

INDEX

advertising	Darwall, Stephen, 154
affect heuristic, 33	deepfakes
case studies, 6	Alvarez decision, implications of,
cigarettes, 48	75-6, 77, 78
known interaction, 39	counterspeech, 74, 77–8
subliminal, 22, 44, 46, 48, 143	definition, 71–2
affect heuristic, 33-4, 35	doctored videos, 74-5
Amazon, 165	false speech, 73-4
artificial intelligence (AI)	First Amendment protections, 74, 76–7
ChatGPT, 14, 168-9, 172-5, 191-4	libel, 76, 77, 78
Choice Engines, 167–71, 175–6, 191,	manipulative nature of, 71-2, 79
195	private institutions, responses, 80-3
Her (Jonze), 165-7	property right to one's person, 78-80
impatience, 176-8	reputational harm, 76, 77, 78
Large Language Models, 168-9, 171	trickery, 76
manipulation of choice, 191–4	truth bias, 79
manipulation, control of, 194-5	Denmark, 140
planning and bias, 169-75	Department of Transportation (US),
present bias, 171-2, 178, 180-1,	59-60
183-5, 189-90	Dodd-Frank Wall Street Reform and
availability heuristic, 35, 155	Consumer Protection Act (2010), 63
,, ,,,, -,,,	Dworkin, Ronald, 12–13
Barnhill, Anne, 22–4, 35–6	,,
Baron, Marcia, 38	Facebook, 3-4, 35, 80-3
Beauchamp, Tom, 15–16	Faden, Ruth, 15–16
Brandeis, Louis, 50	Federal Communications Commission
Brave New World (Huxley), 164-5	(FCC, US), 60
Bursztyn, Leonardo, 112–13, 116	flirting, 23
bursztyn, Econardo, 112–13, 110	mrung, 25
Cambridge Analytica, 4–5, 165	Google, 165
confabulation, 9	Gorin, Moti, 16
Consumer Financial Protection Bureau	
(CFPB, US), 60, 63-4	harm principle, 41
Coons, Christian, 20	Hatch Act (1939), 122



201 Index

Hayek, Friedrich, 42-3, 52-4, 135-6	social norms, 29-31
Her (Jonze), 165-7	store design, 33
Huxley, Aldous, 164-5	manipulation, right against
	compelled speech, 64-7
Inadvertent falsehood, 9	dark patterns, 56-7, 61-2
Indonesia, 83	deception, legal consequences, 51-2
Instagram, 112–13	deceptive defaults, 57-9
	decisional autonomy, 52, 59-60
Jonze, Spike, 165-7	egregious practices, 63
V 1 7 7 7 /	forfeiture of right, 52
Krug, Steve, 131-2	markets and information, 52–4
	overbreadth, 55
Luguri, Jamie, 50-1	right to privacy, 50
	"Time is Money" initiative, 60–1
manipulation, definitions	vagueness, 55
checklist, 35–6	Meta, 3–4, 35, 80–3
and choice, 19–20	Mill, John Stuart, 41
coercion, 6–7, 20	motivated reasoning, 9
cognitive System 1, 20–1, 33	motivated reasoning, 9
cognitive System 1, 20–1, 33	New Zealand, 120
	Nineteen Eighty-Four (Orwell), 164
cognitive systems, targeting of, 21-2	
deception, 9–11, 14, 26	Noggle, Robert, 24–5
definitions of, 12-17, 22-4, 25	Nolan, Christopher, 87
emotions, induction of, 23	nudges
as influence, 19	active choice, 152-6
lies, 8–11	agency, 127–30, 132, 142, 162–3
as moral concept, 12	autonomy, 154–6
situational justification for, 11-12	behavioral bias nudges, 142, 154-5
trickery, 17–19, 22–3	behavioral public choice, 160-2
manipulation, evaluation of	choice architectures, 129, 131–7
autonomy and agency, 38-9, 66	collective action problems, 141
consent, 43-4	customary law, 136
democratic authorization, 47-9	default rules, 132-3, 140, 152, 154,
dignity and humiliation, 37-8	159–60
roles, 39	definitions, 99, 130
transparency, 44-7	dignity, 157–60
See also welfarism.	educative nudges, 141-2, 152-4
manipulation, illustrative cases	ethical concerns for, 134
advertising, 6	ex ante vs. ex post judgments, 146-7
affect heuristic, 33-4, 35	freedom, 136–8
anchoring, 34-5	infantilization, 159
availability heuristic, 35	market failure nudges, 141, 144-5
default rules, 6, 31–3	paternalistic nudges, 141, 149-52, 154
loss aversion, 28–9	perfectionism, 145–6
relative risk information, 26–8	preferences and choice architecture,
social media, 3-6, 35	147-8
	17 -



202 / Index

nudges (cont.) reforms, 103 TSA Precheck Program, 90 present bias, 150-1 regulatory design, 133 social media platforms spontaneous order, 133, 137-8 Facebook/Meta, 3-4, 35, 80-3 target population of, 139 Instagram, 112-13 transparency, 142-3 policy reforms, 123 TikTok, 112-13 uses for, 128-9, 130, 138-40 YouTube, 81 Obama, Barack, 177 social pressure Orwell, George, 164 collective action problems, 110, 115-17 The Prestige (Nolan), 87 consumer goods, 116 properly nondeliberative decisions, fashion, 115-16 fear of missing out, 107, 108, 111 24-6 fundraising, 109-10 sludge goods, addictive, 119-21 Air Canada, 97 goods, bad, 106-7, 116-17 cognitive scarcity, 87-9, 98 goods, nonpositional, 118 dark patterns, 94 goods, positional, 118-19, 121 data acquisition, 100-1 joy of missing out, 107, 110 distributional effects of, 98 loot box problem, 110-11 eligibility/qualification, 101 norms, 117-18 excessive friction, 89, 91, 92-3 perceived disadvantage, 108, 114 Free Application for Federal Student policy implications, 121-2 Aid (FAFSA), 92 product traps, 112-14 inertia, 95-7 social signals, 107-9, 110 institutional interests in, 104-5 stag hunt, 115-17 as nudges, 99 Stolen Valor Act (2005), 73 opportunistic use of, 97 Strahilewitz, Lior, 51 opt-out provisions, 87-8 present bias, 93, 96 TikTok, 113 privacy, 99-100 United States private sector, 91 program integrity, 101-2 carbon tax, 189 public sector, 91-2 Consumer Financial Protection Bureau qualitative forms, 92, 93-4 (CFPB, US), 60, 63-4 security, 100 consumer welfare, 179-80, 188-9 See also sludge audits. Department of Transportation (US), sludge audits benefits of, 90-1, 104 Dodd-Frank Wall Street Reform and Consumer Protection Act dark patterns, 103 Information Collection Budget (ICB), (2010), 63Energy Paradox, 185-7, 188 information forcing, 103-4 Federal Communications Commission proportionality, 103 (FCC, US), 60 purpose of, 89-90 fuel economy mandates, 180-5



203 / Index

Hatch Act (1939), 122 Stolen Valor Act (2005), 73 "Time is Money" initiative, 60–1, 94, 105 *United States v. Alvarez*, 73–4, 78 vehicle labels, 178–80

Warren, Samuel, 50 Weber, Michael, 20 welfarism best interests, 40–1, 197 context, 42–3 democratic authorization, 48 dignity, 158, 160 education, 153–4 eligibility, 102 health warnings, 42, 66 manipulation, 40, 41–2 nudges, 129 paternalism, 41, 149–52, 154 transparency, 45–6 Wilkinson, T. M., 14–15, 43 Wood, Alan, 16

YouTube, 81