

CHALLENGING THE EMPIRICAL EMPIRE

Helen Jackson and Paul Ormerod

Many of the problems in the British public sector directly relate to the attempt to create a world fit for the central planner in which all tasks can be set down in a system of rules. The philosophy of 'empirical consequentialism' underpins this entire venture. This is the view that the empirically-proven consequences of an action are the most valid basis for moral judgment of the action and that these can be fully evaluated through expert research rather than democratic dialogue. A crucial policy challenge is to restore the value of 'tacit knowledge' in the public sector, allowing individuals to exercise choice and judgment responding to feedback in a process of trial and error.

Keywords: Consequentialism, rationalism, constructivism, public sector.

Introduction

A small number of concepts in Marxist thought can be very illuminating. A particularly enlightening one in current circumstances is Antonio Gramsci's concept of intellectual hegemony. Whole areas of public life have been seized by an unimpeachable moral philosophy. Local authorities, quangos, the BBC, all subscribe almost uniformly to this particular view of the world.

Dissent is not only very difficult, but literally unthinkable. For – and this is the mark of the status it has achieved – it is not even recognised by adherents as a moral philosophy, but rather as a scientific endeavour. Any attempt to reform the public sector will require exceptional political determination to overcome this way of thinking.

There are many different manifestations of this ideology, but they can be usefully grouped together under the heading of 'empirical consequentialism'. This is the view that the consequences of an action (or intervention) are the most valid basis for moral judgment of the action (as opposed to intention or principle); and that consequences, often conveyed through numerical indicators, can be fully evaluated through empirical research rather than democratic dialogue or social experience.

Consequentialism has been particularly dominant in public policy over the past decade or so, exemplified by the

often-repeated declaration that a government department or some such body will do 'what works'. It is this view of the world which has led to an omnipresent strain of public discourse in which empirically-proven outcomes are strongly emphasised to the detriment of all other moral arguments.

Superficially, it appears attractive. No one could argue that no weight should be given to empirical evidence, that the effectiveness of public spending should not be assessed, or that people should follow abstract principles blindly. Further, established principles and traditional morality can become outmoded as societies change and require re-evaluation.

But when it crowds out all other forms of moral reasoning it is a profoundly corrosive and destructive philosophy. We focus here on three main criticisms. Firstly, because most policies are able to conceptualise only a limited set of consequences, narrowly applied consequentialism can act as the enemy of more diffuse social goods such as freedom of conscience, civil liberties, morale, truth, standards in public life, vernacular morality – and even of fun. Secondly, consequentialism leads to a constrictive, reductionist and mechanistic approach to policy-making which causes people to assume that well-informed experts can design infallible systems of rules, eroding individual discretion and initiative. Finally, empirical evidence itself is, in the context of social science, almost always incomplete and unable to replicate experiential knowledge.

Erosion of diffuse social goods

Far from being impeccably moral, the invocation of potential consequence – particularly in emotive appeals to reduce risk to life and limb – can justify all types of obnoxious policies. The risk of a paedophile gaining access to children is enough to ban all parents from attending a school sports day or prohibit two policewomen from sharing child-rearing duties. Torture can be justified on the grounds that it will save lives. President Barack Obama recently argued against the consequentialist argument for torture saying: ‘during World War II, when London was being bombed to smithereens . . . Winston Churchill said, “We don’t torture,” when . . . all of the British people were being subjected to unimaginable risk and threat’, effectively arguing that the consequentialist rejection of principle is corrosive of such intangibles as national character, morale and the cohesion that derives from the upholding of shared beliefs.

Narrow, acutely-felt consequences impacting on small groups of easily-identified people take precedence over broad, shallow consequences for larger groups. In particular, consequentialist policies often fail to pick up on gradual, unquantifiable and intangible consequences, such as the general corrosion of shared values and mutual trust in a society, or the erosion of principles such as free speech.

Examples of the erosion of civil liberties under New Labour are almost too numerous to list. Each individual example has been justified on the basis that the evidence shows that it is necessary to carry out such and such a measure in order to solve a problem or prevent one from arising. This is the case even when the evidence base is flimsy in the extreme, such as with the 42-day detention rule. Under the pretext of protecting the population from all manner of possible harms, it makes total sense for the consequentialist state to gather as much information as possible about its citizens, including their DNA, onto a central database. The risks of wrongful arrest or losing one’s job through an undreamt-of CRB entry do not enter the equation.

The consequentialist outlook can in fact totally corrupt well-meaning impulses. Those who believe they are following a scientifically-proven best course can become impervious to criticism and prone to believe that their critics cannot morally be allowed to gain any foothold. This justifies any action to undermine them, rather than engage in open, legitimate competition, including smear tactics, surveillance and routine falsehood. The end justifies the means and any lie (for example, the government’s absurd pretence in the summer of 2009 that it would not cut public spending) is valid, no matter how flagrant, if it would serve the ultimate goal of defeating them. Any prospect of higher principles of conduct being maintained dissolves. There is only a thin psychological line between doing ‘what works’ and what is merely self-serving and expedient.

Much more generally, the social science on which this mentality is based is often an expression of the political prejudices of researchers rather than something which merits the description ‘science’. This has not prevented public discourse of moral quandaries from being reduced to a litany of technocratic empirical evidence. Purely by way of example, one of the authors recently heard a discussion about whether

lesbian couples should be able to adopt children in which almost every sentence by the interlocutors on both sides began with ‘studies show . . .’. One does not need to have an opinion either way to see that such dry empiricism locks non-experts out of the debate. An opinion is effectively not valid unless its holder is *au fait* with the latest research.

Mechanistic policy-making

Those who are not equipped to participate in this debate are treated as passive recipients of whatever policy conclusion emerges. For example, an empirical argument amongst practitioners about which method will lower teenage pregnancy rates the most has by and large replaced the social norm that it might be immoral or hurtful for people to engage in promiscuous sex, particularly when they are too young to cope with the responsibility of parenthood. That message ‘doesn’t work’, so it is not even worth expressing. Likewise, people should be offered cash incentives or the chance to win an iPod for immunising their children, stopping smoking, losing weight, turning up to college or getting tested for chlamydia. That will ‘work’, even if the corrosive idea that people should be bribed into doing what is already in their best interests, and not assume any responsibility for themselves, becomes totally entrenched in recipients.

This creates a vacuum in the place of a vernacular morality which could link the elite with those not engaged in the expert, empirical discussion. This is a new phenomenon in human societies, which have always fostered (for good or ill) shared beliefs on what is right or wrong amongst all members. A society which does not encourage its members to take part in upholding shared values is destined to be ill at ease with itself. Rather, it will have so little confidence that a vernacular moral argument will be backed by others that it must ‘prove’ what is moral and stick to the rule book.

There is a proliferation of such examples under New Labour. We use for illustration just a few apparently unrelated episodes, all of which are, however, permeated by this malevolent trend. A major focus of criticism in the Baby P scandal has been the ‘tick box’ mentality of all concerned. A fervent belief appears to have been held that as long as due process were followed, everything would be fine. After all, five years previously the 108 procedural recommendations made by the Laming Inquiry would ensure that this sort of thing never happened again, would they not?

The Financial Services Authority (FSA) is the creation of exactly the same mindset. Clever, rational people believe that clever, rational people can devise written systems of rules, regulation and procedure which ensure that risks are minimised, and possibly eliminated completely. The FSA was hailed at its launch in 1997 by Gordon Brown as ‘a unique, 21st-century, one-stop centre, a single supervisor for all providers of financial services’. It has a staff of 2,500 people, and is charged with enforcing no fewer than 8,500 pages of specific regulations. As long as this rule book was followed by a financial company, the FSA was apparently satisfied.

On the smaller scale, one of the authors knows personally of an episode during which a pensioner suffering life-threatening blood loss was not carried down a single front doorstep by an ambulance crew, who argued they needed to

phone for back-up for health and safety reasons. Bizarrely, they had already carried him down a flight of stairs.

A final tragic vignette from 2007 encapsulates the logical consequences of this view of the world, that rules, regulation and process are all. A 10-year-old boy drowned trying to save his stepsister in a pond near Wigan. Two police community officers who were present refused to enter the water on the grounds that they had not been trained in water safety. Incredibly, at the inquest a detective chief inspector defended this behaviour. Given their lack of training it would, he explained sanctimoniously, have been 'inappropriate' for them to try to save the child from death.

But this was not the reaction of the human beings, in contrast to the tick-box robots, present at the scene. The brave young boy instinctively tried to save his sister. Two fishermen, both well into their 60s, leapt into the pond without thinking or training. They rescued the girl, but the boy died.

We can readily generalise from this single incident (although the true empiricist would dismiss it as 'anecdotal evidence'). *Ex post*, in the cold light of the coroner's inquest, everything is clear and decisions can be rationalised and 'appropriate' behaviour identified. *Ex ante*, there is usually no single best course of action to follow. Jumping in a pond of unknown depth risks your own life and in any case you may be too late. Standing by and doing nothing means the girl will die, but you will live. The future is fraught with risk and uncertainty, an inherent part of the human condition.

The incompleteness of empiricism

This leads onto the criticism that empirical consequentialism deals poorly with complex systems where consequences are difficult to predict, derive from numerous cumulative causes or are highly contingent on unobservable factors – in short, a description of twenty-first-century societies and economies.

A fundamental question is whether we best cope by instinct or by conscious, rational rule-making and planning. Of course, both have a role to play and there are circumstances in which the centrally imposed solution, as it were, is clearly superior. The whole thrust of the best research in social science, however, suggests that in general there are severe limits to our knowledge of how complex modern societies operate. These are not merely limitations on the general population, but extend to policy-makers as well, who do not possess infallible, or even superior, knowledge or insight. A clear illustration of this is provided by the financial crisis in late 2008. Until August that year – that is, until the crisis actually happened – the strong belief amongst central banks and international institution such as the IMF was that by and large the problems of macroeconomics had been solved, their insights had removed boom and bust and had also kept inflation low.

Economics Nobel Prize winner Daniel Kahneman, the doyen of behavioural economics, is particularly scathing about the idea that human beings act according to the precepts of the rational model of behaviour. In his Nobel lecture, he dismisses such models as being 'psychologically unrealistic'. The vast amount of research on actual behaviour which

Kahneman, and his fellow Laureate Vernon Smith, have either carried out or inspired, leads him to the opinion that in general 'humans reason poorly and act intuitively'.

This research confirms what the great social scientists in the past have known to be true. Friedrich Hayek wrote extensively, not just in economics but in sociology and neurobiology, on the inherent limits to knowledge in human social and economic systems. Michael Polanyi, the Oxford polymath who made distinguished contributions to chemistry, economics and philosophy, put it very clearly: 'we know more than we can tell'.

Polanyi invented the phrase 'tacit knowledge' to describe this fundamental aspect of human behaviour and decision-making. Tacit knowledge is essentially what people know without even necessarily being aware of it themselves. It is very context specific, being based on experiences of people, places and ways of doing things. It is also very hard to communicate, and its interchange usually requires extensive personal contact and trust. It generates heuristics rather than calculated and empirically proven rules.

A concrete example is how people go about performing their jobs, no matter how humble or how grand. For most readers of this article, the written employment contract cannot possibly specify exactly how you are expected to go about your job. Certain basic things can be made explicit: your pay, your holidays, how you can be dismissed, how you can register a grievance and so on. But what about the very core of the job, what you actually do on a daily basis? There will be phrases which purport to cover this, but the reality is far too complex to ever set down in a set of rules. Even assembly-line workers, following straightforward rule-based tasks, find ways to vary the effort and commitment they make.

Many of the problems in the British public sector directly relate to the attempt to deny the value of tacit knowledge, to create a world fit for the central planner in which all tasks, all requirements, can be set down in a system of rules.

Approaches which allow individuals to exercise choice and judgment are pretty good ways of discovering what works, precisely because they allow trial and error, the application of individual experience and, most importantly, feedback. The value of individual experience, individual initiative, the emergence of trust and reciprocity have been squeezed out of the system and replaced by uniform systems of rules.

The communication of unprovable principles and beliefs is an important form of social glue and guidance. 'What works' is being defined by an ever narrowing group of people. Political life in Britain is rapidly gaining the appearance of a moral vacuum governed only by individual and political self-interest, detached from the people it serves and with little sense that cultural continuity is important to their well-being. An over-emphasis on empirical consequence, elitist, sterile and unable to contemplate the role that means, not just ends, play in building social morale, is a source of much of the rot.

Helen Jackson is an economist specialising in natural resource and environmental economics (general.hj@googlemail.com).

Paul Ormerod is an economist and Director of Volterra Consulting, London (pormerod@volterra.co.uk).