-moore/rights.pdf)

“Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.”

Reason for Decision

Why have liberty? Assuming humans have value, liberty gives us the ability act in society. If we arbitrarily limit the liberty of an individual, then you harm their worth.

When can you limit liberty? As the previous definition states, its when your freedom starts to violate another’s rights. So, a violation of rights allows a limitation.

Contention One: Precaution restricts liberty

The concept of the precautionary principle hinges on the idea of resistance, which inevitably infers restriction. This could take the form of a government restriction on certain innovative practices; a United Nations ban on certain practices, in order to protect the environment; or a company policy that limits the actions of your business.

One might argue that the precautionary actor can limit themselves, and that wouldn’t violate liberty, but even that infers that a societal expectation of limiting your liberty should exist. That is a value statement that restricts liberty.

Inevitably the precautionary principle restricts liberty.

Contention Two: Liberty Restriction Unjustified

As we supported earlier, liberty can be limited when it harms the human rights of another individual, but precaution reacts not to real, tangible, or current threats, but perceived future harms. The Wingspread Conference, held in 1998 by the Science and Environmental Health Network examined how the principle detects threats, and this theory was critiqued by

Derek Turner and Lauren Hartzell. Turner received his Ph.D in philosophy from Vanderbilt University, and Hartzell received her in Ph.D in philosophy from Stanford University. “The Lack of Clarity in the Precautionary Principle” *Journal of Environmental Values,* November 2004. <https://www.jstor.org/stable/30302021?seq=1#metadata_info_tab_contents>

““When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.” WSP [Wingspread Principle] clearly has the ‘core structure’ identified by Manson. Here the suggested damage condition is *any harm at all* to human health or the environment. The suggested remedy is some sort of *precautionary measure,* and the knowledge condition is rather weak: There must be a *threat* of harm, but a complete understanding of the relevant causal relationships is not required. The problem with WSP is that all three basic components of the precautionary principle – the damage condition, the knowledge condition, and the suggested remedy – are left vague. In most cases to which [the precautionary principle] would apply, it is impossible or impractical to determine whether a given risky activity *A* will have harmful effect(s) *E.”*

What’s pointed out here is that the principle assumes. You should need a stronger weight than assumption to restrict entire sectors of innovation, innovation that provides benefits. To put this in a hypothetical, imagine if the criterion for putting someone in jail for murder was the assumption that they might be a threat.

A principle of guilty until proven innocent doesn’t fly in justice systems, and it shouldn’t fly here too. Liberty shouldn’t be restricted where no harm has occurred yet.

Contention Three: Don’t Restrict Liberty

Precaution restricts liberty where no harm has occurred yet, and thus is unjustified, but this restriction creates some major issues for us within the context of innovation.

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“Arguably, there is no fundamental difference between using the precautionary principle to abolish clinical trials, mobile phones or genetically modified food. In all three examples, there is scientific uncertainty about possible long-term effects on public or environmental health. In my opinion, this shows that the precautionary principle is incoherent, and the example of clinical trials is possibly the best illustration of why. There is no doubt that a clinical trial might be dangerous and that precautionary measures should be taken to avoid unnecessary risks; however, the precautionary principle makes a much stronger claim about decision-making. It tells us to replace traditional cost–benefit analyses with a more imprecise reasoning that focuses on possible negative effects.”

Precaution limits liberty without clear cause and effect, and so beneficial innovation may be stifled. The Proactionary Principle on the other hand supports liberty and innovation by allowing actions to be taken. This is not to say that restrictions may not happen to protect us somewhere down the line, but when there is sufficient uncertainty, we shouldn’t be arbitrarily restricting the rights of free individuals who have not harmed others.

In the context of innovation we should support the procationary principle, because it respects the liberty of individuals to research, study, and create.