

Values in Policy Making: Pragmatic Subjectivism and Paternalism

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Abstract

In this essay I argue that in order to incorporate attributes and values into policy-making, government and policy-makers must adopt pragmatic subjectivism in situations where no stance is taken on the objectivity of people's conception of well-being, so that their concerns are addressed. This is necessary because construct validity is difficult to achieve when attempting to measure an objective notion of well-being. As a result, the state may use any conception of well-being provided it matches the conception of population affected by such policies. This could legitimize policies often contested as paternalistic, but only in circumstances where special attention is paid to incorporating values and attributes that are robust, subjective, and reason-grounding.

In an address at the University of Kansas in 1968, Robert Kennedy said, “[gross] national product does not [countenance] the health of our children, the quality of their education or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages, the intelligence of our public debate or the integrity of our public officials. It measures neither our wit nor our courage, neither our wisdom nor our learning.” If one assumes Kennedy is correct about gross national product (GNP), questions about how the values and attributes he describes could be incorporated into policy-making, and the impact such

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inclusion would have, naturally follow.

In this essay I argue that in order to incorporate attributes and values into policy-making, government and policy-makers must adopt pragmatic subjectivism in situations where no stance is taken on the objectivity of people's conception of well-being, so that their concerns are addressed. This is necessary because construct validity is difficult to achieve when attempting to measure an objective notion of well-being. As a result, the state may use any conception of well-being provided it matches the conception of population affected by such policies. This could legitimize policies often contested as paternalistic, but only in circumstances where special attention is paid to incorporating values and attributes that are robust, subjective, and reason-grounding.

To support my argument, I start with an examination of why gross national product (GNP) is an incomplete measure of well-being. Then I turn to other measures of well being, such as gross national happiness and the human development index and show that they, while incorporating attributes and values, fail to establish construct validity because they too assume a normative conception of well-being. I then discuss adopting pragmatic subjectivism as a way to allow policy makers to countenance values and attributes without being objectionably paternalistic or non-neutral. I show that pragmatic subjectivism can avoid charges of paternalism, while allowing for contested policy measures such as nudges.

In his speech, Kennedy seems to be saying something like, "Gross national product (GNP) is not a valid measure of well-being, because it fails to measure the presence of values and attributes we think are constitutive of or necessary for well-being." GNP, which measures the value of products and services produced within a set of borders, rose to prominence in the 1950s and 1960s as the measure of choice for determining the development of a country. It represents a form of economic reductionism when it come to welfare. This is where the issue arises. If GNP purported to measure expenditure simpliciter one would have no issue. However, the assumption of economists and policy makers is that GNP is equivalent to preference satisfaction, which is then taken as a proxy for well-being (Haybron and Tiberius, ms., p. 3-4).

Conflating GNP with well-being opens its use up to concerns, echoing Kennedy,

over its validity as a measure of well-being (Lowenstein, 2009, p. 88). In the social sciences, a test is considered to have construct validity to the degree that the test actually measures what it claims to measure. That is, if I say I am measuring how hungry a person is in a given day by adding up the caloric value of the food that my subjects eat, one might object that my test does not have construct validity. One could easily conceive that my subjects might be very hungry all day but too busy to stop and eat, or they might not have enough money to buy the large meal that they want, or they might be invited to a party where they feel social pressure to eat more than they normally would otherwise. I am measuring something, but not necessarily their hunger, because I failed to properly distinguish the relationship between consumption and the concept of hunger itself. This is the root of the issue with GNP: the assumed equivalence of affluence and well-being is inaccurate (Offner, 2006, p. 43). People often make decision as consumers that are at odds with their professed values because of framing effects (Tversky and Khaneman, 1981, p. 454). GNP fails to achieve construct validity, but it is important to explicate why this is the case if one is to determine how to incorporate attributes and values into welfare policy and understand the implications that follow.

Academics, leaders, and policy-makers have attempted to modify GNP to account for factors such as unpaid work and other non-market activities (Kruger et al., 2009, p. 10) but this does not save GNP from Kennedy's criticism. The new measures simply attempt to get a more accurate view of affluence, but since one can reasonably reject equivocating affluence and well-being, this is not helpful progress. However well GNP or some other measure represents a given country's affluence does not impact the fact that affluence and well-being are being improperly conflated. In fact, some economists have shown that affluence is not concomitant with psychological happiness (Offner, 2006, p. 69). Since we intuitively think of psychological happiness as a constitutive component of well-being, this should lead one to agree with Kennedy when he continues, saying, "[GNP] measures everything in short, except that which makes life worthwhile (1968, p.3)."

GNP, however measured, fails to achieve construct validity, and therefore governments and policymakers have sought better definitions of well-being itself, in addition to better measures. In 1971, Bhutan introduced Gross National Hap-

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piness (GNH) as its metric of well-being, quantifying well-being through the use of a survey with questions such as “How often do you recite prayers?” and “How would you rate your knowledge and understanding of the constitution?” These questions were designed to track the flourishing of Bhutan’s people. (‘Bhutan’s 2015 Gross National Happiness Index’, 2015). While involving subjective evaluations by those surveyed, ultimately Bhutan takes a eudemonistic approach by assuming particular values and attributes are important to a person’s well-being independent of what the surveyed individual believes is good for him or herself. The ability for one’s life to go well consists in the level of personal excellence (defined in a paternalistic manner by the state of Bhutan) one is able to achieve. Similarly, the Human Development Index, which measures quality of life in terms of capabilities, is predicated on the idea that there is a list of things that are good for people, whether they want them or not, and that well-being consists in how many of the things on the list one is able to check off (Sen, 2004, p. 78).

Simply measuring the presence of attitudes and values presumed constitutive of well-being is problematic in its own way. Surveying citizens about their self-perceived level of spirituality does seem to give an accurate measure and thus construct validity only if one is certain that spirituality is a constitutive property of well-being. The objection is the same with capabilities: the approach must assume the inherent good of the capabilities on the list. This is the problem with thick concepts such as well-being (Williams, 1985, p. 140-143). In order to measure well-being, we must have a conception of well-being to working with, and all such conceptions incorporate normative ideals about the nature of well-being. Such thick terms, even when taken as the object of scientific inquiry, cannot be scientifically neutral. Therefore, without an objective definition of well-being, no matter how many measurements we derive, we can never be sure that we actually achieve construct validity.

Policy-makers that want to incorporate attributes and values are not entirely without hope, however. In order to incorporate values and attributes in a way that would satisfy Kennedy, they can adopt Haybron and Tiberius’ (ms.) pragmatic subjectivism which takes well-being policies to be “grounded in the conceptions of well-being of those on whose behalf policy is being made” (p. 2). The stance is pragmatic in that it allows policy-makers to develop and use mea-

surements of well-being, so long as those measurements have construct validity in relation to a given population's conception of well-being. Eudemonistic, hedonistic, and preference-satisfaction methods are all acceptable, provided the population measured holds the corresponding view of well-being (Haybron and Tiberius, ms., p. 15). The approach is subjective because policy makers and constituents alike are allowed to hold onto their own personal views about the objectivity of well-being, but policy and measurements must comport with the subjective views of the people the policy affects. The measurements themselves do not have to change to incorporate values, but policy-makers' ideas about the objectivity of such measurements would vary with the views of their target population.

There are implications for approaching policy in this manner that need addressing if it is going to be a workable solution. One objection to this approach (and well-being policy more generally), is that it is paternalistic. It is argued that governments should promote their citizen's freedom or resources and they fail to respect autonomy when they go further and attempt to secure well-being for their citizens (Haybron and Tiberius, ms., p. 4). Essentially, interventions designed to promote the good of someone may operate with the implicit assumption that people are not sufficiently capable judges of what is good for them (Mill, 2002, p. 86).

Pragmatic subjectivism does not say that people are not capable judges of the good. Given the lack of consensus about the nature of well-being, there is no epistemic reason to believe that policy-makers will provide better judges of well-being than the people themselves (Haybron and Tiberius, ms., p. 9). According to pragmatic subjectivism, governments must defer to citizens' own ideas about the prudential value of well-being at the start and this takes much of the strength out of the paternalism objection (Haybron and Tiberius, ms., p. 7). However, pragmatic subjectivism leaves space for policy-makers to intervene when it is clear that people are not good at getting what it is they value but in doing so, may allow for policies that are often seen as paternalistic. Policies are legitimate 1) if they seek to make people better off by their own definition and 2) if well-informed and deliberative people at whom the policy is aimed would consent to it (Haybron and Tiberius, ms., p. 2). With the emphasis on consent, pragmatic subjectivism is sufficiently person-respecting to avoid being labeled

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as objectionably paternalistic.

In order to see how pragmatic subjectivism works in practice and to see how it could be considered acceptably paternalistic, we can consider the acceptability of alterations in choice architecture such as nudges. Nudges are essentially a restructuring of choice architecture such that people's behavior is altered in a predictable way but at the same time the intervention is easily avoidable (Sunstein and Thaler, 2008, p. 7). For example, psychologists have determined that the food at eye level in a cafeteria is chosen most often (Sunstein and Thaler, 2008, p. 11). It is therefore possible to nudge people into purchasing healthy food through a policy change that requires of cafeterias that only items with a particular nutritional value should be displayed at eye level (Sunstein and Thaler, 2008, p. 11). The less healthy items are not to be hidden or made more expensive. They should remain easily accessible, and still an option in the choice architecture. Pragmatic subjectivism could find such 'libertarian paternalism' acceptable as the basis for policy interventions if they get at the values people hold.

Given this, it is important for the policy-maker to properly define and give countenance to values. Values must be robust, subjective, reason-grounding, meaning that they ground reasons for people's behavior and have intrinsic normative force for the agent (Haybron and Tiberius, ms., pg. 11). These are contrasted with mere desires or preferences that lack such normative force. I may want candy, but fail to see how getting some would further any sort of robustly held value of mine. I would not consent to a policy that made it more likely I would get a candy. However, I might consent to a policy that makes it more likely for me to make healthy choices, because I value health robustly. It seems as though people would be willing to consent to weak paternalistic policies in cases where robust, subjective, reason-grounding values are at play in a way they would not be willing to do for mere preferences or inclinations. If people value health robustly, they might consent to a nudge that makes it more likely for them to make a healthy decision, but does not remove their options. Conversely, they would not consent to a coercive policy that infringes too much upon their value for autonomy. Therefore, these are the values that should be considered when making policy.

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In conclusion, to incorporate values and attributes, policy-makers must relinquish the idea of using comprehensive measurements of well-being and their notions about the nature of well-being itself. Instead, pragmatic subjectivism allows them to incorporate values into policy, but only those that are robust, subjective, reason-grounding. Otherwise, paternalistic concerns remain.

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