

Essay about why paternalism is an inadequate political theory of risk

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Introduction

This essay is about why paternalism is an inadequate political theory of risk. It should not be used as a separate approach in risk assessment and political decisions. An argument and some premises will be given and validated against objections. Paternalism is inadequate, since it doesn't consider values of lay people. This could spark some problems within the decided policy, concerning the lay people, that experts using CBA have no awareness over. There are a few reasons that explain why paternalism chooses this approach, but in the light of the problems, these are false as well. These considerations are against the nature of political decisions that Sunstein describes as the kind of political system that will be maintained with this model for political theory of risk. This shows that paternalism is an inadequate political theory of risk, as the theory contradicts itself.

Political decisions and the role of paternalism

Political decisions are made in order to maintain order in the social system, be it on municipal scale, national scale or international scale. But political decisions can also involve other means of policy making, think of reorganizations of companies or other decisions on policy within companies. With these decisions come certain interests. Not all interests are met since there is a wide variety of opinions and stances in favor or against these decisions. It is of course impossible to fulfill anyone's interests and demands at once, but political decisions should not ignore the interests of the public completely. These decisions will have impact on anyone, so it is important to listen to the people who are experiencing change because of these decisions.

Paternalism is a guideline here for how to make these political decisions. Sunstein pleads for a more technocratic approach in making political decisions. Moreover, he proposes the experts assessing risks should be insulated from public fears and debates (Sunstein,2002:7; Sunstein,2002:22; Sunstein,2005:126). Sunstein calls the political model this will be connected to a 'deliberative democracy'. This deliberative democracy is in essence a democracy where citizens can actively debate on decisions that are made on political fields (Kusch, 2007:14). Though according to Sunstein, the risk judgement and value consideration should be separated. This way of political decision making is not related to a deliberative democracy, and thus is inadequate, as value considerations of the lay people should be kept in mind as well.

Insulated expertise as crucial argument

Paternalism states that political decisions should solely be made based on the risk assessment of experts and not on lay people's fears or debates. This means an isolated view on the problem rather than context-aware view. This could lead to unforeseen issues. Experts are advised to use Cost-Benefit Analysis (CBA) for decisions under risk, which could have some pitfalls as well.

Take for example legalization of commercial fishing. At some regions this could lead to deflation of local income, where local fishermen were the only people entitled to fish over there until this legalization. International firms would not need to buy the fish from the stocks of the local fishermen anymore, but could instead fish themselves. The local fishermen will not be able to achieve the same revenue anymore, which makes the local economy suffer. Besides, exhaustion of the waters is a concern. CBA could return a positive verdict on this problem, as the economic downfall of this local industry is compensated by international rise of economy, more export of fish. The benefit for the national or international economy outweighs the local costs concerning the local economic downfall. This would

however neglect the local fishermen's interests, but would be completely legitimate according to cold and dry CBA on the decision under risk.

This makes the experts assess the risks without guaranteeing to keep lay people's interests in mind.

Political decisions would be based on just these risk assessments from the experts and the lay people that are affected by these decisions are not met in their preferences and interests. This is expressed in the example above. Even though these political decisions would mostly be made to serve the society. This can go wrong because of the paternalist approach. Because they would simply lack the awareness over the contextual values and social issues. Converting everything to monetary values is not a successful way to cover topics like life and death, personal and family health or other local and social values.

Merging municipalities or closing down factories is another example. Sometimes a factory is not as profitable anymore as it would be in different countries. If a company decides to expand abroad and make more profit elsewhere, an old factory might be closed down. This decision is based on CBA, as it will certainly be more profitable abroad, and the costs of closing down a factory are compensated by the profit gained elsewhere. If the risk analysis would be based on paternalism, then the experts would determine it on just CBA, which makes it completely valid. But of course there are more interests involved in here. This factory might be the main employer of an entire region, having a great capacity for jobs and being the biggest opportunity for people to work. Closing it down results in major unemployment in this region. This unemployment comes with a value, which can be compensated on unemployment payment for the unemployed people, for a certain extent. But of course there is more than this compensation. There are costs involved in people's lives that will not be turned down because of this compensation, think of taxes. Besides, a social community will fall apart, as this factory connected people from an entire region with each other.

Merging municipalities will have certain profits, like fewer competing companies that deliver facilities like infrastructure maintenance or a more centralized municipal hall. Information distribution would be more centralized and faster, as well as the project management for big facilities like building new roads. But there are some subjective problems to it. The population of a municipal might not like the fact that they have to travel further to a municipal hall than they had to before the fusion. This might be even more of a problem to people with a physical impairment or age difficulties. Besides, the fusion will have some drastic changes people might feel uncomfortable with or don't understand. It will take time to get people familiar with these changes, and that could be a problem. Besides, centralized projects or facilities will make the other facilities redundant, thus these will be shut down. This will have its consequences for employees of old municipal halls or the companies delivering facilities to the municipal as well. The facilities that are left have to deal with higher capacities because of having to serve a bigger region for the facilities they deliver.

These problems are contextual values that are not met, but that would also spark bigger problems.

These problems can be considered better if these contextual values are considered as well (having to travel further to the municipal hall, companies running overcapacity for facilities, facilities being more crowded and thus being less accessible).

Paternalism and expectations towards lay people

Sunstein makes a distinction between lay people and scientists. The latter would be able to judge risks whereas the former wouldn't be able to do so. He thus has a certain view on how these so-called 'ordinary people' make decisions under risk. Sunstein states that lay people are bound to subjectively take decisions, and fall prey to some biases. Scientists would however not fall prey to these biases, and would be capable of objectively make decisions (Sunstein, 2002:33, 37-8, 39, 42, 43, 45, 48; Sunstein,2005:35, 96, 99-103). According to Sunstein, there are two types of thinking: "system 1" and

“system 2”. System 1 is ‘rapid, intuitive, and error prone’, whereas system 2 is ‘more deliberative, calculative, slower, and more likely to be error free’ (Sunstein, 2002: 68-9).

He thus regards lay people to be unable to make political decisions under risk. This is in line with his statement that experts should be separated from public fears and debates. These would namely be biased and thus influence the experts in such a way their decisions might become biased as well (Sunstein, 2002: 68-9).

Building a greenhouse complex close to a small town might be an example. The greenhouse would result in air pollution which can, in close proximity, be a danger to the health of the locals besides the effect that it has on the environment. Because of the location, there is also light pollution at night, lighting up the entire sky which can be seen from a few kilometers away. The complaints that lay people make about these potential consequences will be regarded as public fears and subjective arguments, which would be a reason for these consequences to not be considered. The cause for this would be the assumption that the ordinary people only think the ‘System 1’ way. The lay risk judgments would be too much concentrated on the worst case scenario as well as emotional values according to the risk experts.

Though, this expectation of how lay people would assess risks is not the most accurate. The assumption that ordinary people can only make risk judgments based on intuition and rapid thoughts sounds as if these people would only use instinct to come to decisions. Of course this is not the case. Think about planning a road trip for example. There has to be made a simple CBA for visiting different sights. Choices have to be made between which camper, caravan or rental van is going to be used, what sights are going to be visited, what are the costs compared to what the budget is, what is feasible in the amount of time that is available or what are other conditions, limitations or laws to pay attention to? Different

countries mean different legislations and laws etcetera, etcetera. This means there has to be done quite some planning.

Making big purchases is another example. Buying for example a new washing machine is not something one does every day. Finding a good deal is part of a comparative process, which requires some CBA as well. How big is the budget? If the machine is over the budget, is it worth buying? The benefits will be compared to the costs. These examples could not be done intuitively. There is a risk of buying a pig in a poke. Spending large amounts of money is dangerous, and is connected to big losses if not spent correctly. Planning road trips is also under risk. There are some known dangers, as well as uncertainties, which have to be handled correctly. Think of a danger of violating a foreign law, which would have unknown consequences which would better be avoided by abiding this law.

These examples are not political examples, but reflect that ordinary people can think the 'System 2' way as well. Politics are sometimes obscure for lay people, but it will sometimes spark discussions besides the fears and intuitions that these lay people are regarded to have. They take part of elections choosing for certain political parties, which is based on their political preferences and on how much their interests are in line with a political party's ideology.

What about local councils? Being in the local school's parent-council will obviously require some political thinking as well. Being part of a sports club or music band requires taking up a certain role as well. There are many ways in which the ordinary people can be part of political decision making as well. These examples are just obvious situations. There are policies for sports clubs or fanfare bands that were decided on under crucial risks for these clubs. Regarding that ordinary people would think only the 'System 1' way for political decisions, with crucial scientific backgrounds. This will not be the case for

many cases, where people will have either strong interests that support their opinions, have certain knowledge about a topic or will be able to think the 'System 2' way as well.

Objections against this view

There are some questions that arise with this stance against paternalism. Because of the crucial, technological nature of some political decisions, one can think it is not always bad to make decisions without awareness over lay people's interests. Some decisions might indeed require an expert view on the problem and the risks. But if there are conflicts with lay people's interests, these should be taken into account, as the risk of doing harm to society not one way but another is quite big if one performs CBA on these decisions, by assigning monetary values to the wrong aspects, or assign the wrong monetary values to different aspects. Taking a chance to listen to lay people what they have to say about the problem will certainly not only result in ventilated fears or turn in a public debate why the local barnyard should not be torn down. There will be some valuable contextual information that will be shared by the lay people. This would result into new insights about the risks behind a decision. Maybe unforeseen problems could be tackled that could have otherwise caused major trouble.

Another way to look critically to this stance is to question the way experts and scientists are viewed in this paper. These experts and scientists are humans as well, and have lives besides their professional lives, they read the newspapers, live in a town where they joined several local clubs. They will probably have awareness over certain interests, or at least the ability to empathize and assign a decent monetary value to the local interests or contextual values. But there is an extent to which this ability to empathize is used. Sometimes scientific problems will be tackled with protocols that have no room for local interests. There is also the exhaustive process of calculating everything out, which makes the experts unable to combine the local interests. Their scientific approach might suffer from the so-called ordinary biases if they do. That's why the local interests won't be integrated in the decision in the extent it should

be, concerning paternalism. And still the considerations are based on estimated, converted monetary values instead of the contextual values. This way there is a certain distance from public context on the problem or potential consequences. Regardless of the fact that scientists are humans as well, which is pretty obvious.

There is another premise that can be questioned is that contextual interests and values could concern big problems in the extent it is displayed over here. There are indeed examples of contextual values that are not connected to major problems, and thus are emotional values or values based on fear, but with policy changes there is a chance on strikes that are organized to stand up for some interests after all. These interests could concern some real problems out there that remain not taken care of when these interests are not met. In these cases the interests exist for some reason, which is preventing a problem. When CBA is comparing costs and benefits, not all of these interests can be assigned the right value, as it might be unclear what the value is. That is the importance of keeping these interests in mind. Lay people could this way display or reveal unforeseen problems that were not considered yet because the interests were unable to be assigned the right value to. Besides, these problems are not always problems that matter for the CBA, but are risks that should either be prevented, or would need some consideration for the values that are not met and the seriousness of this risk next to why these values are so important. This premise does not exclude that there are values or interests that are not usable for risk assessment or policy making, it just points out that there are lay interests after all that could help to make better political decisions, since in the end political decisions have effect on these interests. The political decisions could, as mentioned above, also profit from lay interests in the way it will prevent unforeseen problems. That is why these interests are important, and why these should be considered. Paternalism fails in that perspective, as the experts would not be able to take many of the lay interests into account.

Conclusion

All in all, paternalism is an inadequate theory of risk. The analysis is mostly based on CBA. There is little awareness for lay people's interests. Besides, lay people are regarded as unable to decide upon decisions under risk. But the argument in favor of this statement is incorrect, since lay people don't only use 'System 1' thinking, but also 'System 2' thinking. Besides, the experts will not apply any awareness on contextual values, as for paternalism the ideal is to ignore these values, being isolated from public fears and debates.

Next to that, political decisions should meet interests of everyone, at least as much as possible. This is hard to achieve when there is an absolute isolation of experts assessing the risks and the lay people of which the interests should be met. Having no interaction between both results in a lack of awareness on these interests and have potential problems. These problems could make political decisions have problematic side-effects, which can be prevented by considering the interests. Paternalism fails in that perspective.

Because of these issues, paternalism is not a theory of risk that is applicable for politics. Not only politics in the sense of law enforcement or policy making on societal scale, but also on organizational scale. Besides the claim that the political model of 'deliberative democracy' is supported by paternalism is incorrect, as a deliberative democracy stands for different ideals than paternalism does. These premises and arguments make paternalism an inadequate political theory of risk.

References

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