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Risk and Responsibility

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I have to begin with a qualification. I am not a lawyer, and my knowledge of legal theory is at best strictly limited. So I cannot guarantee that what I have to say will even interest most of my audience, let alone prove instructive. Much of what I want to talk about concerns risk, which so far as I know does not figure prominently in legal writing. I shall say less about responsibility, which is much closer to the usual concerns of the law. I shall attempt to show, however, that the ideas of risk and responsibility are in fact closely linked.

Let me begin by posing a question. What do the following have in common: BSE; the troubles at Lloyds; the Nick Leeson affair; global warming; drinking red wine; declining sperm counts? All reflect a vast swathe of change affecting our lives today. Much of this change is bound up with the impact of science and technology on our everyday activities and on the material environment. The modern world, of course, has long been shaped by the influence of science and scientific discovery. As the pace of innovation hots up, however, new technologies penetrate more and more to the core of our lives; and more and more of what we feel and experience comes under the scientific spotlight.

The situation does not lead to increasing certainty about, or security in, the world – in some ways the opposite is true. As Karl Popper above all has shown, science does not produce proof and can never do more than approximate to truth. The founders of modern science believed it would produce knowledge built on firm foundations. Popper supposes by contrast that science is built on shifting sands. The first principle of scientific advance is that even one's most cherished theories and beliefs are always open to revision. Science is thus an inherently sceptical endeavour, involving a process of that constant revision of claims to knowledge.

The sceptical, mutable nature of science was for a long time insulated from the wider public domain – an insulation which persisted so long as science and technology were relatively restricted in their effects on everyday life. Today, we are all in regular and routine contact with these traits of scientific innovation. The consequences for health of drinking red wine, for example, were once seen by researchers as basically harmful. More recent research indicates that, taken in

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moderation, the health benefits of red wine outweigh the drawbacks. What will tomorrow's research show? Will it perhaps reveal that red wine is toxic after all?

We don't, and we can't, know – yet all of us, as consumers, have to respond in some way or another to this unstable and complex framework of scientific claims and counterclaims. Living in the UK, should one eat beef? Who can say? The health risk appears to be slight. Yet there is at least the possibility of an outbreak of BSE-related disease five, ten or twenty years from now among the human population.

We don't and can't know – the same applies to a diversity of new risk situations. Take, for instance, declining sperm counts. Some scientific studies make authoritative claims about increasing male infertility, and trace this to the action of environmental toxins. Other scientists, however, dispute the very existence of the phenomenon, let alone the explanations offered to account for it. Global warming is accepted as real by the majority of specialists in the area. Yet there is no shortage of experts who either deny that global warming exists or regard it as produced by long-term climatic fluctuations rather than by the greenhouse effect.

The Lloyds insurance market seems for the moment to have got over the disastrous financial troubles which have plagued it over the last few years. Such troubles were popularly portrayed as being bound up with class – with the complacent outlook of the 'names' and their brokers. In fact, they had their basic origin in the changing character of risk. Lloyds was hit by, among other things, findings about the toxic nature of asbestos and by a series of natural disasters – which were possibly not 'natural' at all, but influenced by global climatic change. The number of typhoons, hurricanes and other climatic disturbances happening in the world each year has climbed over the past fifteen years or so. With its massive future commitments, Lloyds – in common with other lesser insurance institutions – could be financially crippled at any time by as yet quite unforeseen negative consequences of new scientific findings or technological changes.

Simon Sebag Montefiore has written an interesting account of the adventures of Nick Leeson and Barings Bank. Sebag Montefiore suggests that there are two different ways in which what happened at Barings can be interpreted (much like the events at Lloyds). On the one hand, there is a class plus corruption explanation. According to this view, Barings Bank collapsed because it had a crusty, upper-class management at odds with the demands of a dynamic global economic order.

Sebag Montefiore casts doubt on this explanation. He argues that people working at the outer edges of the financial system, particularly in futures markets – complex markets where deals can be struck over movements in prices which have not yet, and may never, happen – are like astronauts. They have stepped outside the realm of bankers and financial experts – and they have stepped outside without a lifeline. Nick Leeson drifted away much too far from any solid ground, but most others are able to keep themselves attached to their space capsule.

Sebag Montefiore has a very arresting phrase to describe this situation. He says Nick Leeson and other people like him 'operate at the outer edge of the ordered world, on the barbaric final frontier of modern technology'. In other words, they are involved with systems which even they themselves do not understand, so dramatic is the onrush of change in the new electronic global economy. I think this is right, but the argument can be further generalised. It is not just people like Nick Leeson, not just the new financial entrepreneurs, who live at the barbaric outer edge of modern technology. *All* of us now do – and I would take this to be the

defining characteristic of what Ulrich Beck calls risk society. A risk society is a society where we increasingly live on a high technological frontier which absolutely no one completely understands and which generates a diversity of possible futures. The origins of risk society can be traced to two fundamental transformations which are affecting our lives today. Each is connected to the increasing influence of science and technology, although not wholly determined by them. The first transformation can be called *the end of nature*; and the second *the end of tradition*.

The end of nature does not mean a world in which the natural environment disappears. It means that there are now few if any aspects of the physical world untouched by human intervention. The end of nature is relatively recent. It isn't something, of course, which can be precisely dated, but we can nevertheless roughly plot when the end of nature happened. It happened when a transition came about from the sort of anxieties people used to have about nature to a new set of worries. For hundreds of years, people worried about what nature could do to us – earthquakes, floods, plagues, bad harvests and so on. At a certain point, somewhere over the past fifty years or so, we stopped worrying so much about what nature could do to us, and we started worrying more about what we have done to nature. The transition makes one major point of entry in risk society. It is a society which lives 'after nature'.

However, it is also a society which lives after tradition. To live after the end of tradition is essentially to be in a world where life is no longer lived as fate. For many people – and this is still a source of class division in modern societies – diverse aspects of life were established by tradition as fate. It was the fate of a woman to be involved in a domestic milieu for much of her life, to have children and look after the house. It was the fate of men to go out to work, to work until they retired and then – quite often soon after retirement – essentially to fade away. We no longer live our lives as fate, in a process which Ulrich Beck calls individualisation. A society which lives after nature and after tradition is really very different from the earlier form of industrial society – the basis for the development of the core intellectual traditions of Western culture.

To analyse what risk society is, one must make a series of distinctions. First of all, we must separate risk from hazard or danger. Risk is not, as such, the same as hazard or danger. A risk society is not intrinsically more dangerous or hazardous than pre-existing forms of social order. It is instructive in this context to trace out the origins of the term 'risk'. Life in the Middle Ages was hazardous; but there was no notion of risk and there doesn't seem in fact to be a notion of risk in any traditional culture. The reason for this is that dangers are experienced as given. Either they come from God, or they come simply from a world which one takes for granted. The idea of risk is bound up with the aspiration to control and particularly with the idea of controlling the future.

The observation is important. The idea of 'risk society' might suggest a world which has become more hazardous, but this is not necessarily so. Rather, it is a society increasingly preoccupied with the future (and also with safety), which generates the notion of risk. The idea of risk, interestingly, was first used by Western explorers when they ventured into new waters in their travels across the world. From exploring geographical space, it came to be transferred to the exploration of time. The word refers to a world which we are both exploring and seeking to normalise and control. Essentially, 'risk' always has a negative connotation, since it refers to the chance of avoiding an unwanted outcome. But it can quite often be seen in a positive light, in terms of the taking of bold initiatives

in the face of a problematic future. Successful risk-takers, whether in exploration, in business or in mountaineering, are widely admired.

We should distinguish risk from hazard, but we must also make a distinction between two kinds of risk. The first two hundred years of the existence of industrial society were dominated by what one might call *external risk*. External risk, expressed in down-to-earth terms, is risk of events that may strike individuals unexpectedly (from the outside, as it were) but that happen regularly enough and often enough in a whole population of people to be broadly predictable, and so insurable. There are two kinds of insurance associated with the rise of industrial society: the private insurance company, and public insurance, which is the predominant concern of the welfare state.

The welfare state became the left's project in the post-1945 period – it became seen above all as a means of achieving social justice and income redistribution. By and large, however, it did not originate as such. It developed as a security state, a way of protecting against risk, where collective rather than private insurance was necessary. Like early forms of private insurance, it was built on the presumption of external risk. External risk can be fairly well calculated – one can draw up actuarial tables and decide on that basis how to insure people. Sickness, disablement, unemployment were treated by the welfare state as 'accidents of fate', against which insurance should be collectively provided.

A world which lives after nature and after the end of tradition is one marked by a transition from external to what I call *manufactured risk*. Manufactured risk is risk created by the very progression of human development, especially by the progression of science and technology. Manufactured risk refers to new risk environments for which history provides us with very little previous experience. We often don't really know what the risks are, let alone how to calculate them accurately in terms of probability tables.

Manufactured risk is expanding in most dimensions of human life. It is associated with a side of science and technology which the early theorists of industrial society by and large did not foresee. Science and technology create as many uncertainties as they dispel – and these uncertainties cannot be 'solved' in any simple way by yet further scientific advance. Manufactured uncertainty intrudes directly into personal and social life – it isn't confined to more collective settings of risk. In a world where one can no longer simply rely on tradition to establish what to do in a given range of contexts, people have to take a more active and risk-infused orientation to their relationships and involvements.

The rise of risk society has several interesting consequences – which should concern anyone who has taken an interest in the BSE debate in Britain and continental Europe, or in fact in any of the episodes I mentioned at the beginning of this discussion.

As manufactured risk expands – or, if you like, as we live more and more in a risk society in Ulrich Beck's terms – there is a new riskiness to risk. In a social order in which new technologies are chronically affecting our lives, and an almost endless revision of taken-for-granted ways of doing things ensues, the future becomes ever more absorbing, but at the same time opaque. There are few direct lines to it, only a plurality of 'future scenarios'.

We recently saw the tenth anniversary of the nuclear disaster at the Chernobyl plant. No one knows whether it is hundreds – or millions – of people who have been affected by the Chernobyl fall-out. The long-term effects will in any case be difficult to chart, because if they exist they are likely to be diffuse. We are altering the environment, and the patterns of life we follow, almost constantly. Even many

apparently benign habits or innovations could turn sour – just as, conversely, risk can often be overestimated. Take the example of smoking. Smoking was encouraged by doctors up to some thirty or so years ago as a means of relaxation. No one knew the time bomb which the practice of smoking was stirring up. The BSE episode might have an opposite outcome. Perhaps it will turn out that humans are not affected. It is characteristic of the new types of risk that it is even disputed whether they exist at all.

In risk society there is a new moral climate of politics, one marked by a push-and-pull between accusations of scaremongering on the one hand and of cover-ups on the other. A good deal of political decision-making is now about managing risks – risks which do not originate in the political sphere, yet have to be politically managed. If anyone – government official, scientific expert or lay person – takes any given risk seriously, he or she must proclaim it. It must be widely publicised because people must be persuaded that the risk is real – a fuss must be made about it. However, if a fuss is indeed created and the risk turns out to be minimal, those involved will be accused of scaremongering.

Suppose on the other hand that the authorities decide that the risk is not very great, as the British government did in the case of BSE. In this case, the government says: we've got the backing of scientists here; there isn't much risk, we can go on as we did before. Yet if things turn out otherwise, then of course they will be accused of a cover-up.

Paradoxically, scaremongering may be necessary to reduce risks we face – yet if it is 'successful' in this sense, it appears as just that, scaremongering. The case of AIDS is an example. Suppose governments and experts make great public play with the risks associated with unsafe sex, to get people to change their sexual behaviour, and AIDS does not spread nearly as much as originally predicted. The response is likely to be: why were you scaring everyone like that? This sort of political dilemma becomes routine in risk society, but there is no easily available way of confronting it. For as I mentioned earlier, even whether there are any risks at all is likely to be controversial. We just cannot know beforehand when we are actually 'scaremongering' and when we are not.

The emergence of a risk society is not wholly about the avoidance of hazards, for reasons also given previously. Risk society, looked at positively, is one in which there is an expansion of choice. Now obviously choice is differentially distributed according to class and income. As nature and tradition release their hold, for instance, some otherwise infertile women can pay to have children through the use of new reproductive technologies, whereas others cannot. We know that in detraditionalised social settings some women live in poverty after divorce, whereas others achieve a more rewarding life than they could have done before. Technological innovation usually expands the domain of choice; as does the disappearance of tradition. As customary ways of doing things become problematic, people must choose in many areas which used to be governed by taken-for-granted norms. Eating is an example: there are no traditional diets any more.

The advent of risk society has strong implications for rethinking the political agenda in this country and elsewhere. The emergence of manufactured risk presumes a new politics because it presumes a reorientation of values and the strategies relevant to pursuing them. There is no risk which can even be described without reference to a value. That value may be simply the preservation of human life, although it is usually more complex. When there is a clash of the different types of risk, there is a clash of values and a directly political set of questions.

Modernisation as, for example, Tony Blair uses the term, means bringing Britain up to date. Tony Blair has been the archetypal moderniser within the Labour Party; but more fundamentally, he wants to modernise British institutions – modernisation carrying the connotation in this country that Britain lags behind other industrial societies in various key respects. Now this is a bit like the first explanation that Sebag Montefiore mentions for the collapse of Barings Bank – crusty old institutions which have lost their relevance to the modern world.

That there is something in the project of modernisation, thus understood, can be seen by anyone who sets foot in the House of Lords. In risk society, however, modernisation means something different. Risk society is industrial society which has come up against its own limitations, where those limitations take the form of manufactured risk. Modernisation in this sense, cannot simply be ‘more of the same’.

We should distinguish here between simple and reflexive modernisation. Simple modernisation is old-type unilinear modernisation; reflexive modernisation, by contrast, implies coming to terms with the limits and contradictions of the modern order. These are obvious in new domains of politics associated with various sorts of social movements. They are obvious in motorway protests, in animal rights demonstrations and in many food scares. Second-phase modernisation – modernisation as reflexive modernisation – will not look like first-phase modernisation. There is an opportunity, I think, for political debate in this country to leap ahead of many other European countries in this respect and I would like to see this happen. Reflexive modernisation, like risk more generally, is by no means wholly a negative prospect and offers many possibilities for positive political engagement.

Our relationship to science and technology today is different from that characteristic of early industrial society. In Western society, for some two centuries, science functioned as a sort of tradition. Scientific knowledge was supposed to overcome tradition but actually became a taken-for-granted authority in its own right. It was something which most people respected, but was external to their lives. Lay people ‘took’ opinions from the experts. The more science and technology intrude into our lives, the less this external perspective holds. Most of us – including government authorities and politicians – have, and have to have, a much more dialogic or engaged relationship with science and technology than used to be the case. We cannot simply ‘accept’ the findings which scientists produce, if only because scientists so frequently disagree with one another, particularly in situations of manufactured risk. And everyone now recognizes the essentially sceptical character of science described earlier. Whenever someone decides what to eat, what to have for breakfast, whether to drink decaffeinated or ordinary coffee, that person takes a decision in the context of conflicting, changeable scientific and technological information.

There is no way out of this situation – we are all caught up in it, even if we choose to proceed ‘as if in ignorance’. Politics must give some institutional form to this dialogical engagement, because at the moment it concerns only special interest groups, who mostly struggle outside the main political domain. We do not currently possess institutions which allow us to monitor technological change. We might have prevented the BSE debacle if a public dialogue had already been established about technological change and its problematic consequences. Enoch Powell apparently remarked that nothing affects our lives as much as technological change and he was right – yet such change is completely outside the democratic system. More public means of engaging with science and technology wouldn’t do

away with the quandary of scaremongering versus cover-ups, but it might allow us to mute some of its more damaging consequences.

These considerations are relevant to rethinking the welfare state. The welfare state was founded against the backdrop of a society where nature was still nature and tradition was still tradition. This is obvious, for example, in the gender provisions in the post-1945 welfare state, which completely presumed the continuity of the 'traditional family'. It is obvious in terms of the growth of the National Health Service, which was set up as a response mechanism to illness understood as external risk.

In a world of more active engagement with health, with the body, with marriage, with gender, with work – in an era of manufactured risk – the welfare state cannot continue on in the form in which it developed in the post-1945 settlement. The crisis of the welfare state is not purely fiscal, it is a crisis of risk management in a society dominated by a new type of risk.

These observations are relevant to class division. J. K. Galbraith's so-called 'culture of contentment' was a bit of a shooting star – there is no culture of contentment. One reason why many middle-class and professional groups have opted out of public welfare schemes is bound up with a certain attitude towards risk management. In risk society, the middle classes detach themselves from public provision and in a certain sense they are right to do so because that provision was geared to a different interpretation and situation of risk. When people have a more active orientation to their lives, they also have to have a more active orientation to risk management, so it is not surprising that those who can afford it tend to opt out of existing welfare systems.

Ecological questions precisely reflect a world living after nature and after tradition. Many forms of lifestyle politics develop which have no precedent in the earlier type of industrial society. Protesters some while ago made a great deal of fuss about veal calves being transported to the continent in constrained and artificial conditions. Their critics called them sentimental. Yet in the light of the experience of BSE, everyone can see that this wasn't just sentiment. The protests reflected a sense of what can happen when the industrial production of food becomes distanced from nature – or what used to be nature. A moral commitment to animal rights is, in a certain sense, a hard-edged politics – after all, even measured in narrow economic terms, the BSE crisis has been a disaster. Calculations put the cost of the British economy at £6 billion or perhaps even more.

Risk society is not the same as postmodernism. Postmodern interpretations see politics as at an end – political power simply loses its significance with the passing of modernity. Yet modernity does not disappear with the arrival of manufactured risk; rather modernisation, which continues, takes on new meanings and subtleties. Reflexive modernisation presumes and generates a politics. That politics cannot unfold completely outside the parliamentary domain. Social movements and special interest groups cannot supply what parliamentary politics offers – the means of reconciling different interests with one another, and also a balance of different risks in relation to one another. The issues I have discussed demand to be brought more directly into the political arena. A party able to address them cogently would be in a prime position in the political encounters that will unfold over the coming few years.

Risk is always related to security and safety. It is also always connected to responsibility. It isn't surprising therefore that as we move towards a world dominated by manufactured rather than external uncertainty, there is a renewed

discussion of the nature of responsibility. Widespread use of 'responsibility' is also quite recent. Although the word 'responsible' is much older, 'responsibility' only seems to have come into the English language in the late eighteenth century. It is again a notion associated originally with the rise of modernity. As it is used today, 'responsibility' is an interestingly ambiguous or multi-layered term. In one sense, someone who is responsible for an event can be said to be the author of that event. This is the original sense of 'responsible', which links it with causality or agency. Another meaning of responsibility is where we speak of someone being responsible if he or she acts in an ethical or accountable manner. Responsibility also however means obligation, or liability, and this is the most interesting sense to counterpose with risk.

The relation between risk and responsibility can be easily stated, at least on an abstract level. Risks only exist when there are decisions to be taken, for reasons given earlier. The idea of responsibility also presumes decisions. What brings into play the notion of responsibility is that someone takes a decision having discernable consequences.

The transition from external to manufactured risk is bringing about a crisis of responsibility, because the connections between risk, responsibility and decisions alter. This is a crisis of responsibility with negative and positive features, roughly corresponding to the negative and positive aspects of risk. Given the inherently ambiguous nature of most situations of manufactured risk, and the inherent reflexivity of these situations, responsibility can neither easily be attributed nor assumed. This applies both where responsibility means limiting risk (as in ecological risks, or health risks) and where risk is an energising principle (financial markets).

Several consequences follow:

1. The emergence of what Beck calls 'organised irresponsibility'. By this he means that there are a diversity of humanly created risks for which people and organisations are certainly 'responsible' in a sense that they are its authors but where no one is held specifically accountable. Various questions then come to the fore. Who is to determine how harmful products are, what side effects are produced by them, and what level of risk is acceptable? How can 'sufficient proof' be determined in a world full of contested knowledge claims and probabilities? If there are damages to be paid, or reparations made, who is to decide about compensation and appropriate forms for future control or regulation?

Much of the 'social interrogation' of risk and responsibility takes place through the prism of external risk and simple modernisation. This is true, for example, of anyone who expects an actuary to predict risk, and therefore assess responsibility, on the basis of past trends; or of anyone who supposes that one can simply turn to experts to provide solutions. Coping with situations of organised irresponsibility is likely to become more and more important in the fields of law, insurance and politics, but this won't be easy to do precisely because of the rather imponderable character of most circumstances of manufactured risk. The dilemma of scaremongering versus cover-ups is a direct indication of the deep seated nature of the problems involved here.

2. Some say that the most effective way to cope with the rise of manufactured risk is to limit responsibility by adopting the 'precautionary principle'. The notion of the precautionary principle seems to have first emerged in

Germany in the 1980s, in the context of the ecological debates that were carried on there. At its simplest, it proposes that action on environmental issues (and by inference other forms of risk) should be taken even though there is scientific uncertainty about them. Thus in the 1980s, in several Continental countries, programmes were initiated to counter acid rain, whereas in Britain lack of conclusive evidence was used to justify inactivity on this and other pollution problems too. Yet the precautionary principle isn't always helpful or even applicable as a means of coping with problems of responsibility. The precept of 'staying close to nature', or of limiting innovation rather than embracing it, can't always apply. The reason is that the balance of benefits and dangers from scientific and technological advance, and other forms of social change, is imponderable. We may need quite often to be bold rather than cautious in supporting scientific innovation or other forms of change.

This having been said, variations on the precautionary principle can nevertheless be a significant way of reintroducing responsibility. One variant of the principle, for example, is that firms producing goods should think through the whole product cycle before those goods are released onto the market or relevant technical processes utilised. Thus in the Brent Spar episode, the company putting up the oil platform in the first place had not adequately thought through to the final point of effective and reasonably safe disposal.

3. Situations of manufactured risk shift the relation between collective and individual responsibility in many risk situations. Although in many circumstances individuals cannot be held culpable, this is not the same as non-culpability in conditions of organised irresponsibility. In the latter case, this results from viewing responsibilities through the lenses of external or passive risk. Consider, for instance, health risks. Many people get ill through no fault of their own. But a large proportion of illnesses are related both to lifestyle practises and to wider conditions of the 'created environment'. It doesn't make any sense to suppose that liability in these circumstances can remain wholly with the collectivity, whether this be government or an insurance company. The active assumption of responsibility, as in attempts to reduce levels of smoking, becomes part of the very definition of risk situations and therefore the attribution of responsibility. Something quite similar applies to our responsibilities towards future generations. When most risk was external, such responsibility was relatively limited: nature was largely intact. Our responsibilities to future generations now are thoroughly infused with decisions we have to take resulting from our transformation of nature.
4. These considerations are relevant to one of the major political issues of our times, the future of the welfare state. The history of the welfare state in all countries is a tangled one. The welfare state emerged in some part as a means of holding back the aspirations of the poor and of controlling them – it had some of its roots in the political right. In recent years, however, as described earlier, the left has appropriated the welfare state as its own project. The debate around the welfare state has therefore concentrated to a considerable degree upon its role in limiting or reducing inequality. But the welfare state is more correctly seen as a form of collective risk management. The idea that the welfare state should be understood as a 'safety' or 'provident' state has been raised most forcefully in the writings

of the French thinker Francois Ewald. The welfare state is tied into the basic suppositions of modernity – that security comes from the ever more effective control by human beings of their material and social environments.

The crisis of the welfare state is usually represented as a fiscal one. If the welfare state is in trouble, it is because people won't pay the taxes needed to fund welfare systems properly. There is some validity to this, but it is more illuminating to see the crisis of the welfare state as a crisis of risk management. The welfare state was built up on the presumption of external or passive risk. If you become unemployed, fall ill, become disabled or lose your home, the welfare state will step in to protect you. Welfare systems must now confront large areas of manufactured risk, shifting the relation between risk and responsibility. It isn't surprising that there is now a great deal of talk about the need to connect rights with responsibilities. Unconditional rights might seem appropriate when individuals bear no responsibility for the risks they face, but such is not the case in situations of manufactured risk.

5. Where a society hasn't got effective means of dealing with organised irresponsibility, the result isn't always that no one is held culpable. On the contrary, the price of manufactured uncertainty is probably closely associated with the emergence of the 'litigious' society. Where a common 'contract of responsibility' has broken down, culpability can appear everywhere. Here indemnity has effectively been separated from causality. I might be held responsible, for example, if someone is hurt through slipping on my garden path.
6. The theme of responsibility has to be integrated with a concern for the two sides of risk. The negative and positive sides of risk are still often discussed as though they were separate from one another. This translates into a division between two large bodies of literature. It is a remarkable fact that most of those who write about environmental risk make no reference at all to the literature on financial or entrepreneurial risk, or vice versa. Two of the most influential books to have been written about risk over the past ten years, for example, are *Risk Society* by Ulrich Beck and *Against the Gods* written by Peter Bernstein. Yet these books make no reference at all to one another.

The fact that risk is often a positive or energising phenomenon is relevant to most of the situations of risk and responsibility discussed above, not just to economic risk. Thus to create a more effective welfare state, it is important that in some situations people are psychologically and materially able to take risks albeit in a 'responsible' way. It isn't a good outcome for the individual or the wider society where a person is stuck on benefits or unwilling to take the risk of plunging into the labour market. The same applies to someone caught up in a dysfunctional or violent relationship. Risk is not only closely associated with responsibility, but also with initiative and the exploration of new horizons – something which takes us back to our starting point when the notion was first developed in post-medieval Europe.

The themes of responsibility and culpability have obviously always been of interest to lawyers. I hope I have given at least some indication as to why legal theorists and practitioners should also concern themselves with the idea and reality of risk as well.