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The Ethics of Nudging

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The last decade has seen a rapid growth of interest in choice-preserving, low-cost regulatory tools, sometimes termed "nudges." Especially in light of that interest, it is important to obtain an understanding of the nature and weight of the ethical concerns.

My central argument is that at least if that they are taken in general or in the abstract, the standard ethical objections lack much force, and for two different reasons. First, both nudges and choice architecture are inevitable, and it is therefore pointless to wish them away. Second, many nudges, and many forms of choice architecture, are defensible and even required on ethical grounds, whether we care about welfare, autonomy, dignity, self-government, or some other value.

It is true that all government action, including nudges, should face a burden of justification. If the government requires disclosure of information, or establishes particular default rules, it must explain itself. The fact that people retain freedom of choice, and are ultimately permitted to do their own way, does not give public officials a kind of license to do whatever they want. But in many cases, the requisite explanation is available.

Suppose, for example, that we are welfarists and hence believe that the goal of social ordering (including those forms for which government is responsible) is to promote social welfare. If so, we will favor welfare-promoting nudges. Or suppose that we believe in individual autonomy and dignity. If so, we will favor nudges and choice architecture that promote those values.

If we value democratic self-government, we will be inclined to support nudges and choice architecture that can claim a democratic pedigree and that promote democratic goals. Any democracy has a form of choice architecture that help define its aspiration to self-government. A self-governing society might, for example, nudge its citizens to vote. Collective precommitment strategies might produce nudges (or even mandates), and they might be justified on democratic grounds.

Of course no one should approve of nudges or choice architecture in the abstract or as such. Some nudges, and some forms of choice architecture, do indeed run into convincing ethical objections. Suppose, for example, that a nation establishes a default rule stating that unless voters indicate otherwise, they will be presumed to support the incumbent leader in the election. Because of the internal morality of democracy, there is good reason to question a default rule of this kind even if citizens are authorized to opt out.

A central question is whether nudges and choice architecture promote welfare or autonomy and dignity. Another question is whether they are consistent with democratic norms. Some nudges have illicit ends, and they are objectionable for that reason.

There is also a pervasive question about manipulation. It is important to emphasize that transparency and accountability are indispensable safeguards, and both nudges and choice architecture should be transparent. Even if so, there is a risk of manipulation, and that risk should be avoided. Many of the most interesting and complex ethical questions involve the disputed concept of manipulation.

More specifically, I will offer seven principal conclusions.

(a) It is pointless to object to choice architecture or nudging as such. The private sector inevitably nudges, as does the government. We can object to particular nudges, and particular goals of choice architects, but not to nudging in general. For human beings (or for that matter dogs and cats and mice), choice architecture cannot be avoided. It is tempting to defend nudging on the part of government by saying

that the private sector already nudges (sometimes selfishly) – but this defense is not necessary, because government is nudging even if it does not want to do so.

(b) In this context, ethical abstractions (about, for example, autonomy, dignity, and manipulation can create serious confusion. We need to bring those abstractions into contact with concrete practices. Nudging takes many diverse forms, and the force of an ethical objection depends on the specific form.

(c) If welfare is our guide, much nudging is actually required on ethical grounds.

(d) If autonomy is our guide, much nudging is also required on ethical grounds. Some nudges actually promote autonomy, by ensuring that choices are informed and that choices will actually be made. Some nudges promote autonomy by freeing people to focus on their real concerns; there is a close relationship between autonomy and time management.

(e) Choice architecture should not, and need not, compromise either dignity or self-government, though imaginable forms could do both.

(f) Many nudges are objectionable because the choice architect has illicit ends. If the ends are legitimate, and if nudges are fully transparent and subject to public scrutiny, a convincing ethical objection is highly unlikely.

(g) There is, however, room for such an objection in the case of manipulative interventions, certainly if people have not consented to them. The concept of manipulation deserves careful attention, especially because manipulation takes many forms, and can compromise both autonomy and dignity.

This blogpost is drawn from a paper in progress on the topic.

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