The Rise of Behavioural Governance after the Market: The Political Implications of the ‘Psycho-State Craft’ of Nudge Theory

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Authors: Rhys Andrews (AndrewsR4@cardiff.ac.uk) and Michael Marinetto (Marinettom@cardiff.ac.uk) – Cardiff University Business School, Aberconway Building, Colum Drive, Cardiff, CF10 3EU, Wales UK

INTRODUCTION

The advance of neo-liberal governmentality is one of the defining features of contemporary developments in public policy and administration. In particular, public policies that seek to promote socially desirable behaviour have become the stock in trade of democratic governments across the globe. Nonetheless, in recent years, these developments have taken a more pervasive “behavioural” turn, especially in the Anglophone world. As governments of all ideological hues have come to recognise the intractability of social “problems”, so they have moved away from conventional institutional and organizational solutions to “what works” in favour of cognitive approaches that seek to shape people’s lifestyle choices rather than the social environment in which they live.

Evolving out of the use of social marketing techniques associated with New Public Management, and drawing upon the theories of behavioural economics the cognitive tools of the new “persuasive state” have grown apace.

In George Orwell’s futuristic dystopia, Nineteen Eighty-Four, O’Brien, the sadistic torturer and apparatchik within the Ministry of Love famously boasts to his hapless victim Winston Smith, that ‘...we create human nature. Men are infinitely malleable’ (Orwell, 1974, p. 216). The growing influence of the “persuasive state” suggests that life in liberal democracies is now beginning to imitate art, as similar sentiments are freely touted by actual figures of authority and influence. They are being echoed not in some Room 101 torture suite overseen by a cruel and tyrannical totalitarian state. Rather
such sentiments are being bandied about in trendy open plan offices of policy think-tanks and in the plush meeting rooms of government departments.

The emergence of behavioural governance has been especially evident in the UK. The Prime Minster, David Cameron, recently established a Behavioural Insight Team, which in partnership with the policy think-tank, the Institute for Government, has been examining ways in which behavioural economics can be applied to social problems. Thus, the role of public policy now is not just about taking control of the levers of state – financial instruments, institutional reform and alternative service delivery models. It is also explicitly about micro-policy mechanisms which are used to elicit changes in the psychological aspirations of the public. Since appeals to the rationality of “deviant” citizens are deemed to have failed (or be too costly), policy-makers are thus increasingly turning to policy fixes that can mould the subconscious desires of individuals. This includes the use, *inter alia*, of market style incentives and sanctions as well as Pavlovian triggers, rather than light-touch information bulletins or heavy-handed regulation, to encourage socially desirable behaviours like saving for retirement, giving-up smoking, eating healthily, being carbon sensitive or parents reading to their children.

In this paper we introduce the political, organisational and intellectual context of the behavioural turn in governance, examining how it represents a new stage in the project of neo-liberal governmentality. In particular, we begin by focusing on the emergence of the persuasive state – a by-product of New Public Management, with its reliance on social marketing techniques – as an emerging political technology of individuals. While the persuasive state was embraced and developed further under the auspices of the Blair-led New Labour administrations, it has now emerged as a distinctive *animus* at the centre of David Cameron’s government, and that of Barack Obama. In this respect, the growing reach of behavioural governance might be thought to represent the culmination of the project of neo-liberal governmentality, which seeks to construct a self-governing citizenry that comports itself in a socially desirable (and productive) manner. The most valuable and insightful intellectual response to these developments can therefore be gained by examining the growing reach of deep behavioural governance through the
lens of Michel Foucault’s work on the political technology of individuals. At the same time, consideration of behavioural governance is an ideal opportunity to further explore, and extend the Foucauldian notion of governmentality. The rise of policy behaviourism should also be seen in an intellectual context, one which underlines the relationship between knowledge and power. Here, the influence of economics and psychology are paramount, considering their pre-eminence as social science disciplines. Moreover, academic practitioners from both fields are very much the ‘go-to’ experts in policy circles. One such go-to expert is the American economist Richard Thaler. Following in the tradition of the Chicago university’s freshwater intellectual imperialism, his mélange of economics and behavioural psychology, known as nudge theory, has attracted the attention of heads of state and government departments. Thaler also has a fair share of gullible cheerleader throughout the free press.

Finally, in concluding the paper, we will reflect upon how behavioural governance links into the technocratic discourse of “what works” in public policy that characterised the so-called Third Way. In doing so, we examine some of the implications of “nudging” for civil society and government, asking whether ‘Ministry of Love’ style policy fixes create a Paternalistic Panopticon for which the cognitive cures on offer may be more insidious than the problems themselves.

THE BEHAVIOURAL TURN IN PUBLIC POLICY: GOVERNMENTALITY AND THE PERSUASIVE STATE

Governments have long sought to alter people’s behaviour in order to achieve policy objectives (Bell, Hindmoor and Mols 2010). Aside from efforts to directly shape the character of citizens within state-sponsored schools or through various welfare programmes, governments have drawn upon a variety of more or less intrusive techniques for simply highlighting the advantages of one mode of living over another. For example, the use of propaganda and advertising to persuade people of the merits of particular courses of action (as well as the rectitude of the state’s purposes) became widespread during and after the First World War. And campaigns to encourage people to adopt healthy lifestyles, save for their retirement, behave responsibly when drinking alcohol, care for the natural environment and so on are a familiar feature of
life within most modern states. In recent times, though, a noticeable increase in the willingness of governments to utilise such indirect means to shape citizens' attitudes and actions has become apparent.

As the perceived scale and intractability of social problems within Western societies has grown, so too has the acceptance and use of apparently non-coercive tools to promote socially desirable behaviour. Alongside more conventional bureaucratic or market-based solutions to the pursuit of policy aims, a veritable paraphernalia of methods of persuasion have been developed to address perceived social crises. At one end of the scale are marketing campaigns that, for example, condense complex health promotion messages into simple slogans suitable for promotion in television advertisements and pamphlets, such as the UK government's 5 [pieces of fruit or veg]-a day campaign. These campaigns can also incorporate specific techniques, like “shock tactics”, to hammer their point home. At the other end of the scale, though, are initiatives which bring into play a multitude of actors and institutions to secure the desired changes in behaviour though a mixture of hard-hitting advertisements, “soft” rehabilitation programmes for offenders and the imposition of targets for public organizations. A good example here is the range of arson reduction strategies that were implemented by the UK government during the 2000s, which incorporated marketing campaigns, targeted multi-agency interventions and bespoke public safety education for “at-risk” groups.

To date, the growth of the persuasive state has largely reflected the influence of social marketing techniques, with citizens exhorted through various means to buy-in to some new lifestyle choice on the basis of an advertising campaign highlighting the benefits (or costs) of one choice set over another previously preferred set of choices. Figures from eleven UK government departments from 2008-09 revealed that spending on advertising and marketing had increased by 40 percent to £253 million. The Department of Education spent £17.9 million, a marked increase of 178 percent on the previous year, whilst the Department of Health doubled its spending up to £66 million (BBC, . The Cabinet Office justified these increases on the grounds that it improved life expectancy and saved the Exchequer money. For instance, it was claimed that government advertising campaigns had
contributed to the reduction of smoking and road deaths to new all time lows, and tax return campaigns had achieved savings of £547 million (BBC News, 2010). The growth in government advertising spend also extended to the shiny new world of digital media. Figures published by the Central Office of Information in 2008, revealed that between March 2007 and 2008, digital media advertising had increased by 57.6 percent to £35.4 million. The significant increase in overall government spending on advertising was attributed to high-profile campaigns to promote army recruitment, publicise the smoking ban in England and Wales, and raise awareness about road safety and climate change (Sweney, 2008). Such campaigns may be conducted by the state on behalf of citizens, but equally can be carried out with a similar normative underpinning by a variety of non-state actors, including pressure groups, voluntary organizations and even businesses.

According to some observers, the use of social marketing to promote better living is therefore emblematic of the wider turn towards network governance with its multi-layered policy process and reliance on non-state actors to get things done. On the other hand, it has also been claimed that this account fails to acknowledge the central role of the state in steering network governance (Bell, Hindmoor and Mols, 2010). In the state-centred relational account of persuasion, government directs the promotion of socially desirable choices in collaboration with a host of other actors. A positive reading of the state-centred account, suggests that this is can be an effective means for realising collective goals in a democracy. By the same token, though, the rise of the persuasive state might as easily be read as the next phase in the development of neo-liberal governmentality, which was prefigured in the downsizing of government following the economic crises of the 1970s and the subsequent emergence of the New Public Management (NPM).

Despite proclamations of its demise, the continuing influence of NPM can be seen in many of the recent developments in public policy, especially the on-going application of consumerist ideas to the management of the public sector. The use of social marketing ploys to achieve policy goals should therefore come as no surprise to students of the impact of neo-liberal ideas on contemporary governance. Indeed, when one considers the full extent to
which the techniques of persuasion are being pushed then it becomes necessary to probe more deeply into the philosophical underpinnings that appear to be guiding its development. The work of Michel Foucault on the political technology of individuals, and the “technologies of the self” (or principles of appropriate self-care) these are supposed to induce, in particular, provides an especially pertinent and edifying means of conceptualising the relationship between the persuasive state and behavioural governance.

Foucault’s genealogical work on subjectivity and power culminated in a consideration of how humans are able to constitute their ‘identity through some ethical techniques of the self which developed from antiquity down to now’ (1988b: 146). These ‘technologies of the self’ enable ‘individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality.’ Technologies of the self can help people to develop their character and may be inculcated through ‘certain modes of training and modification’ (Foucault, 1988a: 18). At the same time, this susceptibility to training opens up the possibility that powerful actors and institutions are able to promote a preferred set of technologies of the self.

According to Foucault, attempts to inculcate technologies of the self through more or less coercive means have long been the stock in trade of liberal government. Through the application of political technologies, such as those embodied in laws, regulations and the constraints and opportunities made possible through public policy, the state could effect ‘governmentality’ over citizens, in ways that were more profound than simply physically coercing them. Governmentality was the ‘conduct of conduct’ through both direct disciplinary means (such as the rule of law and punishment) and indirect disciplinary means (such as education and popular morality) (Foucault, 1991b). Conceptually speaking, this resulted in a condition of where ‘technologies of domination of individuals over one another have recourse to processes by which the individual acts upon himself and conversely... where techniques of the self are integrated into structures of coercion’ (Foucault, 1980). In particular, the shape of citizens’ identities could be contoured by the inculcation of certain liberal technologies of the self,
which in turn, would enable citizens to constitute themselves as capable participants in a characteristically liberal ‘stylistics of living’ – one that invariably reflected the logic of consumer capitalism.

Liberal citizens through history have been encouraged by the state to ‘fashion themselves’ as productive law-abiding capitalist consumers through ‘saving and providentialism, the acquisition of ways of performing roles like father or mother, the development of habits of cleanliness, sobriety, fidelity, self-improvement, responsibility and so on’ (Burrell, 1993: 271). The association of social marketing with the rise of persuasion as a tool of behavioural governance thus has deep roots within the genealogy of the liberal state and its symbiotic relationship with capitalism.

**PERSUASION AND INTELLECTUAL IMPERIALISM**

In addition to the role that capitalism has played in shaping the political technologies adopted by the state to shape citizens’ behaviour, Foucault identified other key influences on the development of liberal governmentality. In particular, he argued that the technologies of the self preferred by liberal states were modelled on the ‘organising routines, pedagogical practices, personal disciplines and interpersonal relationships’ found in early modern Christian schools. These schools focused on developing ‘the capacities required for individuals to comport themselves as self-reflective and self-governing persons’ (Hunter, 1996: 143). Critically, through the application of scientific procedures the modern state secularised the capacity to ‘tell the truth about oneself’ (Foucault, 1988a) as the ‘discipline of conscience’ required to secure the appropriate ‘civic comportment of the citizen’ (Hunter, 1996: 143-163).

The art of government in modern Western societies evolved through the regulation of the interaction between citizens and their surrounding environment. This could only be made truly effective if the activity of citizens was calculable and susceptible to control (Foucault, 1988b: 160). Biological

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1 This also makes intelligible ‘the construction of that characteristically hybrid domain of the public and the private’ and also the ‘often privately conducted public campaigns aimed at the moralisation and normalisation of the population through practical systems at the interface of society and the state, private and public (medical, psychiatric, educational, philanthropic, social...).’ G.Burchell, ‘Liberal Government and Techniques of the Self’, pp.271-2.
and human sciences, such as medicine and psychology, could enable states to calculate the behaviour of citizens within a variety of different institutions, such as hospitals, schools and prisons. The key turning point, in this respect, came in the eighteenth century. In *The Order of Things* Foucault proffers the contentious thesis that at end of the eighteenth century ‘man did not exist...He is quite a recent creature’ (1970: 308). The modern human sciences – linguistics, economics and biology – whose intellectual fortunes are bound with the Enlightenment, fabricated the ‘epistemological consciousness’ of man. In other words, the human sciences created the cultural conditions of possibility that allowed man to be considered an autonomous and transcendental subject, one that could be subject to empirical scrutiny.

The existence of man also helped to grease the wheels of governance – a point stressed by Foucault in his later writings and lectures on governmentality. Through processes of normalisation, the application of (social) scientific knowledge to create subjects became a technical principle of government, especially through the use of statistics and techniques of surveillance. Today, these methods are more highly developed than ever and are now the provenance of numerous actors beyond government as much as the core business of the state. Within this context, the disciplines of economics and psychology continue to offer a clear path through the complex interpenetration of the public and private, which continues to shape and reveal individual behaviour.

However, the process of normalisation through measurement under the ‘persuasive state’ encompasses more than statistical measurement – the crunching of the numbers. The persuasive state has not only embraced the methods but also the theories and models of the most scientifically grounded of the human disciplines, that is: behavioural economics and psychology. In other words, the rise of policy behaviourism should also be seen in an intellectual context, one which highlights the academic imperialism of economics and psychology – the king and queen, respectively, of the social sciences – within public policy. The influence of these disciplinary fields is evident in behavioural economics. This marks an especially potent new development in the evolution of techniques of classification and control but
also theories of understanding human behaviour. And what notions have these models advance? If the nascent human sciences of the eighteenth century fabricated the existence of the autonomous man, the professional academic disciplines of economics and psychology reconstituted man as a malleable creature, a dependent variable.

In this respect, the work of Richard Thaler, whose name is closely associated with the popularisation of behavioural economics in the form of ‘nudge theory’. It would be a mistake to assume that behavioural economics and by the same token nudge theory has attained imperial dominance in academic economics or is accepted as *de rigueur* in capitalist democracies. The digital mouthpiece of this approach, the former blog known ‘nudgeblog’, contends that behavioural economics has come a long way during the past two decades. And yet it is some way off from having the hegemonic presence in economics that proponents of this psychological approach regard as a birthright. Behavioural economics is still acknowledged as being an ‘Hibernian outpost’ in the intellectual Roman Empire that is modern economics. Nevertheless, one of the key intellectual architects of behavioural economics, Daniel Kahneman, won the 2002 Nobel Prize for Economics. This achievement, to say the least, was no mean feat. Kahneman has never undertaken a course of study, at any level, in economics – he is essentially a psychologist. More than this, he became a Nobel laureate for his work on prospect theory, which attacks head-on the most cherished and prized dogma of modern economics: an unshakable belief in the individual as a rational, utility maximising *homo economicus*. Kahneman’s Nobel winning idea is based around the notion of ‘two-system thinking’. One system is intuitive and reflex-like and very rapid, whilst the other reflective and rational and requires more time to deliberate (Thaler and Sunstein, 2008: 21). The potential dynamism and tension between both systems when making decisions is something that behavioural economics seeks to exploit. Namely, it seeks to manipulate the various factors and permutations involved in making choices so that individuals employ the more intuitive and gut instinct system of thinking when making choices. The point or rationale for behavioural economists in trying to promote this intuitive system of thinking is to make informed and rational choices seem more natural.
Kahneman’s two-system theory is the theoretical cornerstone of behavioural economics and Thaler’s nudge theory. In the book *Nudge: Improving Decisions about Health, Wealth and Happiness*, which Thaler co-authored with legal scholar Cass Sunstein, the world is divided into ‘Econs’ and ‘Humans’, effectively Kahneman’s reflective and automatic systems of thinking, respectively. The Humans, which is most of the human populous, display clueless behaviour unable to make the best decisions for themselves; irrational forms of behaviour dominate decision making because the Humans are, in part, dominated more by instinctive, automatic thinking than rational calculation. In an earlier article, Thaler and Sunstein also indicate that people live in the moment: ‘Our emphasis is on the fact that in many domains, people lack clear, stable, or well-ordered preferences. What they choose is strongly influenced by details of context in which they make their choice’ (2003: 1161). But this should not be a cause for despair and resignation. Here is where behavioural economics and public policy can make something of a ‘utopian-like’ intervention. A third party, a government or a private agency, is in a position to manipulate and filter signals so that individuals make informed choices in terms of their own welfare or the collective good of society.

**THE POLITICAL ECONOMY OF SELF CONTROL**

One such third party that nudge theory has in mind is the government, although private agents may also have a role. For Thaler and Sunstein, contra libertarian economic dogma, should have a more active role across a range of areas from environmental protection to encouraging healthy. But such interventions do not require heavy-handed regulation, about enforcing compulsion through bans or legal mandates, but a gentle nudge in the right direction. Or what Thaler and Sunstein term ‘libertarian paternalism’. According to Thaler, governments can address social problems best by constructing a “choice architecture” which prompts people to make barely conscious socially desirable choices in their lives. As a result, covert processes of “selfcraft”, which pre-empt or pre-determine individual’s lifestyle choices are required to “nudge” them in the right direction because rational appeals to self-interest simply hold no sway. Such “nudging” can serve as a useful “surrogate willpower” for those who are unable to manage their lives
appropriately. The classic piece of anecdotal evidence for this surrogate willpower in action, and which is something of a recurring motif throughout the Thaler and Sunstein’s book, involves a Dutch urinal. The policy at Schipol Airport in Amsterdam to paint a fly on the gents’ urinal had a dramatic effect on improving the aim of men using the toilet facilities at the airport. The floor in the urinal, after this policy intervention, remained 80 per cent drier (see Thaler and Sunstein, 2008: 4). In terms of policy interventions, the authors cite comparative national evidence with regard to organ donation. In countries such as France where individuals are nudged to opt out of organ donation, the levels of organ donation are higher than the United states And UK where opt in schemes operate (Wells, 2010: 112).

The brand of applied behavioural economics being promoted by nudge theory has some high profile believers. Chief amongst these being the residing President of the United States. Thaler met Obhama at a neighbour’s apartment when he was running third in the primary for senate elections. This exposure to libertarian paternalism was not lost on Obama once he reached high office. His election to the White House meant a hefty new meal ticket for Thaler and Sunstein. The latter became gave up his day job as a law professor at Chicago University and became the White House ‘regulatory tsar’, informing a wide array of policies from pollution control to pension provision (McSmith, 2010). Thaler, on the other hand, became an international public intellectual overnight and took the nudge gospel to other territories, namely, the UK.

Prior to the formation of the Conservative dominated coalition government in 2010, the Tory leader David Cameron with Thaler in 2008, not long after Nudge was published. What attracted Cameron and his adviser, Steve Hilton, to Thaler’s nudge theory is that it provided something of a third way between overbearing state intervention and unrestrained free market capitalism. Cameron included Thaler and Sunstein’s Nudge in a list of summer reading circulated to Conservative MPs – a sad snub to Barbra Taylor-Bradford. The credit crisis and the electoral dalliance with the Big Society, meant that nudge policies took a back seat. But once in government, the Thaler ideas were nudged back onto the coalition’s policy agenda. The
behavioural policy agenda, in fact, was written into the DNA of the coalition agreement:

There has been the assumption that central government can only change people's behaviour through rules and regulations. Our government will be a much smarter one, shunning the bureaucratic levers of the past and finding intelligent ways to encourage, support and enable people to make better choices for themselves (Cabinet Office, 2010, p. 4).

Towards this the Behavioural Insights Team was formed within the Cabinet Office and No 10 is being headed by David Halpern, a former academic and New Labour government adviser. Having done extended time in Tony Blair's strategy unit, authoring the influential paper on personal responsibility and behaviour change, Halpern has been given the task of using the Cabinet Office Team to spearhead the government’s wellbeing and big society initiatives. One of the first practical steps taken by the Insights Team was to produce a discussion document. The result was _MINDSPACE: Influencing behaviour through public Policy_ which as well as making behavioural economics more digestible, set out a meta-analysis of the voluminous academic literature on behavioural economics. From this, a practical MINDSPACE check was set out in the document, providing such insights as: ‘Messenger: We are heavily influenced by who communicates information…Norms: We are strongly influenced by what others do’ (Cabinet Office and Institute of Government, 2010).

The _Nudge Unit_, as the Behavioural Insights Team is known colloquially in Whitehall, undertook its most significant policy intervention in what is natural terrain for nudgery - health and physical wellbeing. Towards the back end of 2010, the Team produced another discussion document on applying the behavioural MINDSPACE framework to health and wellbeing. The likes of smoking, alcohol abuse, obesity, diabetes, physical activity and teen pregnancy are among key case areas where behavioural science offers distinct solutions. One nudge strategy that recurs throughout the document is the use of incentives, either monetary or psychological, to encourage healthier lifestyles. The document considers, inter alia, the use of monetary incentives in smoking cessation programmes. It also cites Bayer’s Nintendo Didget
device in making blood testing for diabetes, an important intervention when treating the condition, more rewarding for children. There is a note of caution about the use of incentives: ‘evidence on incentives is very mixed’, they tend to be more effective in maintaining behaviour if people are rewarded intermittently (Cabinet Office, 2010: 8). Nevertheless, the nudge unit may be pushing at an open door when it comes to promoting behaviourism to health professionals. For instance, Professor John Strang, the Director of the National Addiction Centre in London contends that treatment programmes for hardened drug addicts can be improved by about 50 per cent by offering incentives like shopping vouchers. In fact Strang chaired a National Excellence for Clinical Excellence committee which recommended the use of vouchers. For Strang, the use of incentives in curing addiction is both powerful and highly cost-effective.

Whilst professionals may be receptive to the ways of nudge, the Behavioural Insight Team within Whitehall has not exactly been welcomed with open arms. The minister for government policy, Oliver Letwin, admitted as such to a committee of peers in the House of Lords. He acknowledged that the Behavioural Insight Team, which is supposed to influenced policymaking across the executive, has not been consulted by departments about possible alternatives to regulation – the raison d’être of the unit (Curtis, 2011). Herein is a real dilemma for the advocates of nudge within the Cameron government. For the approach to have any credence, as well as justification, it needs to inform a broad range of policy initiatives across different government departments. Although still at a nascent stage of development, the nudge unit has focused in the main on improving health and well-being. However, Thaler and Sunstein have much greater ambitions for nudge theory; the insights of behavioural psychology, for them, can inform not only health but also economic policy. Thus far, the coalition government, or rather the nudge unit, has been fairly muted in terms of looking to apply behavioural psychology beyond sexually active teenagers, the obese, and excessive users of cigarettes and alcohol. How about applying nudge theory to the banking industry as a way of avoiding another financial crisis? This is not so far fetched. The ‘official nudge’ website cites the deputy governor at the Reserve Bank of India, Shyamala Gopinath, who in a speech about the
banking crisis cited Thaler’s book. He noted that financial policy-makers could take a cue from behavioural economics and the idea of choice architecture (Nudges.org 2009). The British banking industry, possibly a prime candidate for a bit of behavioural engineering, is conspicuous by its absence from any of the policy pronouncements and discussion documents emerging from the Cabinet Office’s nudge unit. The impression left is that nudge is only fit for those making poor choices in the areas of health, or even pension provision or CO2 use. In terms of the aetiology of blame, the insight left is that the moral rectitude, or lack of it, of individuals is at fault.

CONCLUDING REFLECTIONS

One aspect of new public management has been overlooked is the targeting the ‘soul’, or rather the psyche, of the citizen. This paper has underlined the psychological-turn in the growing use of advertising and marketing techniques to promote and advance policy objectives. More recently, US and UK governments have began to adopt the insights of behavioural economics, which in many ways is a logical and ‘natural’ extension of the increasing use of marketing to secure policy aims. There are clear implications here for a democratic state, for liberal governance and civil society. The implications of this discussion are that the emergence of a ‘ministry of the mind’ centres not so much on libertarian paternalism but on a paternalistic panopticon. Or should that be a behavioural panopticon. The reason for this is that one of the key intellectual godfathers of behavioural economics, B. F. Skinner, was aware that the modification of human behaviour through the surreptitious use of choice architecture, or as he would put it, operant conditioning, raises significant political questions. It raises questions not only about freedom of choice for individuals but also who decides ultimately what is worthwhile or good behaviour, or what happens when others – again some third party – decides what is ‘bad’ behaviour.

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