

# Chapter 21

## Transformation of Proceduralism from Contextual to Comprehensive

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### ABSTRACT

*Proceduralism has been a major philosophical stream that gathers some outstanding philosophers, such as John Rawls or Jürgen Habermas. The general idea of proceduralism, especially in the practical domains of morals, law and communication, comes from the need to provide some rational justifications to the rules, actions and decisions to be adopted or made by the society or the power in the context of highly ‘plural-complex-developed’ societies. It is particularly concerned with the governance of ethics, in other words, with the institutional and organisational conditions that the procedures of assessment must fulfil so that ethical questions can be addressed, especially in the domain of scientific and technical research and innovation. We show that classical proceduralism does not adequately address problems raised by an ethics of science and technology, and we take the context of Europe as a typical example of what a complex multicultural set of societies can be.*

### INTRODUCTION

Proceduralism has been a major philosophical stream that gathers some outstanding philosophers, such as John Rawls or Jürgen Habermas. The principle of proceduralism, especially in the

practical domains of morals, law and communication, has arisen from the need to provide some rational justifications to rules, decisions and actions in the context of ‘plural-complex-developed’ societies. One of the main characteristics of this kind of society, indeed, for the institutions as well as for the citizens, is the lack of a homogeneous background that would offer a common frame-

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work for the argumentations or the justifications to be shown valid or not. In traditional societies, be they Christian or Muslim ones, for instance, the existence of a common religious background make it possible for the community of people to refer to some shared obvious common principles, habits or experiences. This is no longer the case in contemporary societies and this requires a new method to be conceived of and implemented at the various stages and levels of the power structure or process.

Here, proceduralism plays the role of a minimalist method that is supposed to be neutral as to the substantive doctrines defining ‘the good’ at individual or collective levels within a society. Proceduralism as a method concerns most of the domains of philosophy, namely the epistemic, the technical as well as the political or the ethical. One can think of an epistemic or a technical proceduralism<sup>1</sup>, but we would like here to concentrate upon ethical proceduralism to be taken as both a reflexive and constructive stance about legal and moral norms. There exist a variety of procedural methods, but the main models are no doubt the rational discursive or deliberative ones as developed notably by Rawls and Habermas at a theoretical level. It should be mentioned that a set of practical applications has already come out of these models, such as the rules of ‘positive discrimination’ for Rawls, or the rules of ‘fair communication’ for Habermas.

In this line, it can be shown that the diagnosis on the limits of proceduralism as shared by many experts in the practical exercise of their function as assessors of research and innovation projects can be traced back to these models at a theoretical level. In fact, what is at stake in ethics is not the mere application of a procedure, nor the mere compliance of an action, a decision or a project with a set of rules. What is at stake is the question of *normativity*, that is, the relationship of norms to the context and to the values of individuals or communities. In this respect, it is assumed that the process of *framing* of ethical issues is in a way

more important and significant than the outcome of the procedure of ethical assessment as such. This focus on the framing calls for shifting in the procedural approach from an ethical analysis of the issues (privacy, dignity, discrimination, etc.) to a *meta-ethical analysis* of the governance process. In terms of procedure, this more reflexive method differs strongly from a ‘check-list’ of criteria to be fulfilled by projects officers or assessors, like in most operational procedural frameworks.

Hence a set of guiding questions for this philosophical exploration:

1. What are the philosophical and methodological foundations of proceduralism, especially concerning the relations between norm, context and value?
2. To what extent Contextual Proceduralism is successful in attempting to overcome the limits of classical proceduralism as well as the limits of the other methods of reflexive governance?
3. What are the transformations of contextual proceduralism as requested and elaborated within the alternative methodological option that we call Comprehensive Proceduralism?
4. What are the possible applications of that new comprehensive procedural method in the field of ethical governance and emerging technology?

## **METHOD AND PROCEDURE**

Proceduralism appeared out of a transitional movement as a solution to the problem of cultural and social pluralism taken by some philosophers, like Rawls or Habermas, to be a permanent trait of modern democracies<sup>2</sup>. The emergence of cultural differences in societies (secular, multi-cultural, less authoritarian) has meant that a new method of discussion and cooperation has evolved to deal with these sometimes disparate communities. The inclusion of these different communities in the

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