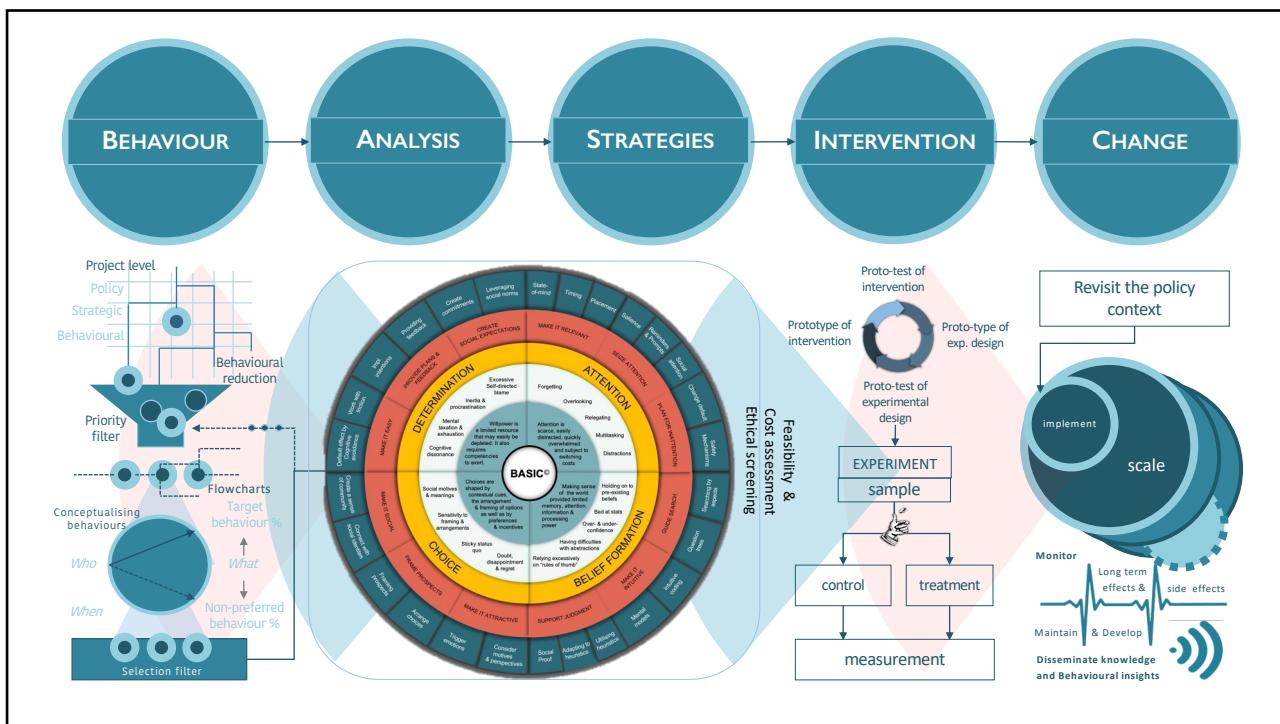
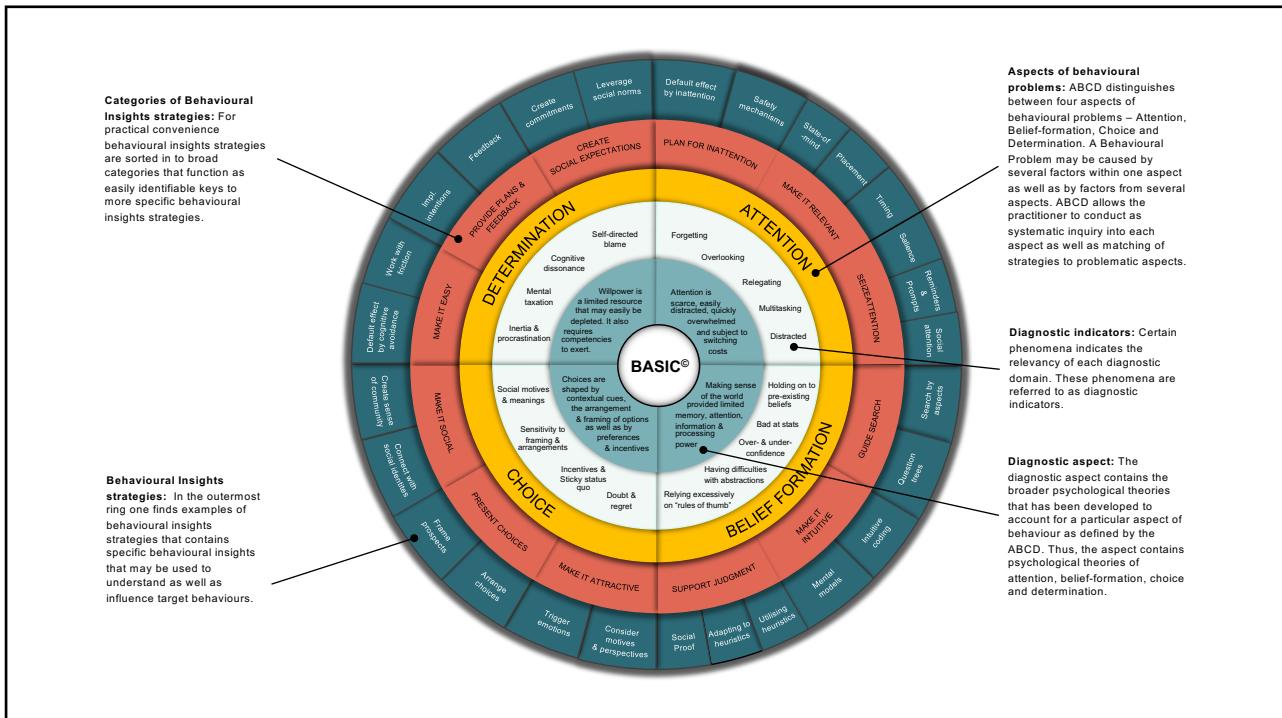




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BASIC – kernen i denne Master Class

The screenshot shows a webpage from the OECD website. The top navigation bar includes links for Data, Publications, More sites, News, Job vacancies, and a search bar. The main content area features a banner for the 'Tools and Ethics for Applied Behavioural Insights: The BASIC Toolkit'. Below the banner, a sidebar lists various government topics. The main text discusses behavioural insights and their applications in public policy.

OECD Home > **Directorate for Public Governance** > **Regulatory policy** > Tools and Ethics for Applied Behavioural Insights: The BASIC Toolkit - en

Tools and Ethics for Applied Behavioural Insights: The BASIC Toolkit

Published on June 18, 2019

Behavioural insights (BI) are lessons derived from the behavioural and social sciences, including decision making, psychology, cognitive science, neuroscience, organisational and group behaviour. Public bodies around the world are increasingly using BI to design and implement better public policies based on evidence of the actual behaviour and biases of citizens and businesses. This toolkit provides practitioners and policy makers with a step-by-step process for analysing a policy problem, building strategies, and developing behaviourally informed interventions.

4

SOME POPULAR CONCERNs
THE ETHICS OF NUDGE



(1) Nudging is unethical because practitioners are trying to intervene in peoples lives. They have no right to do this.

(2) Nudging is unethical because practitioners are deciding what is good for me and then try to impose this behaviour.

(3) Nudging is unethical because it is insensitive to personal differences. Individuals have heterogeneous preferences and nudges cannot be tailored to each individual.

(4) Nudging is unethical because it is about manipulating peoples choices! Thus nudging cannot be reconciled with the values of democratic institutions and will always be in conflict with the fundamental respect of individual autonomy.

5

DO PEOPLE FIND NUDGES ACCEPTABLE?
THE ETHICS OF NUDGE

Judgment and Decision Making, Vol. 11, No. 4, July 2016, pp. 310–325

Do Europeans like nudges?

Lucia A. Reisch* Cass R. Sunstein*

Abstract

In recent years, many governments have shown a keen interest in “nudges”—approaches to law and policy that maintain freedom of choice, but that steer people in certain directions. Yet to date, there has been little evidence on whether citizens of various societies support nudges and nudging. We report the results of nationally representative surveys in six European nations: Denmark, France, Germany, Hungary, Italy, and the United Kingdom. We find strong majority support for nudges of the sort that have been adopted, or under serious consideration, in democratic nations. Despite the general European consensus, we find markedly lower levels of support for nudges in two nations: Hungary and Denmark. We are not, in general, able to connect support for nudges with distinct party affiliations.

Keywords: nudges, Europe, law, policy, default rules

and those that they would reject. To be sure, some valuable studies have explored public attitudes toward nudges. Surveying 952 people in Sweden and the United States, Haga- man et al. (2015) find that strong majorities of both Swedes and Americans support a wide variety of nudges. Felsen et al. (2013), surveying 2,775 people in Canada and the United States, find that people favor nudges that “System 1” make easier, and that those that require reflection and deliberation, and generally also to “System 1 nudges,” are getting or enlisting more automatic processing — but with stronger support for the former. In the most comprehensive study to date, Jung and Mellers (2016) find broad American support for nudges, but similarly find that System 2 nudges are more popular. They also find that certain personality characteristics (such as a tendency to be empathetic) are associated with support for nudges and that other characteristics (such as a tendency to be individualistic or reactant) are associated with rejection of nudges (*ibid.*).

*Cornell University; **University of Chicago Booth School of Business

I like it.

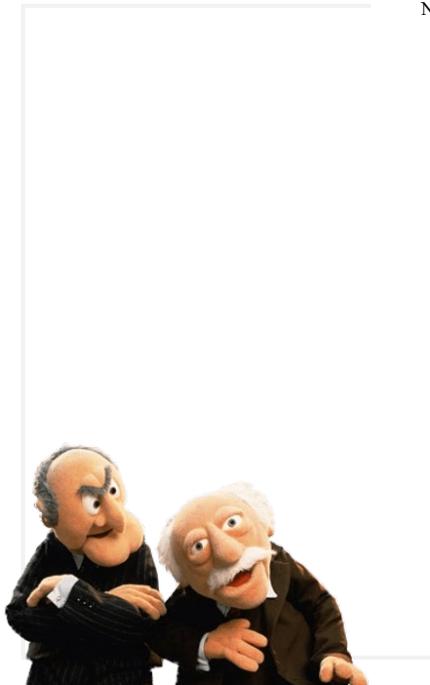


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6

NUUDGE AND THE MANIPULATION OF CHOICE
THE ETHICS OF NUDGE



Nudge and the Manipulation of Choice | 3

Nudge and the Manipulation of Choice
A Framework for the Responsible Use of the Nudge Approach
to Behaviour Change in Public Policy

Pelle Guldberg Hansen^a and Andreas Maunder Jørgensen^{a*}

In *Nudge* (2008) Richard Thaler and Cass Sunstein suggested that public policy-makers change decision-making contexts in ways to promote behaviour changes in the interest of individual citizens as well as that of society. However, in the public sphere and Academia alike widespread discussions have appeared concerning the public acceptability of nudge-based behavioural policy. Thaler and Sunstein's own position is that the anti-nudge position is a liberal non-starter, because citizens are always influenced by the decision making context anyway, and nudging is liberty preserving and acceptable if guided by Libertarian Paternalism and Rawls' publicity principle. A persistent and central tenet in the criticism disputing the acceptability of the approach is that nudging works by manipulating citizens' choices. In this paper, we argue that both lines of argumentation are seriously flawed. We show how the anti-nudge position is not a liberal non-starter due to the responsibilities that citizens have to themselves and others. We also argue that the claim that nudging is not essentially liberty preserving and why the approach is not necessarily unacceptable even if satisfying Rawls' publicity principle. We then use the psychological dual process theory underlying the approach as well as an epistemic transparency criterion identified by Thaler and Sunstein themselves to show that nudging is not necessarily about "manipulation", nor necessarily about influencing "choice". The result is a framework identifying four types of nudges that may be used to provide a central component for more nuanced normative considerations as well as a basis for policy recommendations.

I. Introduction

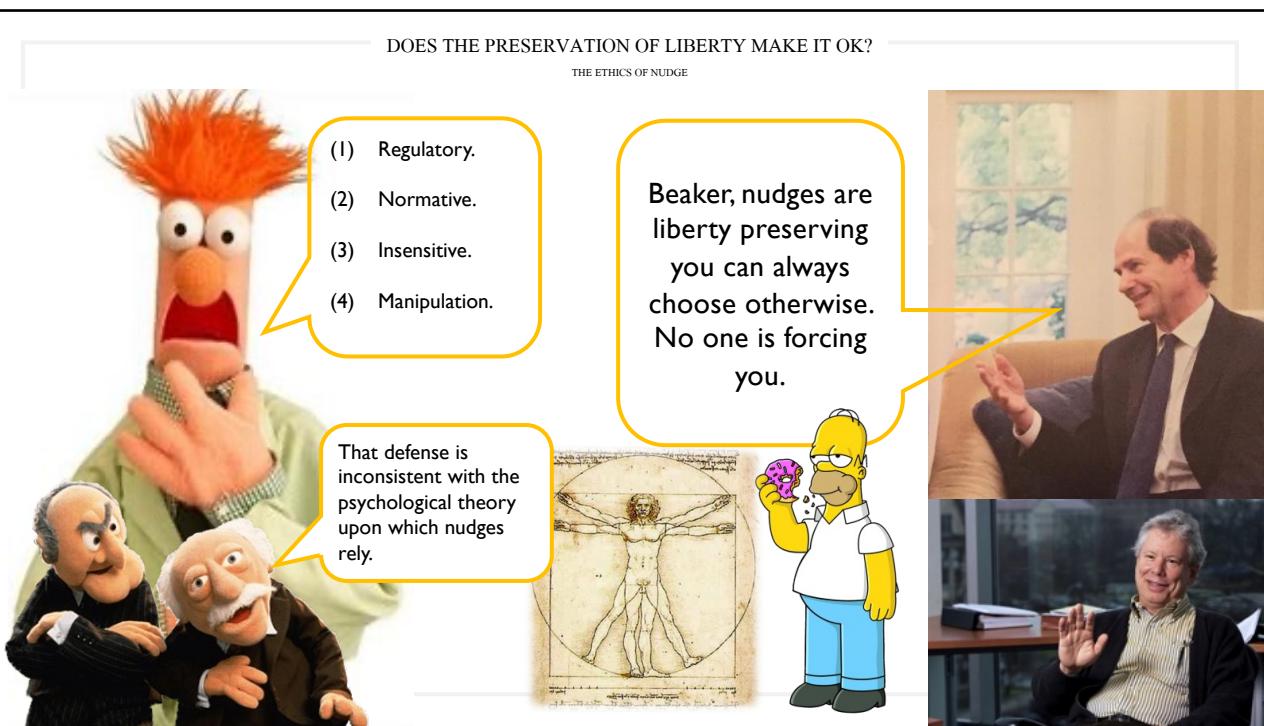
In the last three decades, advances in behavioral economics and psychology have revealed how our decision making and behaviour are systematically biased by the interplay of psychological and what

* Director of The Initiative for Science, Society & Policy (ISSP), Institute for Future Studies, Stockholm, Sweden.

Request comments and questions

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DOES THE PRESERVATION OF LIBERTY MAKE IT OK?
THE ETHICS OF NUDGE



(1) Regulatory.
(2) Normative.
(3) Insensitive.
(4) Manipulation.

That defense is inconsistent with the psychological theory upon which nudges rely.

Beaker, nudges are liberty preserving you can always choose otherwise. No one is forcing you.

8

A WIDESPREAD TRAP WHEN DISCUSSING THE ETHICS
THE ETHICS OF NUDGE

(1) Regulatory.
(2) Normative.
(3) Insensitive.
(4) Manipulation.

Beaker, nudges are liberty preserving you can always choose otherwise. No one is forcing you.

... but notice, (1) to (3) are not objections to nudging or nudges as such.
There are rather objections to regulating behaviour in general. That is, it's about general ethics and policy.
So as long as nudging respects the same ethical rules as other regulatory efforts, that's fine.*

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DOES THE PRESERVATION OF LIBERTY MAKE IT OK?
THE ETHICS OF NUDGE

(1) Regulatory.
(2) Normative.
(3) Insensitive.
(4) Manipulation.

Beaker, nudges are liberty preserving you can always choose otherwise. No one is forcing you.

However, nudging do have the advantage that in some cases individuals are free to choose otherwise.
So nudging is usually about soft regulation.

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NUDGE AND THE MANIPULATION OF CHOICE
THE ETHICS OF NUDGE

Nudge and the Manipulation of Choice
A Framework for the Responsible Use of the Nudge Approach to Behaviour Change in Public Policy
Pelle Guldberg Hansen* and Andreas Mauder Jepsen**

In Nudge (2008) Richard Thaler and Cass Sunstein suggested that public policy-makers arrange decision-making contexts in ways to promote behaviour change in the interest of individual citizens without infringing on society. However, in the public sphere and Academia, there have been several discussions about the potential negative effects of nudging-based behavioural policy. Thaler and Sunstein's own position is that the anti-nudge position is a formal non-starter, because citizens are always influenced by the decision making context anyway, and nudging is liberty preserving and acceptable if guided by Libertarian Paternalism and Rawls' publicity principle. A persistent and central tenet in the criticism disputing the acceptability of the approach is that nudging works by manipulating citizens' choices. In this paper, we argue that both lines of argumentation are seriously flawed. We show how the anti-nudge position is not a literally non-starter due to the responsibilities that accrue on policy-makers by the intended intervention in citizens' life, how nudging is not necessarily libertarian, and how the anti-nudge position does not necessarily satisfy Rawls' publicity principle. We then use the previously cited dual process theory underlying the approach as well as an epistemic transparency criterion identified by Thaler and Sunstein themselves to show that nudging is not necessarily about 'manipulation', nor necessarily about influencing 'choice'. The result is a framework identifying four types of nudges that may be used to provide a central component for more nuanced normative considerations as well as a basis for policy recommendations.

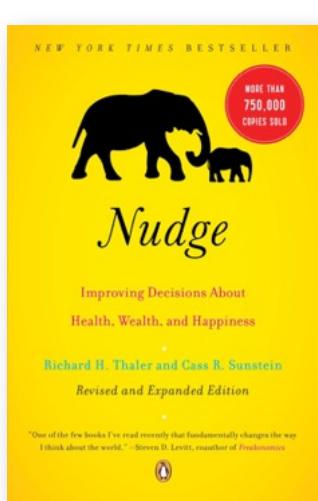
1. Introduction

In the last three decades, advances in behavioural economics and psychology have revealed how our decision making and behaviour are systematically biased by the insights of psychological well-being.

* Director of the Initiative for Science, Society & Policy (ISSP); Institute for Future Studies, Stockholm, Sweden.
** Department of Political Science, University of Copenhagen, Copenhagen, Denmark.

Report comments and questions.

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THE PARALLEL BETWEEN TRADITIONAL ARCHITECTURE & CHOICE ARCHITECTURE

THE ETHICS OF NUDGE

1. "There are many parallels between choice architecture and more traditional forms of architecture" (3)
2. One such is that just as a traditional architect must eventually build some particular building, a choice architect must choose some way of organizing the context that she is responsible for and in which people make decisions (4)
3. An even more "crucial parallel is that there is no such thing as a neutral design" (3)
4. Thus, it turns out to be impossible to avoid influencing people's choices and behavior
5. The idea that it is impossible for a choice architecture to nudge in one way or another is a misconception
6. **The anti-nudge position is a literal non-starter**

Thaler, R. & Sunstein, C. (2009) *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Revised and Expanded Edition, New York: Penguin Books

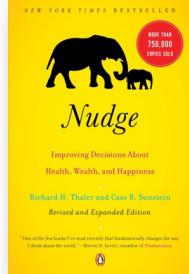
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INEVITABILITY ARGUMENT: YOU CANNOT AVOID NUDGING PEOPLE

THE ETHICS OF NUDGE

A nudge is any aspect of the choice architecture that alters people's behavior in a predictable way without forbidding any options or significantly changing their economic incentives.

- Thaler & Sunstein 2008, 6



Every situation has a choice architecture.

There is no such thing as a neutral choice architecture.

Hence, as a choice architect you cannot avoid influencing peoples choices and behaviour.

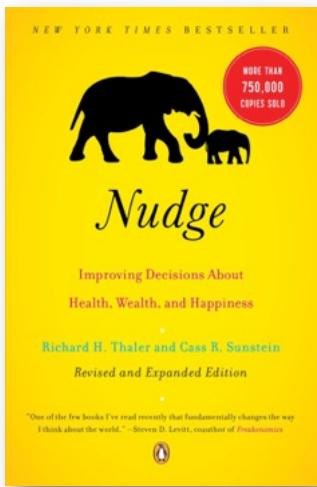
So you cannot be against nudging as such.

Ethics is not an issue, then.

Thaler, R. & Sunstein, C. (2009) *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Revised and Expanded Edition, New York: Penguin Books

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HOW THE ORIGINAL DEFINITION AVOIDS WHAT IS AT STAKE
THE ETHICS OF NUDGE



“A nudge is any aspect of the choice architecture that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives”

Thaler & Sunstein 2008, 6

“In accordance with our definition, a nudge is any factor that significantly alters the behavior of Humans, even though it would be ignored by Econos.”

Thaler & Sunstein 2008, 8

Thaler, R. & Sunstein, C. (2009) *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Revised and Expanded Edition, New York: Penguin Books

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ACCIDENTAL VS. INTENTIONAL
THE ETHICS OF NUDGE

... there seems to be a clear and important distinction to be made between a given context that accidentally influences behaviour in a predictable way, and someone – a choice architect – intentionally trying to alter behaviour by fiddling with such contexts.

Thus, we suggest that a nudge henceforth is best understood as the intentional attempt at influencing choice, while it is accepted that the settings of any given decision-making context may accidentally influence choice and behaviour in predictable ways as well. ... The notion of “nudge” then, should only apply when someone intentionally tries to influence our behaviour without the use of regulation or fiddling around with incentives.

Hansen, PG & Jespersen, AM (2013), ‘Nudge and the Manipulation of Choice: A Framework for the Responsible Use of the Nudge Approach to Behaviour Change in Public Policy’ *European Journal of Risk Regulation*, p. 10.

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THE INTENTIONAL ASPECT OF THE THEORETICAL DEFINITION

THE ETHICS OF NUDGE

A nudge is any aspect of the choice architecture that alters people's behavior in a predictable way without forbidding any options or significantly changing their economic incentives.

- Thaler & Sunstein 2008, 6



Thaler, R. & Sunstein, C. (2009) *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Revised and Expanded Edition, New York: Penguin Books

A nudge is a function of **any attempt at influencing** people's judgment, choice or behaviour in a predictable way, that is (1) made possible because of cognitive limitations, biases, routines, and habits in individual and social decision-making posing barriers for people to perform rationally in their own self-declared interests, and which (2) works by making use of those limitations, biases, routines, and habits as integral parts of such attempts.

Hansen, PG (2016) The Definition of Nudge and Libertarian Paternalism: Does the hand fit the glove? *The European Journal of Risk Regulation*

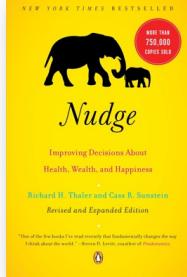
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UNAVOIDABILITY ARGUMENT: YOU ARE ALWAYS BEING NUDGED

THE ETHICS OF NUDGE

A nudge is any aspect of the choice architecture that alters people's behavior in a predictable way without forbidding any options or significantly changing their economic incentives.

- Thaler & Sunstein 2008, 6



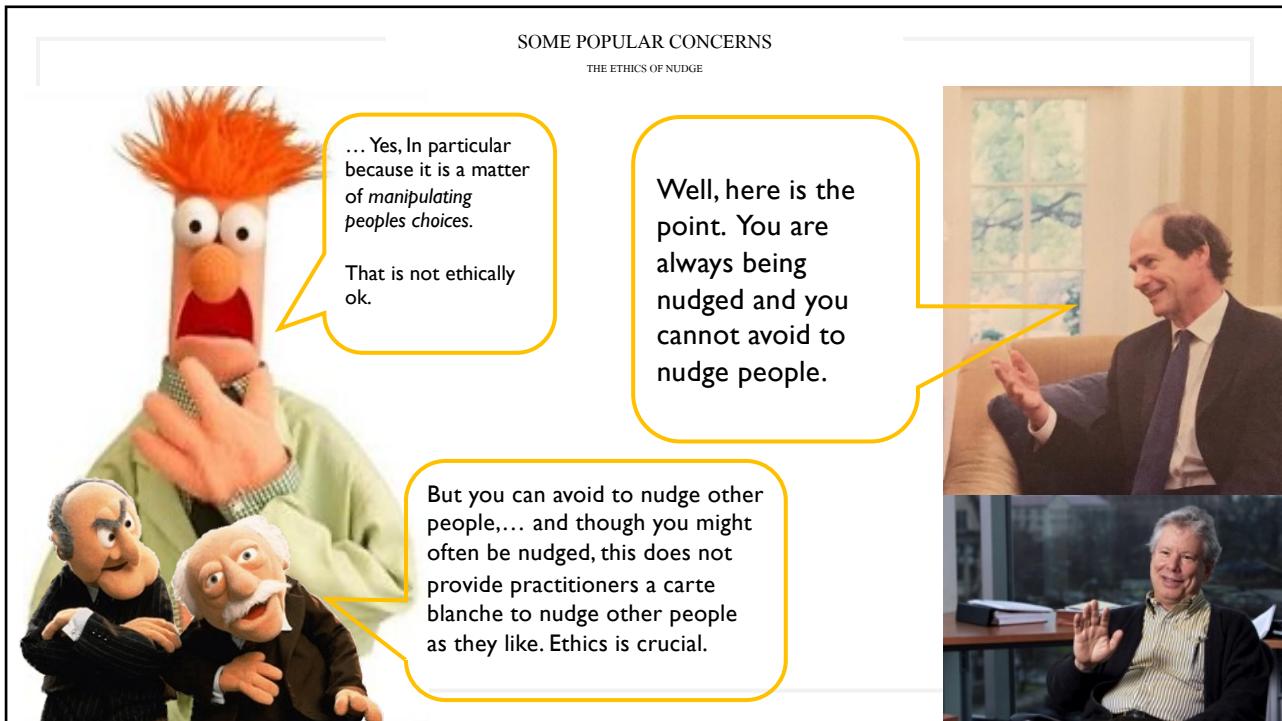
You are always being nudged.

Hence, being nudged is unavoidable.

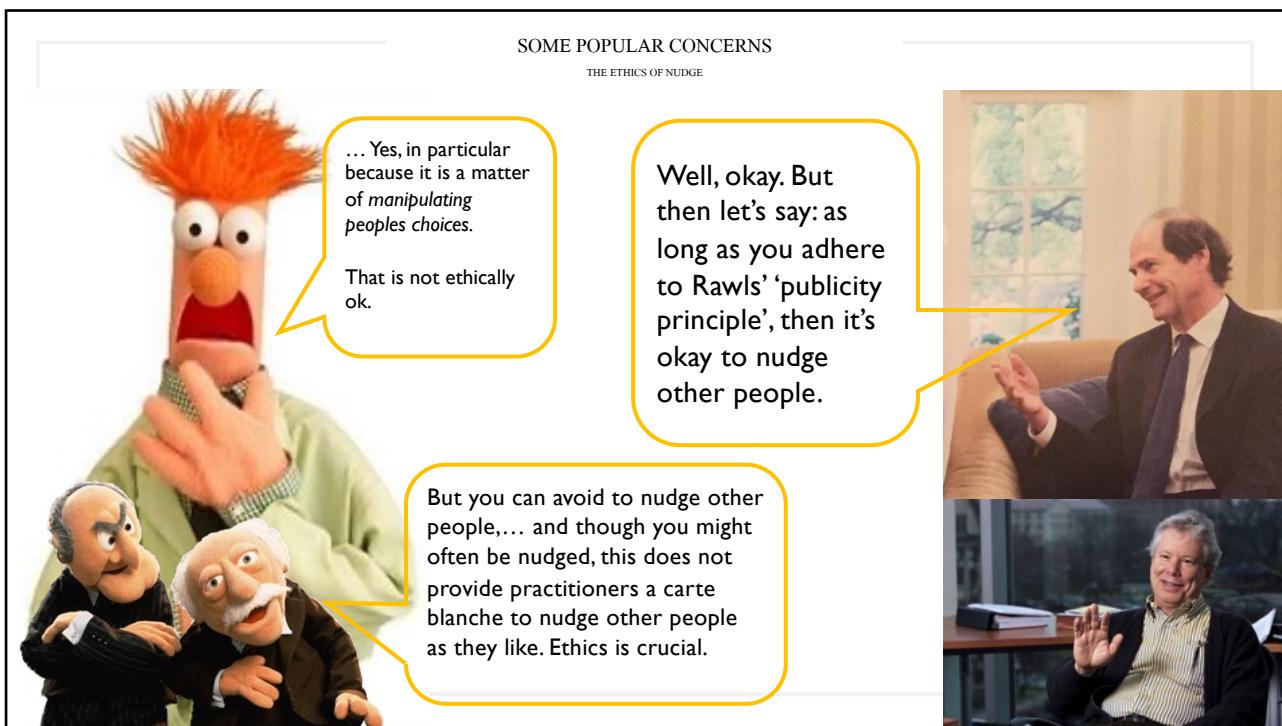
You cannot complain about something that is unavoidable.

Thaler, R. & Sunstein, C. (2009) *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Revised and Expanded Edition, New York: Penguin Books

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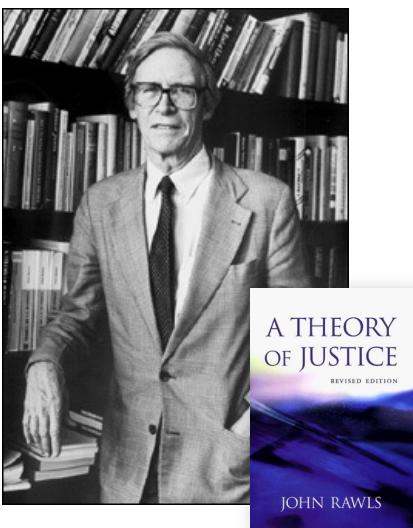


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JOHN RAWLS' PUBLICITY PRINCIPLE
THE ETHICS OF NUDGE



As long as a government or policy maker is **willing to defend** his use of behavioural insights it may be regarded as "transparent" in the sense of Rawls' 'publicity principle' and is hence ethically defensible.

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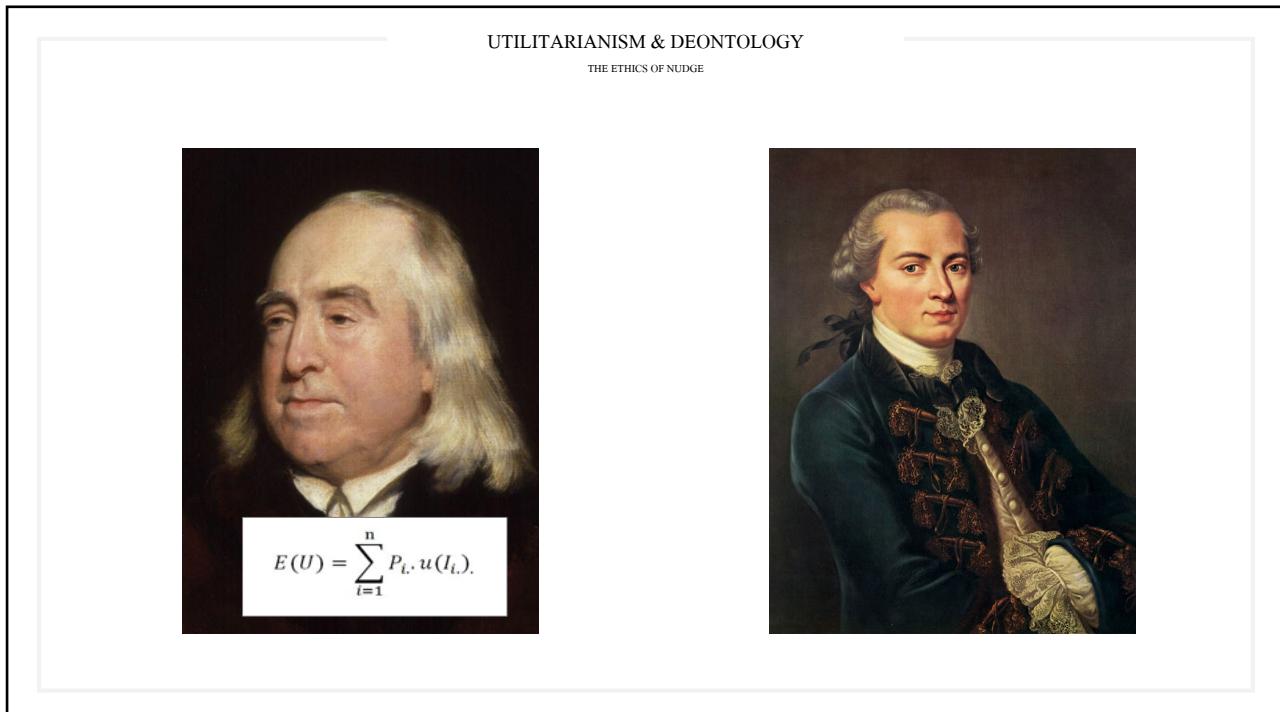
JOHN RAWLS' PUBLICITY PRINCIPLE AND THALER & SUNSTEIN'S TWO-STRINGED USE OF THIS
THE ETHICS OF NUDGE

"If a government adopts a policy that it could not defend publicly, it stands to face considerable embarrassment, and perhaps much worse, if the policy and its grounds are disclosed." (245)

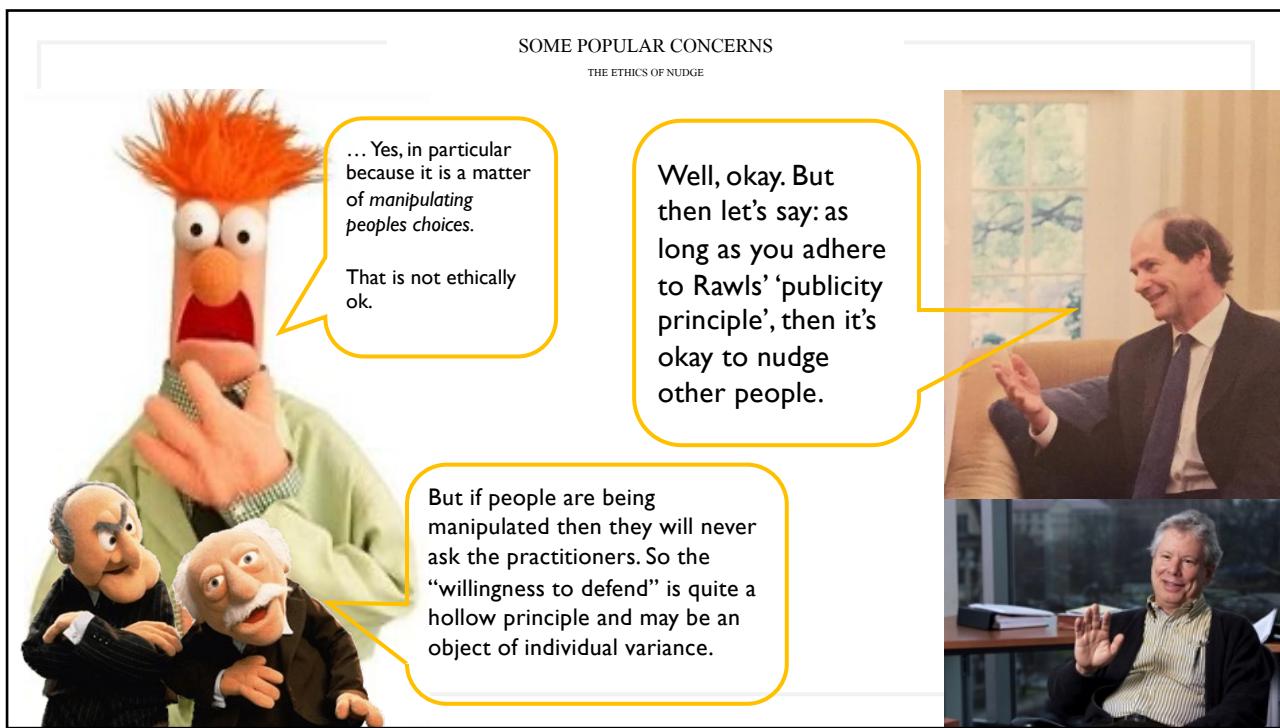
"The government should respect the people whom it governs, and if it adopts policies that it could not defend in public, it fails to manifest that respect. Instead it treats its citizens as tools for its own manipulation. In this sense, the publicity principle is connected with the prohibition on lying. Someone who lies treats people as means, not as ends." (245)

"We think that **the publicity principle** is a good guideline for constraining and implementing nudges, in both the public and private sectors." (245)

22

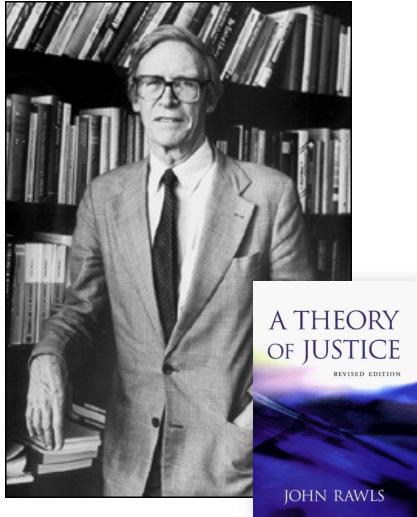


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JOHN RAWLS' PUBLICITY PRINCIPLE
THE ETHICS OF NUDGE



As long as a government or policy maker is willing to defend his use of behavioural insights it may be regarded as "transparent" in the sense of Rawls' 'publicity principle' and is hence ethically defensible.

* That is, with certain exceptions.

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THE EXCEPTION TO THE PUBLICITY PRINCIPLE
THE ETHICS OF NUDGE

"In the abstract, subliminal advertising does seem to run afoul of the publicity principle. People are outraged by such advertising because they are being influenced without being informed of that fact. But what if the use of subliminal advertising were disclosed in advance?" (245)

"We tend to think that it is not [legit] – that manipulation of this kind is objectionable precisely because it is invisible and thus impossible to monitor." (246)

[But didn't they just say that the anti-nudge position was a literal non-starter?]*

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TWO SENSES OF MANIPULATION
THE ETHICS OF NUDGE

A psychological sense of manipulation

Psychological manipulation in the sense of intending to change the perception, choices or behaviour of others through underhanded deceptive, or even abusive tactics.

Technical sense

Different from neutral and technical sense, i.e. the intentional manipulation of a straightforward cause-and-effect relationship.



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EPISTEMIC TRANSPARENCY AND MANIPULATION
THE ETHICS OF NUDGE

Epistemic transparency is a psychological notion that applies to any attribute of an intervention that is provided in such a way that

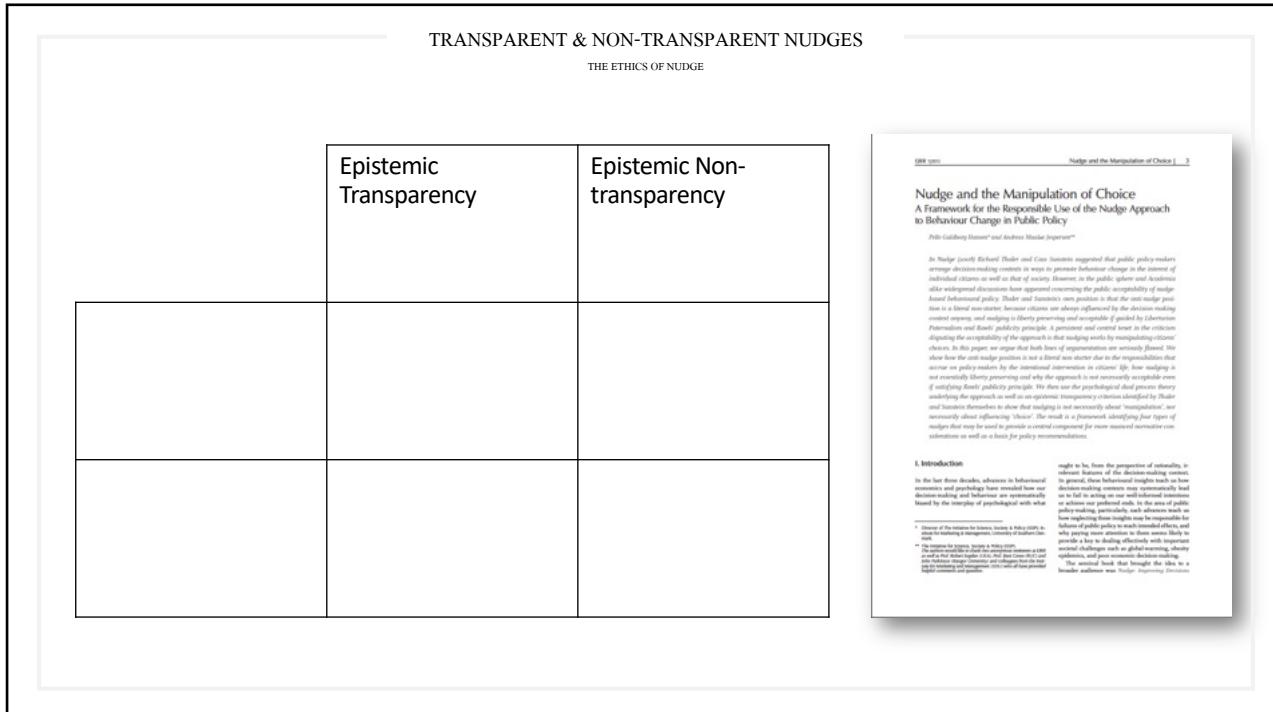
- Who?
- What?
- Why?
- How?

behind it is transparent to the subjects of the intervention as a result of the intervention.^{1,2}

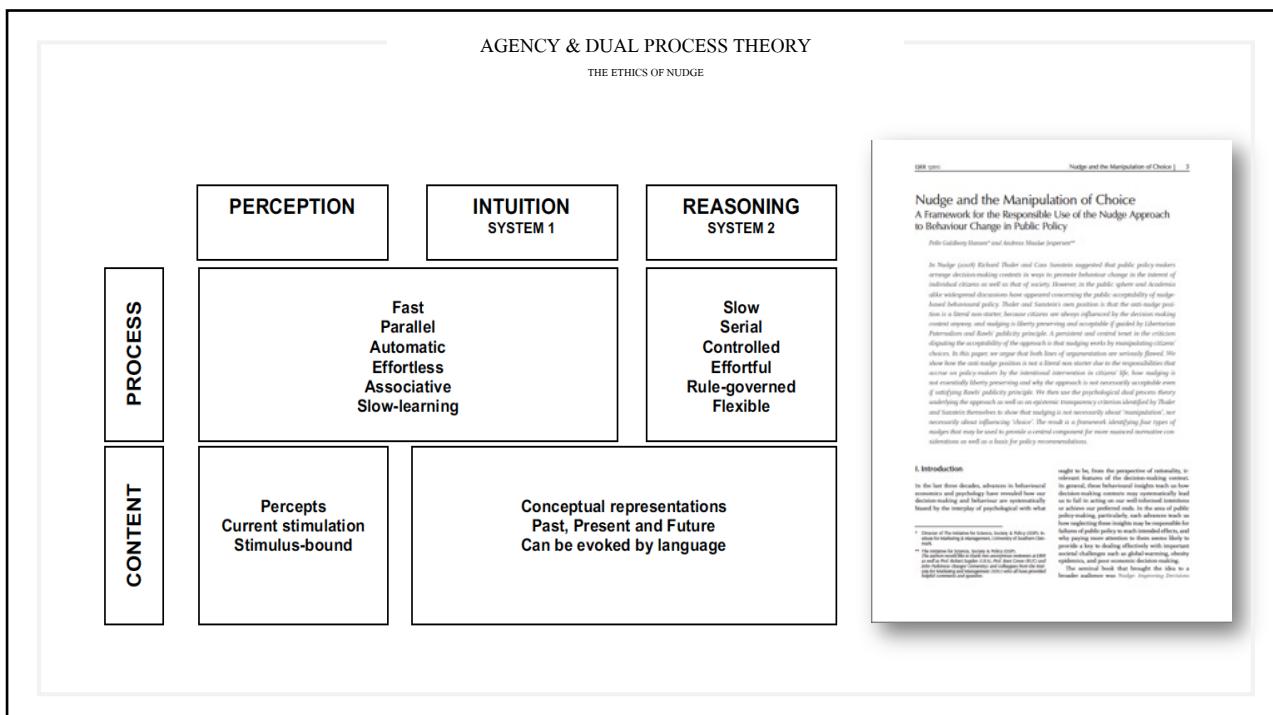
¹ Artificial transparency
² Variances in transparency



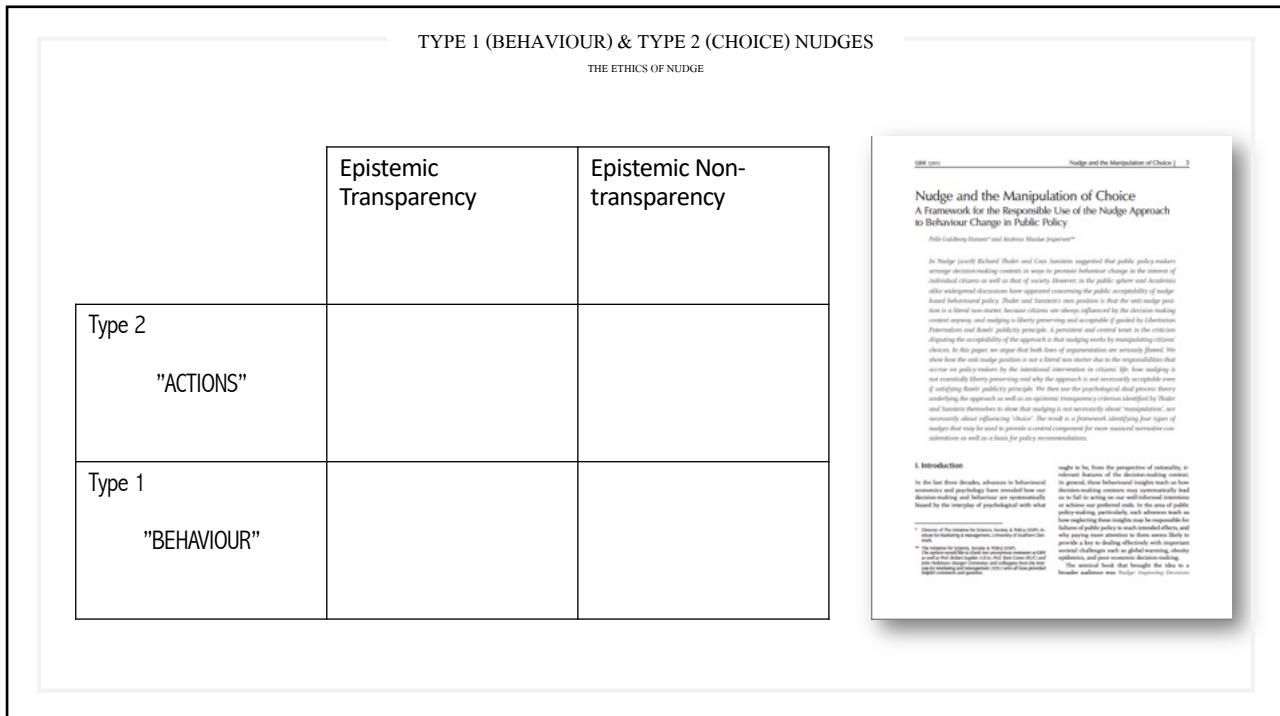
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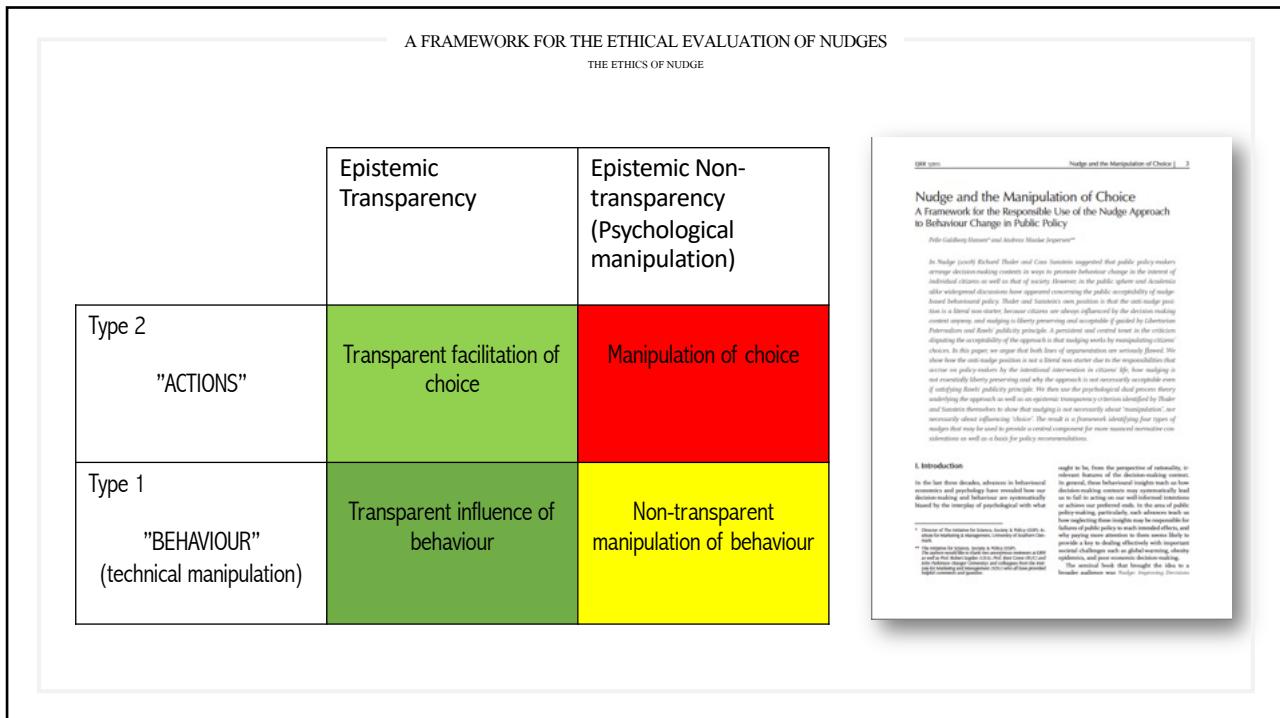
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