

Cambridge University Press

978-1-107-14070-7 - *The Ethics of Influence: Government in the Age of Behavioral Science*

Cass R. Sunstein

Frontmatter

[More information](#)

Praise for The Ethics of Influence

“In this era of intransigence and intolerance, *The Ethics of Influence* is a vitally needed book. It embraces what all of us—left, right, and center—mutually want: a balance between the goals of welfare, autonomy, dignity, and self-government. What’s more, it is a hoot to read. Roll Over Mill and Marx; tell Hayek and Gramsci the news.”

-George A. Akerlof

Nobel Laureate in Economics, 2001

“As more governments and businesses turn to ‘nudging,’ pioneer Sunstein turns his brilliant mind to building an ethical framework for these powerful approaches. New findings on public attitudes to nudges – showing surprisingly high levels of support even among traditionally skeptical Americans – are combined with Sunstein’s trademark clarity of thought to offer a timely framework that will be influential across the world.”

-David Halpern

CEO, Behavioural Insights Team, and author, Inside the Nudge Unit

“In a book full of convincing detail but free of dogmatism, Sunstein walks us through the case for and against nudges. Nudges are, in some circumstances, the best tool government has at its disposal – cheaper than financial incentives, more freedom-preserving than mandates, and more effective than information. Our government is sometimes ethically required to nudge us. Nonetheless, nudges raise legitimate ethical concerns, foremost among them that they can be manipulative. Sunstein ultimately makes a powerful argument for the widespread use of nudges by government, but without shortchanging the ethical arguments on both sides.”

-Anne Barnhill

*Assistant Professor of Medical Ethics and Health Policy
University of Pennsylvania*

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

“One need not agree with all of Cass Sunstein’s arguments about nudging to admire him for doing more than anyone to champion the importance of behavioral science for public policymaking. Owing to him, it is an increasingly recognized ethical imperative to measure government actions not only against societal values but also against evidence.”

-Ralph Hertwig

Director, Center for Adaptive Rationality,

Max Planck Institute for Human Development, Germany

“Cass Sunstein knows more than anyone about nudging, and in this very insightful book he brings his acute reasoning to understanding the ethics behind choice architecture. Here he considers sources from Mill to Hayek to Ostrom, and argues that choice architecture is unavoidable and in many cases that it’s the right thing to do. Just as importantly, he talks about when nudging is wrong and when it is manipulative. All in all, it is an essential book for anyone interested in the ethics of behavioral intervention, either by governments or firms.”

-Eric J. Johnson

Norman Eig Professor of Business, Columbia University

“Behavioural regulation has spread to governments worldwide. This brilliant book tackles the many myths that have evolved around the use of behavioural economics in politics. Cass Sunstein explains in clear words how (and why) the core values of an Ethical State – welfare, autonomy, dignity, and self-government – are indeed best served by governments that carefully base their policies on an empirical foundation and use behavioural insights as additional effective policy tools.”

-Professor Lucia A. Reisch

Behavioural Economist, Copenhagen Business School

“We typically consider ourselves rational actors, whose dignity derives from our autonomy. In fact, our behavior is easily shaped by other actors and by external factors, often outside our awareness and control. When government intervenes to influence our behaviors, often to improve our lives, we recoil. But if government remains uninvolved while other interests are free to shape our world, how autonomous are we then? Sunstein confronts our naïveté with a penetrating discussion about how to balance government influence against personal dignity, manipulation against autonomy, and behavioral facts against political ideals. This book is an engrossing read.”

-Eldar Shafir

William Stuart Tod Professor of Psychology & Public Affairs,

Princeton University, Co-author of Scarcity

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

THE ETHICS OF INFLUENCE

In recent years, “nudge units,” or “behavioral insights teams,” have been created in the United States, the United Kingdom, Germany, and other nations. All over the world, public officials are using the behavioral sciences to protect the environment, promote employment and economic growth, reduce poverty, and increase national security. In this book, Cass R. Sunstein, the eminent legal scholar and best-selling coauthor of *Nudge*, breaks new ground with a deep yet highly readable investigation into the ethical issues surrounding nudges, choice architecture, and mandates, addressing such issues as welfare, autonomy, self-government, dignity, manipulation, and the constraints and responsibilities of an ethical state. Complementing the ethical discussion, *The Ethics of Influence: Government in the Age of Behavioral Science* contains a wealth of new data on people’s attitudes toward a broad range of nudges, choice architecture, and mandates.

CASS R. SUNSTEIN is Robert Walmsley University Professor at Harvard University. From 2009 to 2012, he was Administrator of the White House Office of Information and Regulatory Affairs. He is the founder and director of the Program on Behavioral Economics and Public Policy at Harvard Law School. Mr. Sunstein is the author of many articles and books, including the best-selling *Nudge: Improving Decisions about Health, Wealth, and Happiness* (with Richard H. Thaler, 2008), *Simpler: The Future of Government* (2013), *Why Nudge?* (2014), *Conspiracy Theories and Other Dangerous Ideas* (2014), *Wiser: Beyond Groupthink to Make Groups Smarter* (2014), *Valuing Life: Humanizing the Regulatory State* (2014), *Choosing Not to Choose: Understanding the Value of Choice* (2015), and *Constitutional Personae: Heroes, Soldiers, Minimalists, and Mutes* (2015).

Cambridge University Press
978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science
Cass R. Sunstein
Frontmatter
[More information](#)

CAMBRIDGE STUDIES IN ECONOMICS,
CHOICE, AND SOCIETY

Founding Editors

Timur Kuran, *Duke University*
Peter J. Boettke, *George Mason University*

This interdisciplinary series promotes original theoretical and empirical research as well as integrative syntheses involving links between individual choice, institutions, and social outcomes. Contributions are welcome from across the social sciences, particularly in the areas where economic analysis is joined with other disciplines, such as comparative political economy, new institutional economics, and behavioral economics.

Books in the Series:

TERRY L. ANDERSON AND GARY D. LIBECAP,
Environmental Markets: A Property Rights Approach 2014

MORRIS B. HOFFMAN,
The Punisher's Brain: The Evolution of Judge and Jury 2014

PETER T. LEESON,
Anarchy Unbound: Why Self-Governance Works Better Than You Think 2014

BENJAMIN POWELL,
Out of Poverty: Sweatshops in the Global Economy 2014

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

THE ETHICS OF INFLUENCE

Government in the Age of Behavioral Science

CASS R. SUNSTEIN

Harvard University



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

CAMBRIDGE
UNIVERSITY PRESS

One Liberty Plaza, New York, NY 10006, USA

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107140707

© Cass R. Sunstein 2016

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2016

Printed in The United States of America

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Sunstein, Cass R., author.

The ethics of influence : government in the age of behavioral science / Cass R. Sunstein.
New York, NY : Cambridge University Press, 2016. | Series: Cambridge studies in economics,
choice, and society | Includes bibliographical references and index.

LCCN 2015051000 | ISBN 9781107140707 (Hardback)

LCSH: Public policy (Law)—Psychological aspects. | Public policy
(Law)—United States—Psychological aspects. | BISAC: POLITICAL SCIENCE / Public Policy /
Economic Policy.

LCC K378 .s86 2016 | DDC 172/.1—dc23 LC record available at
<http://lcn.loc.gov/2015051000>

ISBN 978-1-107-14070-7 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

For my students

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)*Contents*

<i>Acknowledgments</i>	<i>page</i> viii
1 The Age of Behavioral Science	i
2 Choice and Its Architecture	18
3 “As Judged by Themselves”	43
4 Values	53
5 Fifty Shades of Manipulation	78
6 Do People Like Nudges? Empirical Findings	116
7 Green by Default? Ethical Challenges for Environmental Protection	159
8 Mandates	187
A Very Brief Recapitulation	199
<i>Appendix A American Evaluations of Thirty-Four Nudges</i>	203
<i>Appendix B Survey Questions</i>	209
<i>Appendix C Executive Order 13707: Using Behavioral Science Insights to Better Serve the American People</i>	214
<i>Index</i>	217

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)

Acknowledgments

This book has been on my mind for many years, but it ultimately emerged from an essay on the ethics of choice architecture and nudging, delivered at a conference on that topic at Humboldt University in Berlin in January 2015. I am most grateful to participants in the conference for many valuable thoughts and suggestions. For obvious historical reasons, many Germans are keenly aware of the risks that can come from government influence (and manipulation); the discussion in Berlin was particularly valuable for that reason. For similar reasons, I am grateful to participants in a spirited colloquium at the Max Planck Institute in June 2015, and particularly to my hosts, Ralph Hertwig and Gerd Gigerenzer.

In addition, my thinking has been greatly informed by a special issue on this topic for the *REVIEW OF PHILOSOPHY AND PSYCHOLOGY*, available at <http://link.springer.com/journal/volumesAndIssues/13164>. I am most grateful to the various contributors to that issue for their contributions, and to the editors, Adrien Barton and Till Grüne-Yanoff, for arranging it and for many helpful suggestions.

Many people provided comments on one or more of the chapters. Timur Kuran offered wise suggestions on the manuscript as a whole. Till Grüne-Yanoff provided a careful reading of a near-final draft, which resulted in numerous improvements. Thanks to Anne Barnhill, Elizabeth Emens, Craig Fox, Matthew Lipka, Heidi Liu, George Loewenstein, Martha Nussbaum, Eric Posner, Arden Rowell, Lucia Reisch, Maya Shankar, Richard Thaler, the late Edna Ullmann-Margalit, and Adrian Vermeule for helpful discussions and valuable suggestions of many different sorts. Special thanks to Thaler for joint work on the topics of nudging and choice architecture, which has of course informed everything presented here. Special thanks also to Reisch for a wonderful coauthorship that provided the basis for Chapter 7 and for generous permission to use that material here.

Cambridge University Press

978-1-107-14070-7 - The Ethics of Influence: Government in the Age of Behavioral Science

Cass R. Sunstein

Frontmatter

[More information](#)*Acknowledgments*

ix

Many thanks as well to David Halpern, who has headed the spectacularly successful Behavioural Insights Team in the United Kingdom, for a variety of valuable discussions over the years. I am also grateful to my agent, Sarah Chalfant, and Karen Maloney, my editor, for their support, wisdom, and advice. For excellent research assistance, I am grateful to Heidi Liu and Patrick Grubel.

The book is dedicated to my students, which means that it is dedicated to thousands of people. I have been blessed (and that is the right word) to be able to work with, and to learn from, truly extraordinary students at the University of Chicago and Harvard (and for shorter periods, at Columbia and Yale). From the distant past, thanks to a sample of amazing thinkers and human beings: Richard Cordray, Catherine Epstein, Lisa Heinzerling, Jessica Hertz, Michael Herz, and Larry Kramer. From the very recent past and the present, another sample: Daniel Kanter, Heidi Liu, and Mary Schnoor. From the current undergraduate class, thanks to three scholar-athletes, who have had the kindness to indulge me on the squash court as well as on academic matters: Isabelle Dowling, Michelle Gemmell, and Jake Matthews.

I am more honored than I can say to have had a chance to work with you all – and by you, I mean the thousands, not just the samples – and I thank you from the bottom of my heart. It's also been a ton of fun.

I have drawn here on other work, done more or less contemporaneously with this book. I am grateful to the respective journals for permission to draw on *The Ethics of Nudging*, 32 *YALE J. REG.* 493 (2015); *Automatically Green*, 38 *HARV. ENV. L. REV.* 127 (2014) (coauthored with Lucia Reisch); *Fifty Shades of Manipulation*, 1 *J. MARKETING BEHAVIOR* 213 (2016); and *Do People Like Nudging*, *ADMINISTRATIVE LAW REVIEW* (Forthcoming 2016). I am also grateful to the *HARVARD LAW REVIEW* for permission to draw on *Nudges vs. Shoves*, 127 *HARV. L. REV. FORUM* 210 (2014), on which I also drew for a chapter of *CHOOSING NOT TO CHOOSE* (2015).