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a comment by Evan Selinger

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THE INITIATIVE FOR SCIENCE,
SOCIETY AND POLICY

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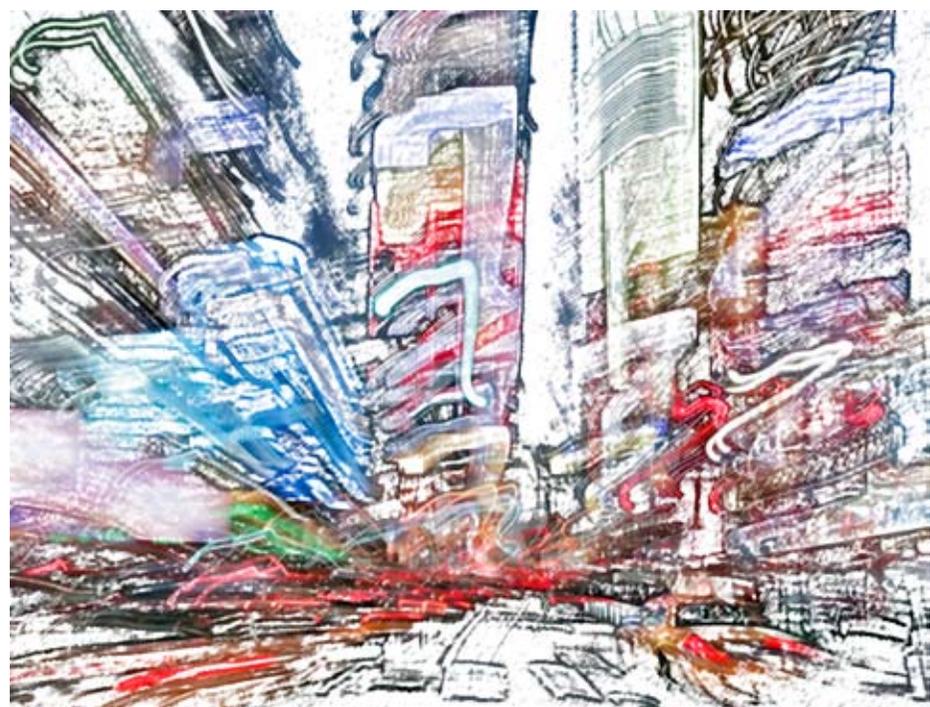
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CONCERNS OVER NUDGING

by Evan Selinger

This short essay by Evan Selinger gives an overview over some of the concerns that one should keep in mind when considering the nudge approach. Recognizing that choice-architecture is often unavoidable and at times commendable, it points out that nudges of certain kinds and configurations have the potential to engender moral and political apprehension.

The essay succeeds in showing why it is always worth considering twice whether or not a nudge is the best way to make people choose the right thing and why it is necessary that a better dialog is established between nudge designers and nudge critics.



NUDGES

Normally, we only need to arrive five minutes before my daughter's swimming lessons start. Parking is abundant; the worst case experienced is a small queue forming near the entrance. But right after the start of the new year, we came close to being tardy. The parking lot was nearly full and it took a while to drive around and find an open spot. When I inquired as to why the conditions differed so much from the norm, the instructor told me that people were flocking to the gym to fulfill their resolutions to get fit. He further assured me that only two weeks or so were needed for people's resolve to weaken enough for them to return to the status quo.

Situations like this one are often characterized as tests of character. From this perspective, people would eat better, exercise more, and save additional earnings if only they did not allow what Plato long ago called the "appetitive" or "spirited" parts of the soul to dominate the "rational" component. This perspective extends to situations where others make decisions on our behalf. To use a distinctly U.S. example, it has been said that if grieving family members had more resolve, they would pull themselves out of their misery and inform medical staff that it is acceptable to respect the deceased's wishes to have his or her organs donated.

In *Nudge: Improving Decisions About Health, Wealth, and Happiness* (2008), Cass Sunstein, a prominent American legal scholar and current Administrator of the White House Office of Information and Regulatory Affairs, and Richard Thaler, a distinguished behavioral economist at the University of Chicago, identify an ostensibly better way to approach so-called tests of character. "Nudges," as they refer to them, try to work with people's typical biases rather than try to build character. The book has been extremely influential across disciplines and industries, and David Cameron, current Prime Minister of the United Kingdom, has recently appointed a well-funded Behavioral Insight Team (informally referred to as the Nudge Unit) to advance public policy in the target areas of health, environment, giving, social networks, and well-being.

Using dual-process theory, Thaler and Sunstein differentiate between how the mind functions in reflective and automatic modes, and claim that people often make bad decisions as a consequence of predictable cognitive biases, such as when they have to act quickly, lack sufficient information, are missing adequate feedback, do not have the needed experience, and fail to anticipate what their feelings and moods will be. In many of these situations, neither new economic incentives nor choice restricting government policy – which is often expensive to administer – are the only options. Rather, the best course of action can entail using nudges that adjust the context within which people make choices, so as to make predictable forms of irrationality work for, rather than against, their preferences.

Thaler and Sunstein define a nudge as any aspect of design “that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives” (p.6). Nudges are thus changes in the decision-making context that work with biases, and help prompt us, in subtle ways that often function below the level of the user’s conscious awareness, to make decisions that leave us and usually our society – which can pay the price for routinely made poor decisions – better off. They characterize this context as “choice architecture,” and refer to nudge designers as “choice architects.”

To ensure that nudges are not exploitative forms of manipulation, Thaler and Sunstein insist that choice architects should design nudges that accord with the ethical constraints of “libertarian paternalism.” This oxymoronic sounding phrase means that nudges must be inexpensive to use, easy to opt-out of, function without changing financial incentives, be transparent (i.e., in principle publicly defensible), and only get designed to help people live according to their pre-established preferences. Nudges thus are supposed to be effective means to satisfying ends that we select for ourselves, but routinely fail to meet due to limits of information processing in some situations. It is libertarian in the sense that nudges are “choice preserving,” while paternalist in the sense that choice architects select the best course of action for us.

NEW NUDGES

To further clarify what nudges are, it will be helpful to cite examples recently discussed online and in the popular press.

- The *New York Times* selected ToneCheck, an “emotional spell checking” tool as one of the best ideas of 2010. ToneCheck scans the content of e-mails for signs of emotional tone, and if a draft exceeds the threshold for negative emotions (e.g., anger or sadness), it offers the author a warning that can prompt revision. Future versions are expected to gauge a sentence’s emotional ambiguity, and the company’s founder announced plans to “allow clients to prevent employees from sending e-mails that violate their ‘tone policy.’” (To see the full story, go to: <http://tinyurl.com/2co8dln>)
- Smart wallets have recently been designed at MIT Media Lab that are constructed to “restore the tangible consequences of our monetary transactions” and therein help users avoid the emotional temptations that lead to unnecessary spending that favor short-term satisfaction (i.e., impulse purchases) over long term needs. Three designs exist, each of which connects to a smartphone via Bluetooth, so as monitor bank-account activity in real time: “The Mother Bear has a constricting hinge that makes it harder to open the closer you approach your monthly budget, while the Bumblebee buzzes every time a transaction is processed. The Peacock inflates and deflates with the amount of cash in your account, which puts

your assets on ‘display’ for potential mates, according to the designers.” (For more information, to: <http://tinyurl.com/2wo5ntx>)

- A *NY Times* article, “Giving Alzheimer’s Patients Their Way, Even Chocolate,” discusses two nudges used in nursing homes. The first is a fake bus stop: “Several German nursing homes have fake bus stops outside to keep patients from wandering; they wait for nonexistent buses until they forget where they wanted to go, or agree to come inside.” The second is a patch of black carpet: “Beatitudes installed a rectangle of black carpet in front of the dementia unit’s fourth-floor elevators because residents appear to interpret it as a cliff or hole, no longer darting into elevators and wandering away. ‘They’ll walk right along the edge but don’t want to step in the black,’ said Ms. Alonzo, who finds it less unsettling than methods some facilities use, bracelets that trigger alarms when residents exit. ‘People with dementia have visual-spatial problems. We’ve actually had some people so wary of it that when we have to get them on the elevator to take them somewhere, we put down a white towel or something to cover it up.’” (For the full story, which requires a subscription to access, go to: <http://tinyurl.com/25td87f>)
- Ian Ayres, a lawyer and economist at Yale, has committed himself to consistently weigh less than 185 pounds. To help meet this goal, he uses Wi-Fi-enabled scales that regularly display his weight on Twitter. (To see the Twitter feed, go to: twitter.com/ianweight)
- An article in *The Guardian*, “Musical Stairs: A New Nudge to Encourage Exercise?” describes a suggestion made by the Behavioral Insight Team for Britain to install stairs in stations and public buildings that play tunes as each step is climbed. The idea is to motivate people to take the stairs instead of escalators and elevators by making walking fun. (For the full story, go to: <http://tinyurl.com/2wk5cy7>)

CONCERNS ABOUT NUDGES

Since nudges are supposed to help us accomplish goals we set for ourselves, who could possibly object to them? Yet we know too well that advocates’ narratives can contain hype and fail to be adequately attuned to problems, both actual and potential. In the following, I will highlight some of the main philosophical concerns about nudges that have been expressed in academic and popular publications.

Critics of nudges tend to make vivid appeals to the dystopian images of “Big Brother” and “Orwellian mind-games.” They sometimes suggest that the very idea of using nudges is patronizing since it rests on the assumption that the masses are too stupid to make good decisions for themselves. However, as University of Wisconsin-Madison philosophers Daniel Hausman and Brynn

Welch note, since choice architecture is often unavoidable, it cannot be inherently morally problematic. When it is impossible to avoid shaping people's choices, some forms of behavior modification must be permissible. Nevertheless, since choice architecture tends to work best when people are unaware that a nudge is influencing their behavior, they suggest Thaler and Sunstein oversell the libertarian credentials of their paradigm:

“Like actions that get people to choose alternatives by means of force, threats, or false information, exploitation of imperfections in human judgment and decision-making aims to substitute the nudger's judgment of what should be done for the nudgee's own judgment. When such interference aims at the individual's own good, it is paternalistic. The paternalistic policies espoused by Thaler, Sunstein, and others, which involve negligible interferences with freedom (in the sense of the range of alternatives that can be chosen), may threaten the individual's control over her choosing. To the extent that they are attempts to undermine that individual's control over her own deliberation, as well as her ability to assess for herself her alternatives, they are *prima facie* as threatening to liberty, broadly understood, as is overt coercion” (p. 130).

Luc Bovens, Professor of Philosophy at the London School of Economics, claims that nudges may not be desirable when they leave us with “fragmented selves.” We can act as fragmented selves when behaving one way while under a nudge's influence, but another when making decisions that are not nudged. Inconsistent preferences are exhibited in these instances, and our nudge dependency can be underestimated. For example, we might eat healthy when selecting foods from a cafeteria that choice architects design to steer behavior by placing fruits and vegetables in front of the display, but poorly when selecting meals and snacks from other sources. Acknowledging this risk does not entail denying that repeated exposure to nudges can lead to new habits being formed that correlate with genuine preference shifts. It simply means that when it comes to nudges, we should be on our guard to avoid confusing situational with integrated behaviors.

A related issue, Boven notes, concerns the development of moral character as it relates to the virtue of moral independence. While nudges can appear desirable when judged from a short-term perspective, in which they are assessed primarily in terms how effectively they steer behavior, they can appear problematic from a long-term perspective that renders the problem of infantilization salient. As morally lazy, infantilized subjects are quick to have others take responsibility for their welfare. Adopting a morally immature attitude, they do not view the capacity to assume personal responsibility for selecting means and ends as a fundamental life goal that validates the effort required to remain committed to the ongoing project of maintaining willpower and self-control.

Infantilized subjects are a prime target for technocracy. In a strongly technocratic regime, the government aims to commodify moral decisions, looking for them to be solved by devices (e.g., nudges) and designers (e.g.,

choice architects) rather than by responsible citizens. Frank Furedi, Professor of Sociology at the University of Kent, identifies three problems that would be especially troubling if nudges were to underwrite a technocratic culture:

1. the virtue of *phronesis* (i.e., practical wisdom in which context-specific judgment is exercised) would be diminished via being “outsourced” to experts;
2. the public sphere would be “devalued,” as significant matters of personal conduct would be given over to the “behavior management industry”; and,
3. public life would be “emptied out,” as crucial “cultural, moral and political questions” would become reductively translated into the narrow terms of behavioral economics, resulting in hype leading to failed programs.

Were a society ever to be as technocratic as to embody these features, the government would be in danger of undermining its ability to persuade people rationally through propositions disseminated for critical reflection and public deliberation.

Libertarians, such as New York University Professor Mario Rizzo and California State University Northridge Professor Glen Whitman, put matters in slightly different terms, expressing their political reservations as concerns about nudges being “vulnerable” to becoming tools that support new, straightforwardly paternalist policies. With this concern in mind, they identify a number of slippery-slope issues in which nudge projects and programs could grow expansively, absorb public resources, and primarily further the ends that choice architects (notably, government bureaucrats) deem valuable. Rizzo and Whitman further suggest that even when choice architects want to design nudges that further the pre-selected ends of nudges, they still run the risk of coping with limited knowledge by “projecting” their own values and preferences onto idealized conceptions of end users.

CONCLUSION

From my perspective, the concerns reviewed here should be understood as cautionary considerations. It would be a mistake to construe them as premises that should be integrated into an argument calling for anything like a moratorium on nudging. Simply put, choice architecture is often unavoidable, and given the power of cognitive bias and environments that lack appropriate forms of information, some nudges can improve our lives. In these cases, nudges deserve appreciation for being significant decision-enhancing aids and choice architects deserve recognition for being decision-enhancing engineers. Nevertheless, nudges of certain kinds and configurations have the potential to engender moral and political apprehension. The key to moving forward, so that nudges embody realistic and reasonable expectations, is to create better dialog between nudge designers and nudge critics. At present, the division of labor has the two sides working in parallel, but mostly independent trajectories.

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FURTHER DISCUSSION

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The Initiative for Science, Society, and Policy (ISSP) aims to help make science and technology integral components of societal planning and public discourse.

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ABOUT SAINT

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Evan Selinger is a member of ISSPs SAiNT group. He is Associate Professor of Philosophy and Graduate Program Faculty Member in the Golisano Institute for Sustainability, both at Rochester Institute of Technology. Evan is currently developing a set of innovative pedagogical recommendations and simulations that introduce students to moral dilemmas in sustainability that are engendered by non-cooperative, game-theoretic conflicts.

