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Coláiste na Tríonóide, Baile Átha Cliath

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# Negotiating Interdisciplinarity

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# Engaging with other disciplines

My PhD:

- Behavioural Economics (was asked to)
- Political Economy (was distinguished against)
- Science and Technology Studies (came across)
- The idea of epistemic injustice (could not escape)

# Sacrilegious Thoughts

- There's no inherent value of a discipline
- There's no such thing as an individual
- There's no such thing as society
- There's no such thing as a thing
- There's no inherent value to law.
- Law should not be 'God by other means'

# Sacrilegious Thoughts

- There's no inherent value of a discipline (there are intradisciplinary and interdisciplinary constructions)
- There's no such thing as an individual (for environmental purposes)
- There's no such thing as society (it is a product of associations)
- There's no such thing as a thing (it is the product of interpretation and representation)
- There's no inherent value to law (it is about means and ends)
- Law should not be 'God by other means' (but law constructs interdisciplinary and intradisciplinary authority, individuals, society, things, and yes, God).

# Initial Idea

- PhD started out as a study of ferreting out the nuances of a regulatory alternative of engaging people through an incentive mechanism – a end-user emissions trading system within the European regulatory framework.
- How to include sectors not covered by the predominant regulatory mechanism (EU ETS) involving households, road transport, farming, waste disposal.
- Fairness, Efficiency, Effectiveness were ways to approach
- Belief that even if people are constructed by socio-economic and cultural forces, they are left to their own devices to negotiate the world. So processing information, considering moral engagement, using incentives, making decisions.
- BLE will be about public engagement
- Surveys will be about political acceptability of regulators

## **Malm: The Anthropocene Myth**

**‘Humanity is too slender an abstraction to bear the burden of culpability’**

**Naturalising a mode of production specific to a time and place is a way of shifting blame.**

**Industrial development started on waterpower. Coal added to mobility, which allowed industrialists to ‘shop around’ for cheaper and less belligerent labour.**

# European Environment Agency: End-user Emissions

**Finding:** Industries and households emit about the same

**Method:** ‘The end-user methodology splits direct and indirect GHG emissions by reallocating all GHG emissions from energy transformation industries to end-users’ – by distinguishing between ‘combustion’ and ‘fugitive’ emissions, emissions are reallocated.

**Assumption:** Households are responsible for the fuels and energy that they consume, to the extent that they bear the costs of transmission and distribution.

# Turned against myself

- Move away from a viability assessment of a regulation to the construction and desirability of policy
- A 'sector' is about direct and indirect emissions. The 'end user' is a political category for environmental purposes. Consumption is the transformation of materials and energy.
- An individual cannot be made into a firm using the tools of BLE – this approach cannot provide us the agency to negotiate the world.
- Public responsiveness, *not* public engagement (the experimental method may not be suitable). Piecemeal experiments on behavioural change are not the same as experiments that deviate from rational actor models.
- Political acceptance, *not* political acceptability (surveys may not be suitable). Political interests cannot be revealed in a survey but need to be analytically ascertained using a political economy approach.



# Political Economy

- Firms and states would be motivated to anticipate and shift the burden of climate responsibility onto individuals; hence this would be lobbied. The 'consumer' is a disparate lobby group.
- The end-user is a legal personality that is different from an individual involved in the transformation of materials and energy.
- Why are some forms of expertise privileged over others? One could call it culture, I used the spirit of BLE to look at discursive capture: institutions and regulators assume a privileged discourse in analysis and decision-making without strategically doing so owing to embedded social and cultural forces.
- There is a movement in the social sciences to engage in focusing on the cognitive and behavioural that discounts the distribution of access, burdens and capabilities.

# Science and Technology Studies

- Relational Materiality between objects, people, technology, even discourse.
- Rudolf Diesel's alliances include entities as diverse as kerosene, pumps, other scientists and engineers, financiers and entrepreneurs, and consumers.
- Trust - The structure of trust in science was laid down by being transferred from the structure of gentlemanly trust in the seventeenth century; gentlemen could trust each other, and could not easily challenge each other's truthfulness.
- Similarly, trust in technical judgment often resides in cultural affiliations. Engineers educated in the École Polytechnique in nineteenth-century France trusted each other's judgments, just as did engineers educated at the Massachusetts Institute of Technology in the twentieth century. Also trust in 'non-expert reality appreciation': we know what is politics. This is a culture of entitlement.

# The Transition From Climate Science to Climate Policy

- 1) ‘Knowledge Brokers and Entrepreneurs’ mostly scientists spread the word due to developments in measurements in the 60s and 70s. Perhaps, they were looking to mobilise funds.
- 2) **Antarctic Ozone Hole** scares the world; UN takes a lead role.
- 3) **Heat Wave and Drought** in North America Time magazine names earth ‘Planet of the Year’. Canada wants an international tax on fossil fuels (small irony: Canada subsequently leaves the Kyoto Protocol to avoid paying penalties).
- 4) **Firms and Countries** starting hedging their economic edge by selecting certain policies.
- 5) Some **environmental lobby-groups** sought to advance their interests.

# Epistemic Injustice

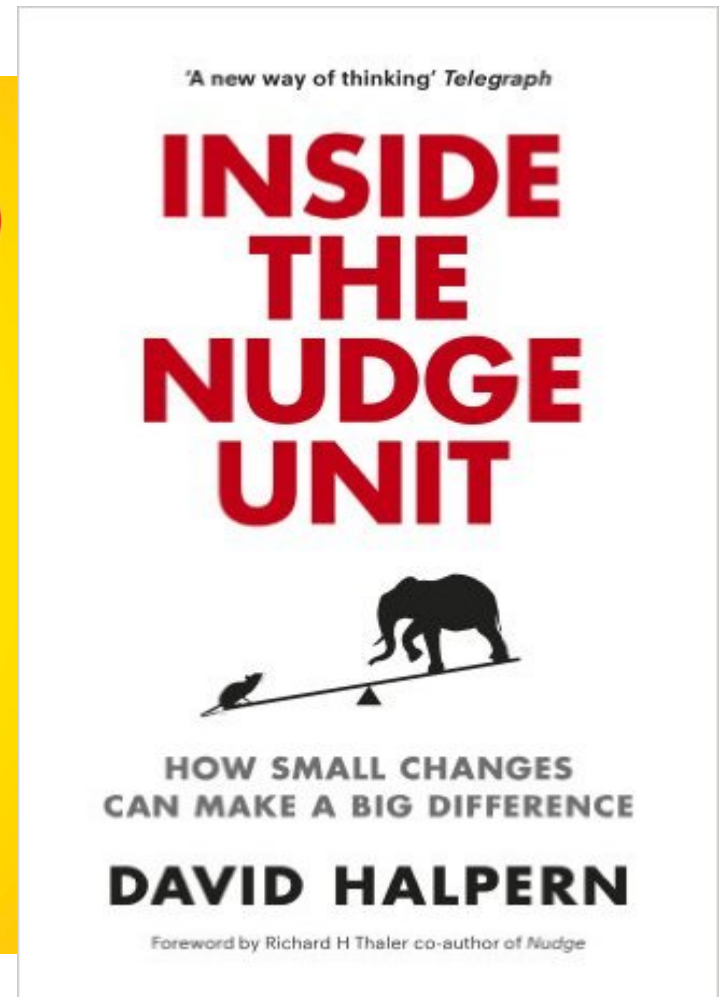
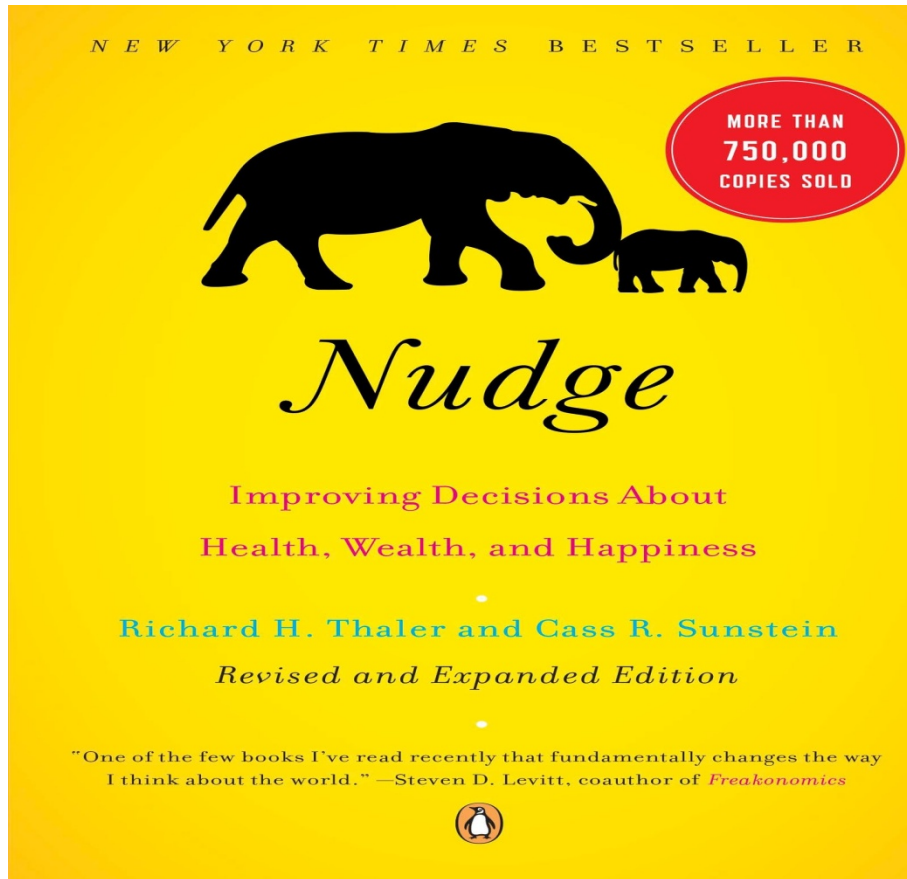
- If we were to characterize experts as ‘speakers’ and regulators as ‘hearers,’ a credibility excess could be attributed to some experts over time and/or space, whereby the hearer makes an unduly inflated judgment of ‘the speaker’s credibility, perhaps missing out on knowledge as a result.’
- Fricker concentrates mostly on ‘credibility deficit’ as a form of epistemic injustice where the speaker is underestimated by the hearer. She, however, also accommodates the possibility of a credibility excess that distorts any epistemic exchange, and may, on occasion, also constitute epistemic injustice for the speaker if this credibility excess leads to an inflated precarious ‘epistemic arrogance.’

# If we have time...Behavioural Economics: From Parlour Tricks to Policy

**Write down the last two digits of your cell phone number**

**Now write down the number of African countries in the UN**

# The Claim to a Paradigm Shift



# Central Message

**Intuitions – expert or not – about risk are systematically shown to be wrong.**

**We underestimate banal environmental harm**

**We can be ‘debiased’ through regulatory shaping**

# Core Idea

What you think is deliberate reasoning (System 2), is actually reproduction of intuitive thinking (System 1).

Summary: <https://suebehaviouraldesign.com/kahneman-fast-slow-thinking/>

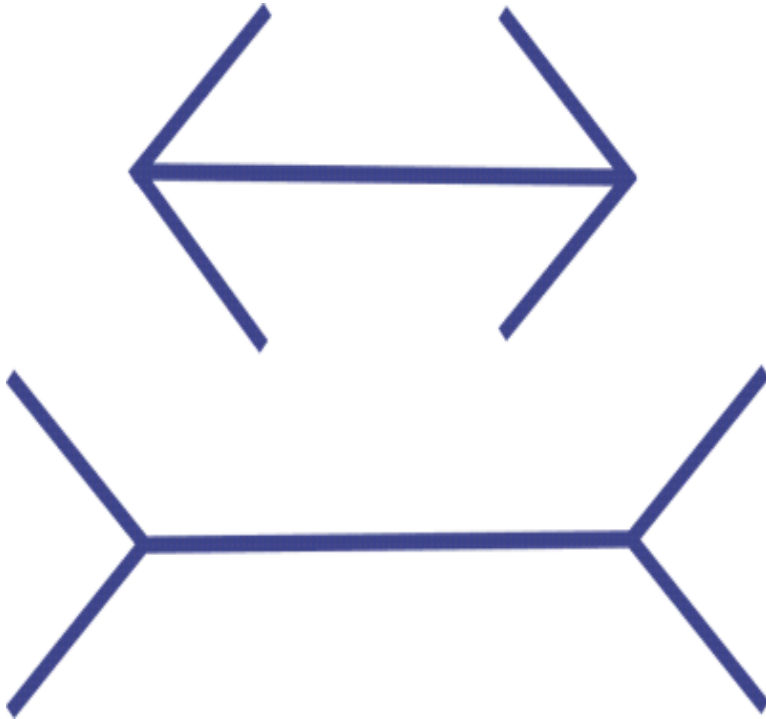


## Kahneman moved away from Skinner's Behavioural Psychology to Gestalt Psychology

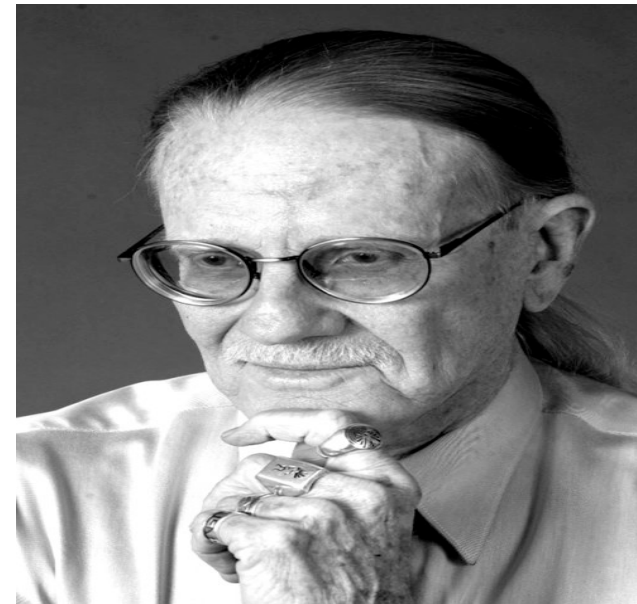
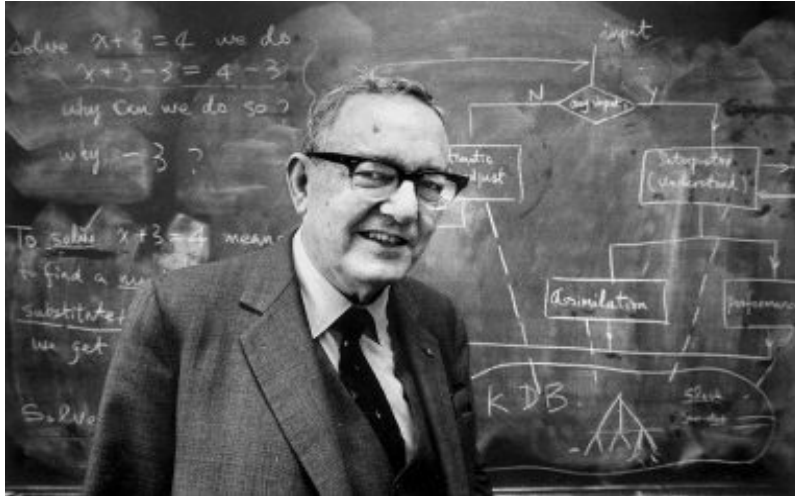


<https://www.military.com/video/operations-and-strategy/second-world-war/project-orcon-pidgeon-guided-missile/897399315001>

# Cognitive Biases: Mind Distorts External Stimuli, but Distortions can be Studied



## Also distinguished from Herbert Simon's Bounded Rationality and Vernon Smith's Institutionalism



# 'Predictably Irrational' Findings from Experiments

Loss Aversion

Availability Heuristic

Framing

# How Do You Apply These Findings?

**Thaler & Sunstein:** Libertarian Paternalism through default rules with opt-outs.

Objections regarding **autonomy, infantilism, inapplicability to hard questions.**

For the purpose of legal decision-making, we look at

- 1) Internal Validity of Behavioural Economics
- 2) External Validity of Behavioural Economics

# Drawing Inferences

## What Cannot be Inferred:

How a person can be a firm

How an incentive can become a social norm

How co-operative activity happens

## What Can be Inferred

Predictable biases that distort the rationality assumption

## Costs of Drawing Inferences

Hazardous waste example (Kysar 1999): Behavioural Economics more weaponry to industries to delay regulation .

# How do you make choices? The Problem of Agency

**Daniel Kahneman notes that despite a lifetime of research, ‘...my intuitive thinking is just as prone to overconfidence, extreme predictions, and the planning fallacy as it was before I made a study of these issues.’**

## Unresolved issues

- How do you distinguish a ‘real preference’ from an adaptive one? Similar to the ‘false consciousness’ debate in feminist literature.
- Behavioural Law and Economics is about regulators helping us take a load off – to shape our behaviour for achieving best outcomes. But there needs to be some consensus about outcomes then? Isn’t that the point of politics?
- Is all cigarette smoking ‘risky’? Are contributions to pensions always ‘optimal’? Is paperless studying good even if it is good for the environment?
- Once there is agreement on the outcomes, do you trust regulators to be ‘norm entrepreneurs’?



# Critique

- <https://www.theguardian.com/commentisfree/2020/apr/26/nudge-theory-is-a-poor-substitute-for-science-in-matters-of-life-or-death-coronavirus>