Why Not Road Ethics?

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Abstract.

This paper aims to show two things. The first is to support a claim that philosophers should think more about the many moral issues of road traffic, namely Road ethics. The second is to try to explain why philosophers do not think enough about the many moral issues of road traffic. And yet, they need to think more. I will use the 'case study' of speeding and not only philosophical literature but also state of the art traffic safety literature to support my claims and explanations.

Lastly, it will be shown how road ethics can contribute to road safety.

Introduction

Other than a few exceptions (Dixon 2002; Hansson 2014; Husak 2004; Lomasky 1997; Nihlén Fahlquist 2009; Ori 2014; Rajan 2007; Smids 2018; Vanderheiden 2006), there is almost no philosophical research concerning moral issues of road traffic.¹ It seems that professional ethicists have not devoted thought to the many road traffic moral issues.

The aim of this paper is twofold. First, is to support a claim² that philosophers should think more about the many moral issues of road traffic, or road ethics. Second, it is an attempt to explain why philosophers do not think more than

¹ Recently, the body of literature concerning the specific ethics regarding autonomous vehicles has grown; for a review of it see Nyholm (2018). This is interesting but very limited.
² And compare to Husak’s opening claim (2004, p. 351).
they do about road ethics, even though they should. Speeding is used here as a case in point to support the explanation and demonstrate how road ethics could contribute to road safety.

**The Importance of Road Ethics**

Applied ethics examines how to use normative moral principles in real life. Some specific areas of applied ethics appear to be well established; these include medical ethics, bioethics, engineering ethics, business ethics, environmental ethics, animal ethics, research ethics, war ethics, and more. There are, however, many more "human activities that have ethical issues in need of investigation and systematic discussion" (Hansson 2017, p. 4). Traffic is certainly one of these. It seems that the neglect of the moral issues of traffic is particularly regrettable. Personal vehicle use is one of the major sources of harm in the modern world (Husak 2004, p. 351). More than 1.2 million people are killed annually in road crashes (World Health Organization 2015).

Morally, road traffic fatalities are only the tip of the iceberg. Traffic has an impact on the economy, environment, society, and culture, and there are noteworthy moral aspects regarding each of these. Using a motor vehicle exposes users and others to substantial risk, which is distributed unevenly among road users such as drivers, cyclists, pedestrians, and others (Smids 2018, p. 207).

The daily use of motor vehicles raises some specific moral questions. For example: What kind of vehicle to use? What are the correct "driving strategies"? To what extent does one need to uphold traffic laws? There are
numerous other distinct questions regarding traffic use and behaviors that include moral components.

With so many distinct questions, dilemmas, and subjects to explore ethically, the question of why road ethics is all but ignored by philosophers begs an answer.

**Why is Road Ethics Ignored?**

To begin with, traffic is a very complex subject area. It involves physics, biology, economics, technology, medicine, psychology, law, and engineering, to mention just a few. This makes traffic a very hard subject for analysis, and moral issues of traffic very complex, making road ethic reasoning very hard.

Another issue is that research of road ethics can, and some might even say should lead to a conclusion – an answer regarding what should morally be done: a moral advice. However, it seems that philosophers, in general, and ethicists, in particular, are reluctant to give advice. This reluctance seems to be rooted in a deep self-skeptical tradition that amounts, in this respect, to the belief that there are no, and cannot ever be "ethical experts" (Archard 2011; Cowley 2005, 2012). Another possible explanation of the reluctance of philosophers to give advice is that it might seem paternalistic or elitist (Hardoš 2018, p. 275; Wong 2013, p. 39).

There is, however, another issue: sometimes the conclusion of a road ethics inquiry might seem morally preposterous, like advising people to switch their

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3 But see Singer's (1972) suggestion below.

4 Hardoš (2018, p. 283) presents the elitist concern but claims that it is an error. Wong (2013, p. 39) endorses the elitist concern, but claims it to be inevitable, and as such, not a valid objection to the possibility of moral advice, at least in the context he writes about: technology and the good life.
primary mode of transportation from a private motor vehicle to a motorcycle (Ori 2014, p. 347). The logical conclusion could be so problematic that after lengthy research people find themselves pondering whether it is even ethical to disseminate the results. Scientists working on subjects that entail potential harm, such as nanotechnology, nuclear power, or genetic enhancements often face this problem (Koepsell 2010, p. 120), but it is rarely encountered by philosophers, even those working in applied ethics. As a result, road ethics could be considered unsafe moral philosophy, another reason for moral philosophers to avoid it.

The complexity and difficulty of the issue of road ethics and the present academic pressure to publish quickly and in large volume combine to create another reason to abstain from the study of road ethics. It has been claimed that "under pressure to publish, it is not wise to risk engaging with broader implications for topics that are superficially unrelated, or make big bold claims, or discuss practical applications" (Davies and Felappi 2017, p. 747); road ethics is a "broader implication"; its consideration can amount to "big bold claims," and most certainly, "practical applications."

Some objections might be raised here. It could be claimed that other specific areas of applied ethics, such as environmental, engineering, war, or medical ethics, are at least as complicated and as difficult to deal with as road ethics are. Indeed, these are very interesting, complicated, and challenging topics, but they are in no way as difficult and complex as traffic-related moral issues. The latter are not only much more interdisciplinary, encompassing more diverse disciplines and sciences than the former, but also, road ethics includes aspects from all of the other areas combined and more.
One specific response to the claim that road ethics research might lead to unsafe moral philosophy, while other applied ethics are morally safe, is that environmental ethics, medical ethics, and war ethics are at least as unsafe as road ethics, because they also deal with subjects that are major sources of harm in our modern world. However, the problem of unsafe moral philosophy does not lie in the magnitude of the potential harm, but rather the involvement in advising people to change their conduct when this advice could be wrong. That is true of the other fields of ethics mentioned, but to a much lesser degree, because most of the others deal with institutions. An exception is medical ethics, which does involve individuals and entail potential harm, but to a lesser extent than road ethics.

**Preliminaries for Practicing Road Ethics**

Singer presents an argument for the possibility of moral experts but acknowledges the difficulty of becoming one. One needs first to gather information, then to assess its reliability, and after that, to use moral reasoning while acknowledging the possibility of personal bias (Singer 1972, p. 116). Butkus goes even further and claims, regarding medical ethics: “if expertise is possible, it cannot occur without practical knowledge, experience, or practice” (Butkus 2018, p. 227). Practicing road ethics demands practical and theoretical knowledge in the science of traffic safety.

To apply ethical reasoning to traffic issues, one has first to acknowledge that the issue is complicated. That there is no one or simple cause that can explain a traffic event or behaviors (Hansson 2014, p. 370; Hauer 2016, p. 169). One must also bear in mind that moral reasoning about traffic issues should consider the "big picture" as much as possible and not be limited to a
small and unique place and time, in order to reach conclusions on the widest base possible. The phenomenon of speed and specifically, speeding, may serve as an example.

**View of Traffic Safety Experts on Speed and Speeding**

Current traffic safety research literature is almost unanimous regarding the conclusion that speed is dangerous. Very dangerous.\(^5\)

Traffic safety literature, however, does not provide a full understanding of the issue of speeding, the act of driving over the legal speed limit. The question is why people are speeding. When asked, drivers usually accept the professional opinions that speeding is dangerous, and say that drivers should obey the legal speed limit, but they also admit speeding from time to time (Åberg et al. 1997; Fleiter and Watson 2006; Haglund and Åberg 2000; Poulter and McKenna 2007). How can that be? There is a body of literature devoted to understanding and explaining why people choose to drive at the speed they do.

According to the theory of planned behavior (TPB, Ajzen 1985), people will act in accordance with their intentions. These intentions are determined by their attitudes, which in turn are based on their subjective norms and perceived behavior control (De Pelsmacker and Janssens 2007; Forward 2009; Yagil 2005). This, however, is problematic, because if people acknowledge knowing that speeding is dangerous and that they think people,

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\(^5\) For a review of current literature, see Shinar (2017, pp. 391-458). However, some claim that speed is not so dangerous and at times might even be safer. See, e.g., Lave and Elias (1994); Navon (2003); von Kuenssberg et al. (2010).
including themselves, should not drive faster than the legal speed limit – it seems that their intention is not to drive over the speed limit. As mentioned above, they do drive over the legal speed limit.

Another interesting explanation is that speeding is like a contagious disease; drivers are "infected" by other drivers who speed on the roads (Åberg et al. 1997; Haglund and Åberg 2000). This, however, raises the question: why is speeding contagious when driving at the legal speed is not?

Although road safety experts agree that speed is dangerous and the public acknowledge this claim, everyday conduct contradicts the alleged knowledge, beliefs, and intentions. This discrepancy shows that the issue of speeding is, like most traffic issues, complicated. This complexity creates a problem that seems, at least from the perspective of the experts and the authorities, almost unsolvable.6

**Moral Reasoning Can Contribute to Traffic Safety**

Aarts and van Schagen summarized their influential review on speed as a traffic safety problem, stating that: "the exact relationship between speed and crash rate depends on a large number of different factors" (Aarts and van Schagen 2006, p. 224), confirming that the issue of speeding is more complicated than it seems. Moreover, in an interesting study concerning the relaxation of state speed limits, Lave and Elias found that fatalities in car crashes dropped considerably after an increase in legal speed limits (Lave and Elias 1994, p. 49). A somewhat similar effect was recognized in Hong

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6 For an interesting attempt to explain why speeding, as well as some other traffic safety problems, "seem to be almost impossible to solve," see Elvik (2010b); this quote is from page 1089.
Kong at the beginning of the century, where the investigators found that on the specific roads under research, traffic crashes increased with a rise in legal speed limits, but at the same time, there was a decrease in traffic crashes in the city as a whole (Wong et al. 2005, p. 387).

A moral philosopher should ask concerning the Hong Kong research: “what, then, is the moral conclusion”? If the increased legal speed limit increased crashes, injuries, and damages, there might be a moral reason to call for a decrease in the legal speed limit. However, did the increased legal speed limit increase crashes, injuries, and damages? Locally it did, but citywide it did not. Which is morally salient? Even more so, how can we know that the change in the number of crashes was because of the change in legal speed limit? Even if there is a connection, how can one know what it is? It is unlikely that the only change affecting the number of crashes was the increase in the legal speed limit.

Now, after understanding that the issue of speeding is complicated and there is no consensus about the actual risk posed by speeding, it must be considered morally and carefully. If speeding is so dangerous, authorities should lower the legal speed limit and enforce it vigorously (Shinar 2017, p. 446). Because enforcement is not enough (Ahie et al. 2015; Arthur, 2015; Fleiter et al. 2010; Truelove et al. 2017), it is of the utmost importance to try to establish what is the right thing, morally, to do about speeding.

The concept of “driving culture” (Zaidel 1992) might help understand speeding better than the previous attempts have. According to this concept, drivers take into consideration many factors as contributing to their speed choice. Factors such as the legal speed limit, known police tolerance, media representations
of speed, speed of others nearby, self-experience, and many other factors. The combination of factors can result in driving above the legal speed limit while still feeling that one is acting according to social and cultural norms (Zaidel 1992, p. 588).

Over the years, “driving culture” evolved into “safety driving culture” (Edwards et al. 2014). Using this latter concept to understand speeding highlights some interesting points. First, driving above the legal speed limit is seldom punished, neither by the authorities (especially in the case of minor deviations) nor by the outcome of a road crash. Second, the current practice of speed enforcement is considered by many to be random, unjust, and more as a source of income for the authorities than a measure to improve safety on the roads (Arthur 2015, p. 58; Edwards et al. 2014, p. 299; Wells and Savigar 2017, p. 8). Third, the media usually shows tolerance for (at least moderate) speeding. The culture, especially commercials and mainstream movies, depicts speeding as something desirable and acceptable. Moreover, the car industry produces cars with a speed capability that exceeds any legal speed limit by a margin of hundreds of percentage points.

Following Singer’s advice mentioned above, after presenting the relevant information and assessing its reliability, the next step is to use moral reasoning. One possible approach of moral reasoning is to analyze the issues at hand through the lenses of the prevalent normative ethical views, namely: deontology, utilitarianism, virtue ethics, and contractarianism.

At the center of deontology lies the free choice of the moral agent. From a deontological perspective, a person should contemplate what is the moral
thing to do, the moral duty, and generalize it, that is, to opt for all others to do the same. According to deontology, a credible legal speed limit is needed, because if the legal speed limit is not credible and based on reasonable grounds, people should not, morally, adhere to it.\footnote{One should take into consideration that the decision to obey the law is based not only on fear of sanctions and calculation of personal benefits, but also on the belief that the law is just in two ways: distributively and procedurally (Tyler et al. 1986, p. 976).}

Utilitarian considerations look for “the greater good,” which is usually regarded as "maximum happiness." This, however, is not a simple thing to achieve. In the case of road speed and speeding, it is even more difficult than usual because the connection between speed and damages is not clear, as discussed earlier. While it might be that a very low speed will result in the lowest amount of damages, injuries, and deaths, it is clear that this is not the situation of maximum happiness. Though it is hard to calculate the greater good or maximum happiness, a drawback of utilitarianism as such, it seems that overall considerations of traffic flow, financial costs, and feelings of people about and from driving are best served at a legal speed far above the safest possible; and even above the legal limits in practice today, as demonstrated by the lack of compliance.

Adhering to a reliable speed limit will most likely promote the aim of virtue ethics, strengthening moral character.

From a contractarian perspective, the current situation of legal speed limits is highly unacceptable. It has been asked, "What mandate do authorities have for imposing on the majority of the people that they represent, a law that the
majority break?” (Poulter and McKenna 2007, p. 388), acknowledging that notwithstanding the concerns and aptitudes people claim to have, the majority do in fact break the legal speed limit, thus stressing the fact that the public is not in favor of the current situation concerning legal speed limits. Taking the above-mentioned considerations, it seems that from a moral perspective, there is a need for at least four measures:

First, to establish a trustworthy speed limit and try to explain its importance. Second, to enforce the correct speed limit vigorously, thus conveying the message that it is important for safety, and not for financial reasons. Third, to use advisory intelligent speed limiters, which help by alerting when the legal speed limit is breached, but do not compel by disabling the possibility of speeding. Fourth, recidivist speeders should be compelled to use active intelligent speed limiters, which disable the possibility of speeding, similar to the requirement that recidivist drunk drivers use alcohol interlocks (Grill and Nihlén Fahlquist 2012, p. 116).

Those four measures are supported by the prevalent ethical views: from a deontological view, it is important to have honest laws that render the duty to obey a logical fact. From a utilitarian view, it is important that people believe they are doing the right thing, thus contributing to overall happiness. From a virtue ethics view, presenting possible conduct as desirable helps to strengthen character. Finally, from a contractual view, the contract should be the best one possible, that is, one that as many persons as possible will

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8 How to establish a credible or trustworthy speed limit is beyond the scope of this paper, but there is professional literature on this subject. See, e.g., Elvik (2010a); Gargoum et al. (2016); van Benthem (2015).
support and willingly obey. These four measures will most likely help to create such a situation.

A new objection comes to mind. It seems that all is needed is to find the correct, reliable, trustworthy legal speed limits. This task is in the hands of traffic safety professionals, and not in the hands of ethicists. This objection is very interesting, but it overlooks the fact that a correct, reliable, trustworthy legal speed limit depends not only on road safety input but also on sociological, psychological, political and other inputs. This is where a wider morally philosophical point of view is needed. The "correct speed limit" above is actually a "morally correct legal speed limit."

Conclusion

We saw that road ethics research is hard, demanding an interdisciplinary knowledge, and particularly, knowledge in traffic safety science, a difficult subject to begin with and thus making road ethics research very difficult. It might also lead to unsafe moral philosophy, another explanation of why road ethics is academically unfashionable. It may be more difficult to get unfashionable research published, contributing to the lack of active academic research in the field.

Traffic, however, is the source of much harm in the world today, and therefore it is a very important subject to analyze ethically. Moreover, as suggested by the example of speeding, ethical research could lead to conclusions and advice that contribute to improvements in the real world. Isn't that, in spite of the hardships, enough to establish road ethics as a legitimate and important research subject?
References


Elvik, R. (2010b). Why some road safety problems are more difficult to solve than others. *Accident Analysis and Prevention*, 42(4), 1089-1096.


