

FOR

Policy makers should design policies for people, not Superman

Pelle Guldborg Hansen

In recent years a new policy paradigm called Behavioural Public Policy (BPP) has emerged. Its core tenet is the application of insights and methodologies from the behavioural sciences in public policy development and delivery in order to provide evidence-based policies based on psychologically realistic theories. The results are characterised by policies designed for people that are usually more effective, liberty-preserving and less intrusive than traditional policy approaches which tend to often fail because they are designed in terms of, and hold people accountable to, the ideals of lawyers, economists and philosophers – that is, the ideal of Super-rational-man with unbounded attentional, epistemic, rational, and self-control abilities.

Behavioural public policies (BPPs) come in three types: (1) *nudges* that actively play on psychological principles; (2) *boosts* which design policies and educate people on psychological principles so that people can better understand what they are asked to do; and (3) *behavioural regulation* that protects people from third parties actively (mis)using psychological principles to mislead, persuade and exploit people in ways that wouldn't affect Superman, but does (f)actually affect us in practice. These three strategies have significantly contributed in advancing public policy making by designing policies for people, but the underlying sciences also reveal that they extend beyond usual the need for ethical awareness and responsibility on behalf of policy makers.

This extended requirement is often overlooked by proponents and critics of BPP alike due to a too simplified portrayal of the psychology involved. This is especially the case with regards to the poster-child of BPP of integrating nudges into public policies. As a consequence, not only are proponents often too naïve and eager in their approach, but so are the objections of critics. One such objection holds that as personal interests are so subjective and complex that we cannot know the interests of each individual, policy makers cannot claim to steer choices towards what would be better for their interests. Yet, that objection fails to hit its target, as *any* public policy initiative faces this problem. It is rather an objection to public policy at large than to BPP and the use of nudges in policy design and delivery.

That said, what policy makers should pay attention to is that just because BPPs and nudges are often liberty preserving in principle, i.e. they would not affect Superman, this does not follow in practice. Nudges systematically affect people's decision making processes for psychological, rather than logical reasons and failing to notice this may lead to the irresponsible active use of psychological principles in public policies where policy makers exploit the very same psychological marketing tricks that motivates the use of behavioural regulation, especially in behavioural consumer policy, under the excuse that in principle people are still free to choose. Yet, you cannot ban pre-ticked boxes in marketing on ethical grounds, while at the same time pushing for the use of the same strategy relative to the policy of registering people as organ donors by default. In adopting BPP policy makers will have to be consistent and thus be held accountable to the fact that since people's personal interests are subjective and complex, policies need to be designed for this. Thus, BPPs, including nudges, should not only promote principled freedom, but also practical autonomy.

To critics this synthesis of nudges and practical autonomy may appear as self-contradictory. Yet, this is often because simplified portrayals of nudges tend to invite for the belief that nudges by-pass, or even negatively impact the decision-making process of individuals, who then cannot correct the flaws of their decisions by learning from their mistakes. But nothing in the scientific literature indicates that nudges are generally characterised by *by-passing* or *negatively impacting* decision-making processes, nor by preventing people from learning from their mistakes. To the contrary, the literature shows that some nudges activate decision-making processes while others deliver feedback mechanisms making learning possible. Still, this does not mean that being in favour of BPP, including the integration of nudges into policy, is equal to saying that policy makers should just be given *carte blanche* to nudging people around. Some nudges, such as defaults do by-pass and influence decision-making processes in ways that make a change of printer default in favour of printing double sided ethically acceptable, while at the same time making the defaulting of people into organ donors unacceptable. In designing policies for people, one not only have to accept that people are complex, but also that the design of policies for people is. A thing which traditional public policy tend to ignore, which is my main reason for being in favour of behavioural public policy in general, and nudges in particular.