

Summary:

Heading in the right direction: Is public road safety work paternalism and expert rule?

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While there exist some differences between road safety experts and the population at large when it comes to acceptance of health and safety interventions, the Norwegian population has a positive attitude to a relatively wide range of road safety measures.

There are many possible definitions of paternalism and expert rule. For the purposes of this report, we choose to define expert rule as cases where the government sets aside citizens' own judgment, and replaces it with that of experts. We define paternalism as cases in which the government sets aside citizens' own judgment, and this is done for the same citizens' best interests. Expert rule and paternalism are two separate but related problem areas. Expert rule mainly concerns issues affecting many people, and where it is assumed that the experts are better able to make decisions for the common good than the population as individuals.

The project has sought to uncover to what degree road safety work today is characterised by paternalism and expert rule, and how such practices are justified. Secondly, we have examined and compared the attitudes to paternalism and expert rule within field of road safety among road safety experts and a representative sample of the population. In addition, we compared the respondents' attitudes to road safety with other sectors (leisure and public health).

On the basis of the studies we have assessed:

- How popular attitudes differ from the attitudes of those who work with road safety.
- Which groups of the population accept and reject paternalism and expert rule.
- What factors or aspects make measures deemed acceptable or unacceptable.
- What future safety measures can be justified and are likely to be accepted by the population.

Expert rule is often considered problematic for reasons related to democracy: If important decisions are made by experts, democracy is restricted and it is not the people, but experts, who govern. In addition there is a danger that expert rule reduces acceptance and trust among the population, since many decisions are made above citizens' heads. Many commentators also perceive a risk that legitimate perspectives and legitimate (often local) knowledge will be ignored when decisions are left to experts.

When it comes to paternalism, the problem is often considered to be that paternalism threatens citizens' right to self-determination. Others argue that paternalism is to treat adults as children, and that adults treated as children, over time it will become like children; unable to make their own decisions. A third central strand argues that paternalism is a form of disrespect for individuals' decisions.

Theorists writing about paternalism often distinguish between hard and soft paternalism. We talk about “soft” paternalism in cases where one assumes that individuals’ (undesirable) decisions result from ignorance, and the government intervenes to remedy the lack of knowledge. A typical example is warnings on cigarette packages. On the other hand we talk about “hard” paternalism in cases where people act knowingly, but the state still intervenes to prevent them from doing what they want.

There are many ways to justify individual instances of paternalism even if one believes that paternalism is wrong in principle. Among the most common cases in the literature where paternalism is considered appropriate, are for example, that the person in question is acting under coercion, that the person has a mental illness, or that the person acting on the basis of imperfect knowledge. In these examples it seems reasonable to say that the individuals are not really choosing autonomously, as they do not really want to do what they do.

Interviews with managers in the field of road safety showed that their justifications for safety measures partly overlapped with the theoretical literature about paternalism. For instance, they acknowledged the difference between measures intended to protect others from the consequences of an individual’s actions, and measures intended to protect the person himself, and also the distinction between “hard” and “soft” paternalism.

In addition, these experts used some justifications that cannot be found in the literature. These were justifications related to the educational effect of regulations, a solid knowledge base and robustness. Another justification highlighted by the experts was related to the fact that road users act within a regulated system, and not as isolated individuals. They also emphasized that decisions should be made after comprehensive evaluations of the overall consequences of a measure, not just the immediate effect on accident numbers. In addition, it was mentioned that measures are sometimes deployed when something is considered a “social problems”.

A Delphi study among 181 people working with road safety showed that this sample was characterized by a high degree of consensus, both when it came to likely future developments and attitudes. For the expected development, the experts most clearly agreed that in future, it would remain illegal to ride recreational motorcycle without a helmet, that lifejackets would remain compulsory in leisure boating, and that compulsory use of alcohol interlocks in all cars used by professional drivers would be introduced. Of these three measures, only the latter is not already part of existing legislation. There was also a relatively high degree of consensus that compulsory periodic courses for older drivers would be introduced, along with mandatory alcohol interlocks in all new cars. In general, the panel thus predicted that the traffic safety system would become more restrictive than it is today – they did not expect liberalization of existing regulations. The experts only to a limited degree predicted that legislation will become more restrictive in the sectors of public health and outdoor recreation.

For the normative projections, the experts were actually more in agreement when it came to regulating areas outside their field of expertise. The greatest degree of disagreement was related to projections of mandatory intelligent speed adaptation (ISA), ISA for professional drivers, compulsory reflectors for pedestrians, speed limiters for mopeds, compulsory alcohol interlocks in new cars and compulsory bicycle helmets. In the second round of the study, there was a greater degree of consensus in the sample, and most changes were made in a “negative” direction, ie toward a lesser degree of regulation. The areas where most respondents altered their assessments (which can be interpreted as uncertainty) concerned compulsory bicycle helmets, reflectors and ISA for professional drivers.

The desired development was relatively similar to expected development, but overall there was a desire for stricter legislation than expected. One can observe, however, that the differences between sectors are smaller; the experts tended to want a less restrictive policy than they expected in transport (road safety + recreational boating), and a more restrictive policy than they expected in health and leisure (this pattern is especially clear if you include heavy motorcycle in the category “leisure”). The greatest desire for regulation relates to motorcycle helmets, ISA for professional drivers, alcohol interlocks in new cars, increased use of section control, and a ban on heavy motorcycles. The desire for control is weakest (an average score of less than 2 on a scale from 1-5 where 1 signified “completely disagree” and 5 signified “completely agree”) for mandatory implementation of ISO 39001, ban on professional boxing and the prohibition of base jumping. The difference between the expected and the desired development is greatest for ban of heavy motorcycles and skateboards and a ban on sale of cigarettes. Conversely, the expected development was more restrictive than the desired development for compulsory implementation of ISO 93001, mandatory use of lifejackets in recreational boating, mandatory periodic courses for older drivers and compulsory alcohol interlocks for professional drivers.

Road safety experts and lay people were in relative agreement when it came to the acceptable annual number of traffic fatalities. In both groups, a majority believed that one cannot accept any traffic fatalities – this was held by a slightly larger share of the population sample than of the expert sample. The relationship between acceptance of traffic deaths and acceptance of restrictive measures was relatively weak, however.

The results from the survey among lay people, indicate that large groups of the population to a large degree accept significant intervention in traffic for the sake of safety. In particular, it looks as though there is relatively little resistance to the introduction of compulsory safety equipment. Acceptance of safety measures is higher among women and among older people than among younger men, and there is a tendency for those who place themselves on the political left, to accept larger interventions than those who place themselves on the right. The population consistently accept more paternalism and expert rule in traffic than they do in the sectors of leisure and healthcare.

It may look as if the population to a greater extent than road safety experts want to maintain the ability to exercise activities that are risky, but that have an intrinsic value for those exercising them. The value of a goal, and that this objective cannot be achieved by less risky methods may explain why the population does not want to ban risky activities such as base jumping, professional boxing and skateboarding. The same could possibly explain that the lay population, to a far greater extent than safety experts, oppose of a ban on selling cigarettes. Since the purpose here might relate to identity, a prohibition could have a negative influence on citizens’ lives.

Psychological research indicates that it is easier to achieve sustained behavioural change when measures are perceived to be justified, fair, and where measures provide options and support to individuals. Conversely, measures that are perceived as controlling, may create resistance and resentment. For safety measures to be successful in the long term, it is thus not only important what measures are implemented, but also how they are presented to the population and that they are based on attitudes that are shared by many. Based on the findings of the survey, one can thus attempt to develop initiatives and justifications that can be expected to gain acceptance and support of the population.

The survey results suggest that mandatory safety equipment is relatively easier to introduce than many other types of measures. Many groups accept major interventions beyond this, however; this applies in particular to women and the elderly. Controversial measures therefore probably need to be justified to younger people and to men. Measures that are perceived as restricting purposes with intrinsic value, will probably require more extensive processes than other types of measures.