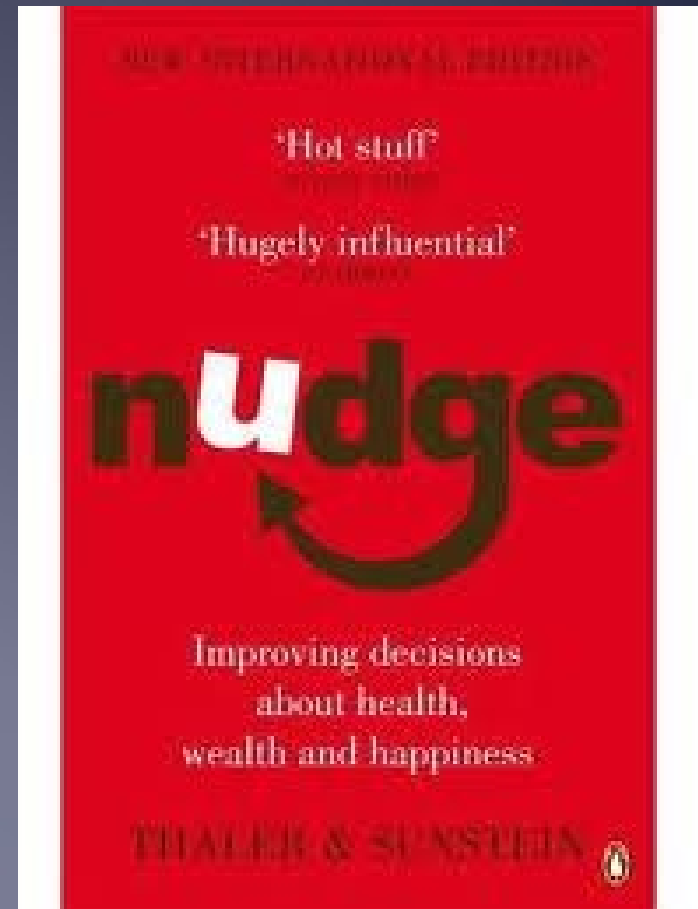
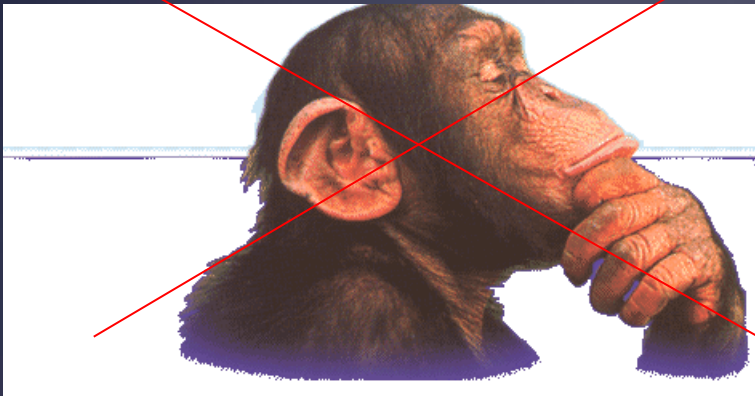


Nudging for Health: On Public Policy & Designing Choice Architecture

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Nudges, Behaviour, & Policy



Outline

1. A little background
2. (Health-affecting) choices are already in some sense 'constructed', 'shaped', & 'influenced'
3. No *prima facie* reason to prefer randomly constructed health-affecting choice architecture as opposed to that which has been deliberately designed
4. Potentially have reason to welcome some well-judged nudges (on the part of the state)

Choice Architecture

- ‘Choice architect’ – institutions, private or public, which can construct, shape, or influence sets of options from which people choose
- Context(s) in which we choose or make decisions
- Where the state pursues policies aimed at influencing the decisions that its citizens make regarding their health, it becomes a choice architect for its citizens’ health
- Initiatives which have health effects, even if they are based in other state run departments such as food, agriculture, or transport
- Nudge: “aspect of choice architecture that alters people’s behaviour in a predictable way without forbidding any options or significantly changing their economic incentives” (Thaler & Sunstein)
- Works by either harnessing or eliminating our systematic biases & cognitive errors

Effect	Description
Messenger (framing effect)	We are heavily influenced by who communicates information
Incentives (loss aversion & status quo bias)	Our responses to incentives are shaped by predictable mental shortcuts such as strongly avoiding losses
Norms	We are strongly influenced by what others do
Defaults (status quo bias)	We 'go with the flow' of pre-set options
Salience (framing effect)	Our attention is drawn to what is novel and seems relevant to us
Priming (anchoring heuristic)	Our acts are often influenced by sub-conscious cues
Affect	Our emotional associations can powerfully shape our actions
Commitment	We seek to be consistent with our public promises, and reciprocate acts
Ego	We act in ways that make us feel better about ourselves

Paradigm Case

- Cafeteria salad bar – Rozin *et al*
- Altering the layout of foods at a salad bar can have an effect on food consumption
- Intake of a particular food (e.g. broccoli or cheese) decreased when placed in a more inaccessible position or when serving tongs rather than spoons were used
- Should cafeterias implement a policy of placing healthier foods in more accessible locations on the salad bar?



Choice Architecture & the State

- Cabinet Office Behavioural Insights Team (COBIT)
- Health-related domestic policy on organ donation, smoking, salt content of food, & alcohol intake
- Reflection of (1) overarching political ideology & (2) drive towards minimally disruptive, market-preserving regulatory strategies which are seen as low-cost (rightly or wrongly)
- Some policy commentators seem to conceptualise nudging as an alternative to the law & regulation
- When purposively deployed by the state to achieve particular social policy ends nudging could be seen as another regulatory technique (broad view of regulation. E.g. Brownsword)
- Aimed bringing about particular outcomes (by altering certain social norms and behaviours), yet ostensibly preserve choice, they can be seen as a form of (design-based) regulation-lite (e.g. Yeung)

Choice Architecture: A Concern

- Although (strict) nudges do not add or subtract from the options open to us, they do *alter the probability* that an individual will make one choice as opposed to another
- By *constructing & shaping* by a variety of factors around us, including the physical, environmental, social, and informational
- This constructing & shaping of our decision-making contexts is exactly what some commentators are concerned about regarding new policy initiatives
- Concerned about how being nudged affects our judgements and decisions as purportedly autonomous persons

“There is something less than fully autonomous about the patterns of decision-making that *Nudge* taps into. When we are subject to the mechanisms that are studied in ‘the science of choice’, then we are not fully in control of our actions . . . these are cases of not letting my actions be guided by principles that I can underwrite. And in as much, these actions are non-autonomous.”

- Bovens

Salad Bar Choice Architects

Changing the layout?

- *If yes* - they are without doubt influencing the eating habits of their patrons

but

- If they do *not* make any changes they are still exerting an influence
 - Nudging their customers to put the more accessible foods on their plates

The lesson:

- 'Influence' does not simply appear *de novo* whenever a new policy is implemented

Influence is all Around Us . . .

- Cannot escape the myriad of influences that surround us
- Shape our decisions, our choices, and cumulatively our lives
- Health-affecting decisions and choices have been shaped by those who *construct the contexts* in which these are made

therefore

- Regardless of the implementation of new health-affecting policy, we are already being nudged/influenced
- Something equally non-autonomous about all manner of decision-making in our everyday lives
- *If* the main concern is about the lack of autonomous decision-making simpliciter
- Then it has nothing to do with the involvement of government and policy-makers one way or the other

Questioning Choice Architecture

Raises questions about the kind(s) & source(s) of influence:

- Do we have reasons to prefer (health-affecting) choice architecture that results from countless random influences or that which has been deliberately designed?
- Do we have reasons to object to the state as choice architect rather than other (private and corporate) actors who seek to influence us ?

Randomness vs. Design

- Choice-environment:
 - Randomly constructed/shaped - not been deliberately planned to bring about particular outcomes or ends
 - Deliberately designed - where some agent or other actor intentionally devises and implements a course of action or intervention aimed at bringing about or altering a specific health-affecting behaviour
- Non-deliberately constructed environment might make it more likely that we will “make choices that reflect [our] true interests”
- White

On Randomness

- One mistake would be to equate 'random' with 'no effect'
- Countless influences on our lives and decisions might have haphazard and unintentional origins, but their non-deliberate nature does not imply that they have no (health) behaviour effects
- Impact on behaviour might well be less marked than with purposive coordinated efforts, but some influence will still be exerted

however

- Might think that random non-guided processes gives autonomy a sporting chance in a way that deliberately constructed ones do not

Randomness & 'True' Interests

- Where the numerous arbitrary forces that act on us somehow combine to nudge us in directions we would have chosen after reflective deliberation then they serve to promote our true interests
- Conversely, insofar as they conspire to push us in other directions, they may well be detrimental to the realisation of these interests
- Open question whether or not choice architecture which is randomly generated promotes or hinders us in making choices which reflect our interests as autonomous persons

In Favour of Deliberate Design?

but

- *If* nudge-type interventions shown to be genuinely effective - reason to think deliberately designed nudges could promote our interests as autonomous persons more effectively than a random assortment of influences . . .

Designing Choice Contexts

- Concern that nudges may in the longer term lead to infantilisation and a decrease in individual responsibility (e.g. Bovens, Hausman & Welch, & White)

however

- Individuals only have limited reserve of self-control and willpower (ego depletion)
- Range of effects on subsequent decision-making

Ego Depletion & Cognitive Busyness

Results of ego depletion:

- “deviating from one’s diet, overspending on impulsive purchases, reacting aggressively to provocation, . . . [and] performing poorly in cognitive tasks and logical decision-making”

Cognitive busyness:

- “[p]eople who are *cognitively busy* are . . . more likely to make selfish choices, use sexist language, and make superficial judgments in social situations”

- Kahneman (2012)

Well-judged Nudges?

- We all lead hectic and tiring lives
- When our cognitive capacities have been depleted, or our efforts are being taken up with a multitude of tasks, we are not going to be operating at our optimal decision-making capacity
- If particular classes of decisions and choices were made easier to get right, this would free up our decision-making faculties for other perhaps more important decisions
- Nudge policy need not necessarily lead to a diminishment of individual responsibility or autonomy in decision-making
- Certain well-judged nudges or other applications of behavioural research could actually aid us in becoming more sophisticated & autonomous moral thinkers and actors

Tentative Conclusions

- Many health-affecting choices are already in some sense ‘constructed’, ‘shaped’, & ‘influenced’
- No *prima facie* interest or autonomy-based reasons to prefer randomly constructed health-affecting choice architecture as opposed to those which have been deliberately designed
- Sometimes there may be reason to prefer a deliberately constructed health-affecting choice environment
- Some well-judged nudges could aid us in becoming more sophisticated & autonomous moral thinkers and actors

Important Questions

- Which categories of decisions and choices it is legitimate for the state to influence?
- Whether the ends and interests of the nudger (state) and the nudgee (citizen) are appropriately aligned?
- Do regulators and policy-makers exert their influence in a manner which is not only legitimate, but also empirically robust?
- How should the state deal with the pervasive (and often pernicious) influence of private industry on health-affecting choice architecture?



Thank you

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