

To: Transport & Health Policy Makers, & Practitioners
From: Professor Adrian Davis
Date: 20th April 2022
Subject: Essential Evidence 4 Scotland No.52 Safe Systems Road Safety: paternalism and individualism

Top Line: Paternalism is widespread in road safety work and research suggests that cognitive errors in driving and weakness of will strengthen the case for paternalist interventions through Safe Systems.¹

Road safety work in the Western world has made tremendous progress, but this also presents the state with a new dilemma. The state relates to the aggregate numbers of casualties, and from that perspective, it seems obvious that stricter measures are in order, as road injuries cause tremendous suffering as well as substantial financial loss. The individual driver, however, will relate to injury as a matter of personal risk, and this risk, for any given individual at any given time, is very low.² Thus, measures that can easily be justified on the aggregate level, as saving tens of lives every year, might, to the individual driver, represent a significant limitation of individual liberty or privacy, and only a very marginal reduction of individual risk. The trade-offs are very different. Part of the problem can be ascribed to the fact that individual citizens may oppose stricter measures from an individual, liberal or libertarian, political perspective, while the state favours them from a perspective we might refer to as risk management.

Vision Zero, or the WHO's "There is no such thing as an accident!" campaign suggest an expanded role and increased responsibility for those who are now presented as system managers in road traffic, seeking to turn the traffic system into a different, and less private sphere. Systems-based approaches to safety lead to more paternalistic systems: for one, the responsibility accorded to the system managers in itself will mean that someone beyond the individual road user has responsibility for the results of every action. This suggests that the judgment of the individuals, even when related to their own safety, no longer reigns supreme. Secondly, if the number of injuries is to be reduced to zero, the system cannot allow for the possibility that individuals choose high-risk activities, even when that activity does not endanger others.³

According to Elvebakk, public acceptability does not appear to be very principled, as habit is often a stronger determinant of acceptability. Some level of paternalism is acceptable to the public, but that there is a limit. In general, most people would object to helmet wearing laws for pedestrians, for instance, even though this might actually have more beneficial consequences on an aggregate level, as most people walk more often than they ride a bicycle. Thus, it is not primarily the number of injuries prevented that seems to be the decisive factor, but the individual's own risk-benefit ratio. This would suggest that opposition to safety measures is not static. This might appear to be a trivial point, but in many contexts, Elvebakk suggests, the state may have an interest eliminating relatively harmless activities that many people engage in, rather than high-risk activities enjoyed only by a few people, because the costs to the state are higher.

Vision Zero has emphasized the importance of introducing more restrictive measures, such as alcohol interlocks and ISA, in cars that are government owned, or in professional traffic. Consequently, part of the car fleet will be redefined into more "public" and less "private" kinds of spheres. An increasing focus on professional road users can be one way of circumventing acceptance barriers to safe systems road safety as it may increasingly make the public think of their cars as public rather than private spheres, and thus accept a higher degree of monitoring and control. There may also be a 'contamination effect' on other road users.

¹ Camerer, C. et al., 2003 Regulation for conservatives: behavioural economics and the case for asymmetric paternalism. *Univ. Pennsylvania Law Review*, 1211–1254.

² Vaa, T., 2007 Modelling driver behaviour on basis of emotions and feelings: intelligent transport systems and behavioural adaptations. In: Cacciabue, P.C. (Ed.), *Modelling Driver Behaviour in Automotive Systems – Critical Issues in Driver Interactions with Intelligent Transport Systems*. Springer-Verlag, London Limited, 208–232.

³ Elvebakk, B. 2015 Paternalism and acceptability in road safety work, *Safety Science*, 79, 298-304.