Consider psychological solutions for traffic offences

By [Kaelin Govinden](#)

22 Jul 2014

South Africa is currently implementing a traffic regulation scheme called Administrative Adjudication of Road Traffic Offences (AARTO).

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The AARTO scheme penalises drivers for offences such as speeding, failing to carry a valid driving licence while driving and not wearing a seatbelt. On the other hand, the scheme allows penalised drivers to redeem points with good behaviour. Put simply, the operation of the AARTO scheme can be explained as follows:

- "Points are allocated when a traffic offence is committed and an accumulation of points leads to the eventual cancellation or suspension of a driving licence. Each driver starts out with zero points and points are added to the licence for traffic offences, with the number of points allocated depends on the offence committed. The maximum number of points allowed on a licence is 12 points, after which the licence is suspended for up to 32 days. A driver whose licence is suspended for the third time loses their licence permanently and has to reapply for a driving licence. This involves retaking the driving test in full after the disqualification period."

While I do not question the laudable objectives and worthy intentions behind the scheme, the question that I pose is why were we not given the opportunity to solve the problem of driving offences psychologically? What do I mean?

Loss aversion bias was first introduced by Nobel-prize winning psychologist Daniel Kahneman and Amos Tversky in 1979 as part of the original prospect theory. In essence, it suggests that psychologically, the possibility of a loss is on average twice as powerful a motivator as the possibility of making a gain of equal magnitude. In short, it suggests that people would prefer to avoid a loss to realising a gain.

Points go backwards

In some European countries such as Italy, penalty points go backwards: You start with 12 points and with each offence committed by a driver points are taken away. The reason for this is that the Italians took into account the fact that loss aversion bias acts as a much more powerful influence on people's behavior. In South Africa we tend to feel, "Yeah! Got another three!" Not so in Italy.

So why have our law makers not done like the Romans and taken into account loss aversion bias when developing the AARTO scheme? I believe the reason for this is that when looking for solutions, our legislature gives too much priority to technical solutions, or what advertising guru Rory Sutherland terms "Newtonian solutions", and not nearly enough consideration to possible psychological solutions.

Legislation is drafted from the perspective that logic is its own answer and mechanistic, technical ideas are prioritised over psychological ideas. The AARTO scheme is just one example of where it may have been apposite for the legislature to consider and adopt the latest findings in psychology and behavioural economics.

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