

Accountability for Reasonableness: Some Historical and Other Remarks about A Framework for Decision- making

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Overview

- What is A4R?
- Legitimacy in a hard case—U.S. managed care
- How does it enhance legitimacy? Promote fairness?
- Goal of A4R: reduce disagreement, agreement on criteria goes long way toward goal
- Does it work?

Accountability for Reasonableness (A4R)

- Publicity (transparency including reasons)
- Relevant reasons (as judged by appropriate stakeholders; possibility of combining with MCDA)
- Revisability (in light of new evidence, arguments, appeals and due process)
- Enforceability (assurance that other conditions are met)

A4R remarks (1)

- Senses of Reasonable
 - backed by reasons
 - reasons intended to find mutual agreement among those seeking it (sought by fair-minded people)
 - reasons not part of comprehensive moral or religious view but instead part of shared democratic culture (Rawls, J.Cohen)

A4R: Remarks (2)

- Strong publicity requirement compared to market rationale, but middle ground on explicit vs implicit debate
- Relevant reasons: consensus on what reasons are relevant, but different weights allowed--losers cannot say decision based on wrong or irrelevant reasons
- Due process-- included in revisability

A4R: remarks (3)

- Process at various levels with adaptation of it to each level (national, provincial, hospital)
- Conditions necessary (but not clearly sufficient) to assure legitimacy, fairness
- Considerable room to adapt to political culture (one size does not fit all)--realizable to different degrees (more less transparent, revisable, etc)

A4R yields:

- Presumption of similar treatment for similar cases
 - Commitment to coherent use of reasons
 - “Similarity” defined by reference to reasons and principles
 - Rebuttal
 - Show relevant difference in cases
 - Show rationale for revising principle
- Public record of commitments - behavior matches pronouncements
- Similar to case law
- resolving moral disagreement by deliberation, not mere vote

Enhancing legitimacy

- A process is legitimate if it has acceptable moral authority to do what it is doing
 - Appointed by agency that has moral authority and has the right to delegate it (weak)
 - Properly appointed and makes decisions in right way (stronger)
- A4R is account of conditions that constitute right way to make priority setting decisions

Narrowing disagreements

- Adds legitimacy to decision-making
- Narrows disagreements through deliberation about criteria and their weights – legitimacy about evidence | (combine mcda with A4R)
- Narrows but does not eliminate all disagreement
- Importance of social learning

Early test efforts

- U Toronto efforts
 - How much conformance with conditions?
- Boost from NICE
 - Generous recognition by Rawlins
 - Impact globally
- Global efforts
 - Byskov studies in Africa– same focus as in Canada

S. Korean efforts

- 2012 introduced Citizens Participation Committee using some key components of A4R to process of defining benefit package
- Oh et al 2015 Deliberation by citizens increases contribution to premiums for benefits added (but did not comply with publicity requirements of A4R)

What more is needed?

- Chinese ministers— does A4R work? What's the evidence?
- More research on how to manage deliberation without standard objections to effects of charisma, vested interests
- More research on whom to include in process and how to select them
- Fundamental problem: effects of process on power of rulers
- Test of improved legitimacy east to design (survey results); but fairness is harder because by hypothesis there is more disagreement (what validates?)