Reviewer's report

Title: Repeal of the Pennsylvania Motorcycle Helmet Law: Reflections on the Ethical and Political Dynamics of Public Health Reform

Version: 1 Date: 22 January 2010

Reviewer: Marian M Jones

Reviewer's report:

1. Strengths: This article is written quite clearly and presents new information and analysis on the specific political dynamics undergirding the motorcycle helmet law repeal in Pennsylvania. It particularly highlights helmet opponents’ novel tactic of arguing that inexperience, and not lack of helmet protection, causes motorcycle crashes and injuries. It also uses the statistics on motorcycle crash injuries and deaths sparingly but very effectively, and offers straightforward policy analysis.

2. Weaknesses: The author does not seem to have thoroughly reviewed the literature on this long-standing debate. I was surprised to see no reference to the piece, Jones, MM, and Bayer, R, “Paternalism and Its Discontents: Motorcycle Helmet Laws, Libertarian Values, and Public Health,” American Journal of Public Health, February 2007, 97: 208-217. Reprinted as a chapter in Colgrove, J, Markowitz, G, and Rosner, D, The Contested Boundaries of American Public Health, Piscataway, NJ: Rutgers, 2008. This is not just a case of “why didn’t you cite me?” This piece includes both deeper background and wider context in which to place this latest wrinkle in the debate over motorcycle helmet laws, as well as references to a plethora of other published material on the subject. (Discretionary Revisions)

3. Secondly, the classification of motorcycle health proponents as “objective utilitarians” oversimplifies and misrepresents their varied reasons for supporting helmet laws. Helmet law proponents are not necessarily united in sharing a common vision of maximizing social utility (for example, emergency room physicians and public health advocates do not necessarily see eye to eye), but rather in their view that the state can properly regulate behavior when the state deems that it is in the best interests of the population to do so—he, here, in the interests of the population’s health—and when failing to do so would result in significant harm to the population. Thus, the key difference between the two sides in the debate is not one of utilitarians vs. libertarians, but of paternalists vs. libertarians. (It is just as easy to classify opponents of helmet laws as utilitarians as it is to classify proponents under the broad family of utilitarian ethics. The former might be hedonistic utilitarians (those who value maximizing pleasure) or objective utilitarians who value helmetless motorcycle riding and its conveniences as an objective social good, etc. (Major Compulsory Revisions)

4. Also, include these minor essential revisions:
Abstract line 2: insert “only” between “now” and “required” to clarify.

Line 9: insert “laws” between “helmet” and “have”

line 11. Replace “their” with “its”

p. 4 line 4 “prospective” should be “perspective.” If ABATE really issued a statement with this typo, then [sic] should be added after the word “prospective.”

Line 13 “bike” should be “bikes”

p. 5 line 2 insert after “therefore” “argue that” or “claim that”

lines 13 and 14. Omit comparisons to cocaine use during pregnancy or reckless and intentional spread of HIV unless you are going to explain these issues and how they are related to the debates over helmet laws. Mentioning them summarily in this way confuses the issue. Alternatively, this is a place where you could discuss the argument, which you now first introduce in the summary and which therefore seems an afterthought, about how motorcycle crashes “that result in death or severe brain injury [have] an enormous impact on families, friends, coworkers, businesses…etc.” This argument deserves more attention, as it seems to contradict the contention (often proffered by motorcycle helmet law opponents) that the consequences of failure to wear a helmet constitute only a self-regarding harm. By mentioning the harm that inures to others, you are in fact saying that unhelmeted riding is like cigarette smoking in that it can harm others as well.

p. 6

line 5 replace “precedence” with “precedents”

line 14 replace “will” with “would”

p. 7

line 1 replace “stake holder” with “stakeholder”

line 3 define “Best Alternative to Negotiated Agreement”

lines 17-21 The Players, Power, Position, Perception framework is an elegant one. Did you come up with this? If you drew inspiration from another source, cite it.

Level of interest: An article whose findings are important to those with closely related research interests

Quality of written English: Needs some language corrections before being published

Statistical review: No, the manuscript does not need to be seen by a statistician.
Declaration of competing interests:

I declare that I have no competing interests